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Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 1, January 5, 1940

# Congress Starts; Radio Legislation Improbable

Congress set to work again this week with enough powder-keg issues on hand to keep the session going well into the summer.

The Administration hoped that major activity would be confined to the routine appropriations, national defense and extension of the President's trade treaty power.

That would mean a short session and, possibly, fewer headaches for the Democrats during the coming campaign.

There is an increasingly loud demand, however, for amendment of the Wagner Act and the Wage and Hour Act. There also is pressure for amending the social security, relief, farm and monetary programs. In all these issues are the makings for prolonged squabbling.

There was no indication, at the session's opening, that anyone intended to push any major broadcasting legislation. Observers felt that the radio bills having the best chance of obtaining serious consideration were those which would forbid beer and liquor advertising.

Nevertheless, the long list of radio bills now pending will bear careful watching—which the NAB will do.

Starting his second trip in behalf of Broadcast Music, Inc., Neville Miller met this week with broadcasters in New Orleans and Dallas. Next week he will have meetings in Los Angeles, San Francisco and Portland. All Pacific Coast broadcasters, regardless of NAB membership, should attend. Sydney Kaye represented Broadcast Music at a district meeting in Camden, N. J., yesterday.

A complete list of the pending radio bills in Congress is published elsewhere in the *Reports*.

## A. F. of M.

IRNA negotiations with the American Federation of Musicians have resulted in the following letter from President Weber to his locals:

> "Your local is hereby advised not to enter into negotiations with a broadcaster to furnish the services of musicians at the expiration of the present national agreement.
>
> "Your local however may permit its members for the present to work for broadcasters without an agreement.
>
> "This order is binding upon your local pending further advice from the Federation."
>
> (Signed) JOE MILLER

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## 36 More Stations Approve B.M.I.

Substantial support of Broadcast Music, Inc., was voiced by representatives of 36 New Jersey, Pennsylvania and Delaware stations at a District 3 meeting Thursday, January 4, in Camden, New Jersey.

Twelve of the 48 commercial stations in the District were not represented.

After Sydney Kaye, representing the NAB, had explained how Broadcast Music would operate, District Director Clifford M. Chafey called the roll. Representation of the following stations said they would sign or recommend signing to their station owners: WDEL, WILM, WSNJ, WCAM, WAAT, WHOM, WOR, WCBA, WFBF, WEST, WIBG, WHJB, WKBO, WAZL, WJAC, WGAL, KYW, WCAU, WDAS, WFIL, WHAT, WIP, WPEN, WTEL, KDKA, KQV, WCAE, WJAS, WWSW, WEEU, WRAW, WGBI, WKOK, WBRE, WRAK, WORK.

After lunch, Joseph L. Miller, NAB Labor Relations Director, discussed the A. F. of M. situation. Record licensing also was discussed.

Those present: Sydney M. Kaye, NAB; F. E. Chizzini, NBC; W. C. Gartland, NBC; Ralph Wentworth, Lang-Worth; V. C. Diehm, WAZL; Derby Sproul, KDKA; John Laux, KQV; H. K. Brennen, WJAS; C. O. Langlois, Lang-Worth; C. G. Moss, WKBO; Mike Lahr, WKOK; George E. Joy, WRAK; W. V. Person, WRAK; B. A. Beck, WKOK; George W. Beck, WKOK; Clair R. McCollough, Mason-Dixon Group; Isaac D. Levy, WCAU; Ken Stowman, WCAU; J. C. Tully, WJAC; Roy Thompson, WFBG; George D. Coleman, WGBI; Sam Baltimore, WBRE; Leonard Kapner, WCAE; G. M. Stoer, WCAE; Frank R. Smith, WWSW; Benedict Gimbel, Jr., WIP; Joseph L. Miller, NAB; Frederick Caperoon, WCAM; Bob Horn, WCAM; A. W. Dannenbaum, Jr., WDAS; Pat Stanton, WDAS; S. R. Rosenbaum, WFIL; Paul H. La Stayo, WAAT; Howard S. Frazier, WSNJ; Walter Miller, WGAL; Robert Gulick, WORK; Gorman Walsh, WDEL; Louis G. Baltimore, WBRE; Leslie W. Joy, KYW; Griffith B. Thompson, KYW; Joseph Land, WHOM; Jack Compter, WHOM; Charles Stahl, WCAM; Ed. D. Clery, WIBG; T. M. Maxwell, WIBG; Doug Hibbs, WTEL; Henry N. Crocker, WTEL; B. Bryan Musselman, WCBA-WSAN; Ray Gaul, WRAW; Clifford M. Chafey, WEEU; Arthur Simon, WPEN; A. Heine, WCAM.

## Mexico Ratifies Havana Treaty

Mexico ratified the Havana Treaty on December 28, and it is now possible that the frequency shift provisions will be put into effect sometime this year, according to Andrew D. Ring, assistant chief engineer of the FCC.

The FCC will make a study to determine what work will be required to make the treaty effective, and to eliminate allocation conflicts. When this study is completed, a date will be set for the shift.

Mexico was the fifth country to ratify. The United States, Canada, Cuba and Haiti had previously approved the treaty.

Ambassador Josephus Daniels advises the State Department that the Mexican Broadcast Association believed it possible for Mexico to place the agreement into effect in 90 days. According to provisions of the treaty it was to have gone into effect one year after ratification by the fourth government. However, the Mexican ratification was necessary in order that the benefits to be derived from the new allocation could be realized.

The operation of this agreement will eliminate the ruinous inter-country interference experienced now on some of the channels. Many American stations in the past have received undue interference from Cuban and Mexican stations.

Under the provisions of the treaty there will be a shift in frequency by most of the Broadcast Stations in the United States. With a few exceptions this shift will not be greater than four channels or forty kilocycles. Inasmuch as most of the shifts are an increase in frequencies it will be possible to regrind some of the crystals.

In this connection it should be kept in mind that on January 1, 1942, it will be required by the Federal Communications Commission that broadcast stations adhere to their carrier frequencies within twenty cycles instead of the fifty cycles as under the present regulation. If a crystal will not maintain this precision it might be better to install a new one which will. There will be an opportunity for some of the stations to secure their crystals from stations which will move off the frequency they are scheduled to be shifted to. It is probable that there will be very few cases where new crystal control equipment is required other than new crystals. The Federal Communications Commission now requires that any new equipment installed be able to maintain frequency within twenty cycles.

## LONGER INTERVAL FOR ANNOUNCING RECORDS

In the interests of public service and radio station convenience, the Federal Communications Commission Thursday agreed that station announcements of the use of mechanical records can be made at 30-minute intervals instead of the 15-minute requirement as heretofore. This is to avoid interrupting the entertainment continuity of a recorded series of records, or of the long records now quite generally used, particularly of recorded programs relayed by wire facilities.

At the same time, Section 3.93(e) of the broadcast rules has been changed to read:

> "The identifying announcement shall accurately describe the type of mechanical record used, i.e., where a transcription is used it shall be announced as a 'transcription' or an 'electrical transcription' and where a phonograph record is used it shall be announced as a 'record'."

The Commission added religious service to the types of continuous recorded programs—speech, play, symphony concert or operatic production—of longer than half an hour for which the 30-minute announcement rule is waived.

This change is effective immediately.

## NEBRASKA-ASCAP STATUTE HELD UNCONSTITUTIONAL

On December 28, 1939, a specially constituted three-judge federal court in Lincoln, Nebraska, held the so-called Nebraska anti-ASCAP Statute unconstitutional as in violation of the due process and equal protection clauses of the Federal Constitution and in violation of the Federal Copyright Act of 1909.

This statute sought to compel the sale of public performing rights at the same time that sheet music is sold by providing that the sale price of the performing rights should be stamped on the music and when purchased by the user at that price the user would acquire the right to publicly perform for profit during the remaining life of the copyright. The statute further provided that if the copyright owner failed to stamp the sale price of the performing rights on the music the user would acquire such performing rights at whatever price he paid for the sheet music.

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In addition to the foregoing, the statute prohibited the combination of a substantial number of the copyright owners of the United States for the purpose of selling blanket licenses when one of the objectives of the combination was the fixing of prices. The court held such anti-monopoly legislation to be within the power of the legislature but held that since it was combined in the same statute with the unconstitutional provisions it could not be separated from the unconstitutional provisions and the entire statute therefore must fall. The court pointed out that the statute compelled "the owner of a copyright to offer it for sale in a certain way, and if he fails so to do takes it from him without compensation" and stated that this violated the due process and equal protection clauses of the Constitution and also the Federal Copyright Act.

In speaking of the ASCAP control of copyrighted music, the court stated:

> " * * * Of the popular music necessary for the successful operation of radio stations, dance halls, hotels, and theaters, the society has control of about 85% or 90% and also has control of from 50% to 75% of the standard or older music that is played occasionally. All of the large and more influential publishers of music in the United States are members of the society. The users of music in Nebraska cannot success-

## THE NEXT DISTRICT MEETINGS

| | | | |
|---|---|---|---|
| District 5 | Alabama<br>Georgia — Columbus, Ga. | Waverley Hotel | January 18, 1940 |
| | Florida — Orlando, Fla. | Fort Catlin Hotel | January 19, 1940 |
| District 6 | New Orleans, La. | Roosevelt Hotel | January 3, 1940 |
| District 13 | Dallas, Texas | Baker Hotel | January 5, 1940 |
| District 15 | San Francisco, Calif. | Palace Hotel | January 10, 1940 |
| District 16 | Los Angeles, Calif. | Ambassador Hotel | January 9, 1940 |
| District 17 | Oregon — Portland | New Heathman Hotel | January 12, 1940 |
| | Washington — Seattle | Olympic Hotel | January 13, 1940 |

> fully carry on their business except they deal with the plaintiff society because there is no place where nor person or agency to whom users of music in Nebraska may go in order to deal for public performance rights and negotiate for music in any substantial amount sufficient to meet the ordinary needs of music users in the state, except the society."

After discussing the property rights created in the copyright owner by the Federal Copyright Act, the court said:

> "* * * Of course, the Act gives him no right to combine with others to insure control of prices and the consequent power of monopoly of an entire field by combination. Plaintiffs urge necessity as a justification or warrant for their organization. It is urged that without some such means of protection the individual copyright owner is helpless to protect his rights, but if the statute violates no rights guaranteed to the plaintiffs by the Constitution or laws of the United States, the motive for the organization or acts of ASCAP, however impelling, is not material."

The opinion recognizes that the state legislature has the constitutional power to prohibit monopolistic practices and combinations in restraint of trade but concluded that the unconstitutional attempt of the legislature to compel the sale of performing rights along with the sale of sheet music was such an essential part of the statute that the monopolistic sections of the statute could not be separated from the unconstitutional sections. Therefore a permanent injunction against the entire statute was granted. It is not known whether the State of Nebraska will appeal the decision.

## FREC RELEASES STUDY WMBD'S PROGRAM POLICIES

The Federal Radio Education Committee this week released a study of the public service operating policies and experiences of Station WMBD, Peoria, Illinois. The study, printed in a thirty-eight page booklet form, was conducted by Dr. Leonard Power of the FREC staff in the past year, prior to the adoption of the NAB Code.

WMBD is owned and operated by Edgar Bill, chairman of the NAB Code Compliance Committee.

The report is divided into two main sections: (1) station policies governing the selection and editing of programs the purposes of which are to influence public opinion, the handling of religious broadcasts on a non-sectarian, non-commercial basis, the acceptance and editing of advertising matter, cooperation with civic and educational groups who serve in advisory capacities, and (2) public service policies wherein WMBD encourages expressions of public opinions on civic matters, undertakes to promote religious harmony of the area served and special assistance and programs for educational and civic purposes.

In his conclusions, Dr. Power declared "There is no evidence of the use by the station of its position of power, as a monopoly station, to use force to secure or to prevent the use of station facilities. Neither is there any evidence of the misuse of that milder form of coercion called persuasion.

"Refusal to grant the use of station facilities has been based on the application of fair play. An examination of station standards and practices shows that the dominant consideration has been to harmonize radio in Peoria, Illinois, with democratic ideals and methods."

Copies of the study may be secured through the Federal Radio Education Committee, U. S. Office of Education; price per copy, 15 cents. The publication is one of a series to be issued by the FREC, which is supported in part by contributions from the radio industry, through NAB, and in part by educational foundations.

The FREC has also released another study, "Forums of the Air," by Paul H. Sheats. This will be reviewed in next week's Reports.

## SIMPLIFIED REPORT FORMS FOR BROADCAST STATIONS

A revised form of annual financial report required of standard broadcast stations and networks was adopted by the Federal Communications Commission Thursday. It is applicable to the 1939 income statement, with balance sheet, which is due March 1, 1940.

The forms do not include schedules for program data, since it was requested by representatives of the broadcast industry that such schedules be distributed separately.

The forms are substantially the same as those used for 1938, except that they have been simplified and reduced in the number of pages. In order to obtain greater uniformity and clarity in the responses, detailed instructions have been prepared with respect to the various schedules and will be made available at the time the forms and instructions are distributed.

## FREE OFFERS

As a goodwill gesture during the holiday season, the Bureau of Radio Advertising omitted all mention of time-chiselers in recent issues of NAB Reports.

The time-chiseling still goes on, however, and now that the holidays are past, the undiminished flow of free offers reaching Headquarters reminds the Bureau that it's time to blast away again. As an excellent means of increasing station income, the Bureau suggests to all members that they make a New Year's resolution to "chase the chiselers in 1940."

To do otherwise is to sell short your own station, and undermine the very thing that pays the bills. Free offers constitute one of the biggest obstacles to the Bureau of Radio Advertising and all stations in their efforts to develop new sources of broadcast revenue. Recent bulletins from the Bureau, revealing the true, behind-the-scenes activities of the time-chiselers, support the truth of that statement.

Recently, several station men have been heard to remark that if all broadcasters cleared their air of free offers *simultaneously*, average station income would increase at least 15% within six months. A bold statement perhaps, but no one can prove it wrong, especially after studying the following list of free offers reported to Headquarters in the past two weeks:

Blossom Manufacturing Co., 79 Madison Ave., New York
G. & C. Merriam Co., Springfield, Mass.
Metro-Goldwyn-Mayer, 1327 S. Wabash, Chicago
Nat'l Chemical & Mfg. Co., 3617 S. May St., Chicago
Travel Radio Service, 65 Broadway, New York City

These concerns have been invited by the Bureau to use radio on a regular basis, and it is suggested that members make every effort to sell local dealers and distributors.

In addition, the following who claim no commercial purpose have also requested free time of stations:

Institute of Oral and Visual Education
National Patriotic Council

The Bureau of Radio Advertising will be glad to supply information to members considering acceptance of their propositions.

### Cost-per-Inquiry

The following concerns have recently sought to place advertising with member stations on a contingent basis:

Radio Drugs, 364 Parker Ave., Buffalo, N. Y.
H. L. McClung, Tyler, Texas

The Bureau of Radio Advertising has invited their use of radio time at stations' quoted card rates, advising that NAB members consider their propositions not only unethical but poor business practice.

### Station Sales Survey

The Bureau of Radio Advertising is releasing to all members copy of a report by Dr. Herman S. Hettinger on sales administration of radio stations.

The report, in loose-leaf folder form, is the result of a survey conducted in 1939 among 88 stations, and described by Dr. Hettinger before the Sales Managers' Committee at the Atlantic City convention last July.

The report will be of interest to station managers and commercial managers, outlining typical sales department organization and activities, compensation and control of salesmen, and special problems of station sales administration.

Extra copies of the report are available to members free of charge, on request to the Bureau of Radio Advertising.

### Bureau of Radio Advertising

Members may be interested in reading an article on page 122 of *Variety* Anniversary Number, headed "Sales Ammunition for Local Broadcasters," which concerns Bureau of Radio Advertising activities.

In cooperation with the NAB Sales Managers' Division, and the NAB Departments of Research and Public Relations, the Bureau is now formulating plans for 1940, which, it is hoped, will contribute considerably to radio advertising volume during the coming year.

## THE BUSINESS OUTLOOK FOR 1940

Headquarters feel that the annual forecast by Gene Robb, Washington economist and observer, will be of interest to the membership. The forecast is based upon a compendium of information and statistics gathered from several sources. The opinions expressed, of course, represent the conclusions of Mr. Robb and do not represent any official opinion or expression of Headquarters. They are passed on as a matter of interesting information and opinion.

*The country's business stage is set to turn in a 1940 performance outranked only by 1929.* Vitality and endurance of dominant factors cast in the leading roles cannot be foretold with assurance but their healthy condition in the past year's war-torn windup (*20% stronger than a year ago*) inspires confidence for a successful season just ahead.

*For the new year as a whole,* the concensus of economists in Government and in private industry produces the following rough averages:

*Business activity* will be 10% greater than in 1939.

*Production of durable goods* will lead the advance with a gain of 17%, especially important in pyramiding new employment. *Output of consumer goods* is due to climb about 8%.

*Retail shoppers* will spend 8% more than last year and pay about 5% higher prices for what they buy.

*Living costs* will be shading higher but the rise in consumer income will keep purchasing power slightly above present levels.

*Commodity prices* are zig-zagging upward on an uncertain course with the war introducing an "x" in the equation which algebra can't solve.

*Quarter by quarter,* analysts differ on the path business will pursue:

*Majority* contend that a *letdown, starting this month* and sloping to the middle of the year, will be *reversed before Fall* and—aided by war orders—give 1941 the prosperous sort of sendoff 1940 is getting.

*Minority* believe the rate of activity will continue *near present high levels through first half* of the year (though *seasonally* adjusted indexes will register several points lower) and taper *downward the last 2 quarters*—at least until the character of the next Administration is determined at the polls in November.

*Unpredictables:* (1) *Scope of the war* abroad—more likely to broaden . . . (2) *Severity of the drouth* at home—another 1934 seems probable. . . . (3) *Election results* and influence of victors' economic views—edging, however, toward conservatism.

*Production*—Industries with good chances for setting *all-time output records this year:* aircraft, tobacco, domestic liquor and wine, chemicals and plastics, rayon and hosiery, air conditioning, electric goods and power, petroleum.

Costs, chiefly via labor, will average *a little higher* . . . Earnings, as a whole, should *duplicate '39;* more frequent gains in durable goods.

*Steel production* will slip from about 80% capacity in the first quarter to around 72% in the second . . . *Aircraft and machine tool plants* are booked almost solid through 1940 . . . *Auto output* is scheduled for 2½ million units in the first half compared with 2 million in the same period of '39 . . . Textiles will continue high mill rates well into next quarter but expect a substantial Summer letdown.

*Construction—Low-cost housing, utility plant expansion* and *highway building* are counted on to take up the slack in construction caused by tapering off of PWA projects.

*FHA,* which is modifying its building standards on new homes, also will insure private funds invested in *slum-renovation* . . . *USHA's* suburban substitutes for slums are well under way and will account for at least *15% of 1940 dwellings,* sending the *total for residential building about 10% ahead* of 1939's 10-year high.

*Distribution—The trend continues toward mass distribution methods* on the basis of strongest sales increases from supermarkets, large chains, mail order houses.

*Plastics* will be fashioned from new materials for new uses . . . *Rayon and other chemically-produced textiles* will push silk still farther out of the mass market . . . Considerable development of *television* is expected in metropolitan centers this year.

*Agriculture—Farm income* next year will benefit from *rising level of prices* for farm products but suffer keenly if a *nation-wide drouth* is not soon alleviated: Fall moisture was up to "normal" in only 3 States . . . *Purchasing power* of farmers is estimated *fractionally higher* than this year's 8.1 billions (up 7% from 1938).

### Marketing Developments

*Advertising*—The lag in advertising, compared with the 1939 business advance, will be turned into *gains approximately 5% over last year* when (a) *total newspaper linage* barely nosed ahead of 1938, (b) *magazines* hardly broke even, (c) *radio* network billings climbed about 8%, local paid time about 5% . . . *Advertising data of importance* will become available toward the end of 1940 when results of business and population censuses begin to filter through.

*Consumers*—To meet the plea of consumer groups for *more information on labels and in advertising*, several important industry groups have been formed to direct this trend: besides the new *Consumer-Retailer Council* is the *4-A's* non-profit corporation—*Committee on Consumer Relations in Advertising* . . . In Washington, the movement for a *Gov't bureau of consumer information* is likely to be sidetracked because of inter-departmental bickering over where it should fit into the federal set-up—in the Dept. of Agriculture or in the Dept of Commerce . . . Legislation to compel *accurate labeling of products containing wool* is unnecessary in light of Trade Commission prosecutions which make the same demand.

*Legislation—Little will be heard from the half dozen pending bills* which would impose further restrictions on advertising: *Johnson's,* to ban beer advertising from use of radio time . . . *Capper's,* to prohibit all beer and liquor advertising . . . *Nye's,* to require public announcement of winners of all advertised contests . . . *Flannery's,* to state foreign origin of any products in their advertising . . . *Maloney's,* to require admissions that testimonial broadcasts were paid for by sponsors . . . *Drive to tax large chain stores out of existence* (Patman's H. R. 1) is further impeded by disagreement among small-business associations over its provisions and by personal resentment in some of them toward Rep. Patman.

*Regulation*—Trade Commission's suit against *Good Housekeeping* indicates how far the Gov't wishes to go to prohibit *trade-puffing* and extent of its *demands for literal proof and tested truth* in all advertising—for complete "protection" of the most gullible consumer . . . Food & Drug Administration is far behind in its program for fixing *minimum quality standards for packaged foods* under Food & Drug Act . . . *New label requirements,* including warnings on drugs containing narcotics and dosage statements on those possibly injurious, will be strictly enforced by F&DA which also will busy itself in patroling *"misleading claims" on cosmetics labels* . . . Disavowal of any "attack" on advertising by Consumers Counsel Montgomery is followed by sharp *criticism of its failure to supply complete information* and its *tendency to overemphasize emotional appeals.*

*Cooperation*—Fifteen States are spending *appropriations for advertising their industrial advantages and tourist attractions* . . . More than a dozen States are raising *advertising funds to promote their leading agricultural products* by pro-rata taxes on growers: Michigan apples, California citrus and wine . . . *Cooperative advertising* also is expanding among industries on national, regional and local bases . . . *Federal lending agencies are participating* in advertising promotion: (a) *Home Loan Bank* urges building and loan associations to use newspaper linage; (b) *FHA* supplies builders, lenders and newspapers with advertising materials; (c) *HOLC* endorses plan of its contract-brokers to use special classified pages in promoting sale of repossessed homes.

## Henry Adams Bellows

It is with regret that members of the NAB learn of the passing of Henry A. Bellows. Mr. Bellows was formerly radio commissioner and a vice president of the Columbia Broadcasting System. He was chairman of the Legislative Committee of NAB for many years and did invaluable work for the entire industry in that capacity. Mr. Bellows died in Minneapolis, December 29, at the age of 54. He had been ill for several months. After leaving Washington, he was Director of Public Relations for General Mills, Inc.

## KVNU TRANSMITTER LOOTED

Reed Bullen, manager, KVNU, Logan, Utah, reports that his transmitter building was looted the night of December 11 and asks assistance in regaining the following stolen equipment or in apprehending the thieves:

1 General Purpose, R. C. A. Amplifier, 1 R. C. A. Tri-Amplifier-Mixer Panel, 1 R. C. A. Modulation Monitor, 1 U. T. A. Line Equalizer, 2 Thordarson 8 Watt Amplifier, 1 R. C. A. 70-B Turntable complete, Serial No. P 1344, 1 R. C. A. 70-B Tone Arm and Pick-up. Head-Diamond Point, 1 Western Electric Salt Shaker Microphone, Serial No. 6685, 250 Watt Gear, 1 Clough Brengle Oscilloscope, 2 838 R. C. A. Tubes, 1 Jensen Type B. Speaker, 1 Garden Relay, 1 25 Watt Thordarson Amplifier, 1 Field Strength Meter Complete.

## EL PROUGH OR JACK SINCLAIR?

Anyone knowing of the whereabouts of a person calling himself El Prough or Jack Sinclair, please get in touch with E. B. Craney, KGIR, Butte, Montana.

## INTER-AMERICAN CONFERENCE

The United States has accepted an invitation of the Chilean Government to participate in the Second Inter-American Radio Conference scheduled to be held at Santiago, Chile, January 17-23. The President has approved the appointment of the following delegation to represent this country at the meeting:

Delegate: R. Henry Norweb, American Minister to the Dominican Republic.

Technical advisers: Department of State, Joseph T. Keating, Division of International Communications; also secretary of the delegation; Department of War, Capt. W. T. Guest, Signal Corps, United States Army; Department of the Navy, Rear Admiral Stanford C. Hooper, United States Navy, Director, Technical Division, Office of the Chief of Naval Operations; Federal Communications Commission, E. K. Jett, Chief Engineer, Gerald C. Gross, Chief, International Division; Civil Aeronautics Authority, Lloyd H. Simson, Radio Communications Specialist.

The First Inter-American Radio Conference held at Havana, Cuba, in November 1937, concluded the Inter-American Radio Communications Convention which provided for periodical conferences to consider problems arising in the field of radio communications in the American Continent. Subsequently the Conference adopted a resolution accepting the offer of the Government of Chile for the second meeting to be held in that country during the first quarter of 1940.

## PENDING RADIO BILLS IN CONGRESS

### SENATE BILLS

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Referred to Interstate Commerce Committee. Hearings held. Reported to Senate.

S. 547 (Sen. Lodge, Mass.) COPYRIGHT—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted but were included in copyright of periodical or other composite work. Referred to Patents Committee. Passed by Senate.

S. 550 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 by limiting the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. The bill as introduced refers to Section 303 (e), whereas the correct designation is 303 (1). A corrected bill will be introduced. No action.

S. 575 (Sen. Capper, Kans.) LIQUOR ADVERTISING—Same as H. R. 924. Referred to Interstate Commerce Committee. No action.

S. 594 (Sen. Reynolds, N. C.) GOVERNMENT RADIO STATIONS—To establish marine schools in each state and other purposes, including the construction and operation by each school of one or more stations on "a wave-length and power prescribed by the Maritime Commission." Referred to Commerce Committee. No action.

S. 635 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 315 of the Communications Act and to require each station to set aside regular and definite periods of desirable day and evening time for uncensored discussion on "non-profit basis of public, social, political, and economic problems, and for educational purposes." Qualified candidates for public office are not covered by the amendment. Referred to Interstate Commerce Committee. No action.

S. 636 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To add to Section 315 with respect to candidates for public office the requirement that the station shall keep complete records open to public inspection. Referred to Interstate Commerce Committee. No action.

S. 637 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 326 and substitute in lieu thereof a similar provision with respect to censorship by the Commission with the proviso that it does not exempt stations from liability for defamatory, profane, indecent or obscene language or action broadcast by any officer, employee, agent or representative of the station. Referred to Interstate Commerce Committee. No action.

S. 1095 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 (1). Corrected bill in substitution for S. 550. Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. No action.

S. 1268 (Sen. Wheeler, Mont.) COMMUNICATIONS ACT—To reorganize the Communications Commission by creating a new agency to be known as the Federal Communications and Radio Commission, consisting of an administrative board of three members. Referred to Interstate Commerce Committee. No action.

S. 1520 (Sen. White, Maine) COMMUNICATIONS ACT—To amend the Communications Act by creating an eleven-man commission and for other purposes. Referred to Committee on Interstate Commerce. No action.

S. 2058 (Nye, N. D.) PRIZE CONTESTS—Requires publication of prize winners and the prize winning entry in all promotion contests carried on through the use of the mails or any facilities of interstate or foreign commerce. Referred to Committee on Post Offices and Post Roads. No action.

S. 2251 (Chavez, N. M.) GOVERNMENT BROADCASTING STATION—Directs Secretary of Navy to construct, maintain and operate high frequency stations to broadcast programs to all nations in Western Hemisphere; to appropriate 3 million dollars for construction purposes and one hundred thousand dollars for operative expense during year ending June 30, 1940. To Committee on Foreign Relations. No action.

S. 2466 (Sheppard, D.-Texas) COMMUNICATIONS ACT—Same as H. R. 5508. To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Committee on Interstate Commerce. No action.

S. 2611 (Wheeler, Mont.) GOVERNMENT RADIO STATION—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed $30,000. To Committee on Interstate Commerce. Passed by Senate.

S. 2689 (Bone, D.-Wash.) COPYRIGHT—To amend Sec. 33 of Copyright Act with respect to rules covering importation of copyrighted items. To Committee on Patents. Passed by Senate.

S. 2719 (O'Mahoney, D.-Wyo.) ANTITRUST LAWS—Same as H. R. 7035. To Committee on Judiciary. No action.

S. 2846 (Wheeler, D.-Mont.) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. To Committee on Patents. No action.

## SENATE RESOLUTION

S. Res. 94 (White, Maine) COMMUNICATIONS COMMISSION—To authorize investigation of the acts, rules, regulations, organization and policies of the FCC with respect to censorship of communications, ownership of broadcasting stations and other matters. To Interstate Commerce Committee. No action.

## HOUSE BILLS

H. R. 94 (Mr. Maloney, La.) PAID TESTIMONIALS—To require announcement of paid "recommendations" (testimonials), if any, at time of broadcast. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 251 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit radio advertising of alcoholic beverages. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 252 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 251, except that it specifically defines "alcoholic beverage" as including "beer, ale, wine, gin, whiskey, or brandy." Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 253 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of intoxicating liquor advertising, either by mail or otherwise, including radio broadcasting. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 924 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 253, except that it pertains to "alcoholic beverages" and is not limited to "intoxicating liquor." Referred to the Interstate and Foreign Commerce Committee. No action.

H. R. 926 (Mr. Daly, Penna.) COPYRIGHTS—To amend and consolidate acts respecting copyright, including the creation of a copyright in recording artists for renditions reproduced on phonograph records, disks, sound tracks, or any other substances. Referred to Patents Committee. No action.

H. R. 1651 (Mr. Dickstein, N. Y.) IMMIGRATION OF PERFORMING ARTISTS—Denies admission to United States for professional engagement of actor, singer or dancer where country of origin does not grant, both in law and in fact, substantially similar privileges to citizens of the United States. Referred to Immigration and Naturalization Committee. No action.

H. R. 1964 (Mr. Lucy, Mass.) COPYRIGHTS—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted. Same as S. 547. Referred to Patents Committee. No action.

H. R. 2721 (Mr. Celler, N. Y.) GOVERNMENT RADIO STATION—To construct and maintain Government radio broadcasting station in vicinity of Washington by Secretary of the Navy, with programs under direction of the United States Commissioner of Education. Referred to Naval Affairs Committee. No action.

H. R. 2981 (Mr. Celler, N. Y.) LIBEL—SLANDER—Exempts station from liability for libel or slander when station proves the exercise of due care to prevent the utterance of such statements. Referred to Judiciary Committee. No action.

H. R. 3582 (Mr. Flannery, Penna.) ADVERTISING—Requires informative advertising of imported articles. Referred to Interstate and Foreign Commerce Committee. Superseded by H. R. 5985. No action.

H. R. 3752 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To amend Section 303 (1). Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4224 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To reorganize Communications Commission. Same as S. 1268. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4433 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposit of copyrightable material and prompt registration of claims to copyright in the copyright office. Referred to Committee on Patents. Hearing held. Superseded by H. R. 5319. No action.

H. R. 4684 (Mr. McLeod, Mich.) COMMUNICATIONS ACT—To amend Section 307, subdivisions (d) and (e), by requiring that broadcasting licenses be issued for a period not less than three years nor more than five years and to provide against denial of renewal application because of political views expounded over station. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4871 (Mr. Daly, Penna.) COPYRIGHT ACT—To amend the Copyright Act in various respects, including the creation of copyright in recording artists covering the rendition of their recordings when reproduced mechanically. Referred to Committee on Patents. No action.

H. R. 5319 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposits of copyrightable material with Register of Copyrights and prompt registration of claims to copyright. Referred to Committee on Patents. No action.

H. R. 5435 (Mrs. Norton, N. J.) WAGE AND HOUR ACT—To amend, to remove hours restrictions on employees making $200 or more a month, et al. Reported to House.

H. R. 5508 (Mr. Peterson, Florida) COMMUNICATIONS ACT—To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 5791 (Mr. Schulte, Ind.) COMMUNICATIONS—To prohibit recording for profit or gain any program without consent in writing of the performers. To Interstate and Foreign Commerce Committee. No action.

H. R. 5985 (Mr. Flannery, Pa.) ADVERTISING—To require announcement of place of origin of all imported articles or articles assembled in the United States from imported products, ingredients, parts or materials. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6160 (Mr. McGranery, D.-Pa.) COPYRIGHTS—To amend the Copyright Act of 1909 in many respects, including the creation of copyright in phonograph records, the extension of the duration of copyright to 56 years. Referred to Committee on Patents. No action.

H. R. 6219 (Mr. Doughton, D.-N. C.) ALCOHOLIC BEVERAGES—To amend the Federal Alcohol Administration Act so as to prohibit, among other things, the advertising of alcoholic beverages by radio. Referred to Committee on Ways and Means. No action.

H. R. 6243 (Mr. Moser, D.-Pa.) COPYRIGHTS—Regulating use of copyrighted works. Authorizes Federal Communications Commission to grant licenses and fix the fees for use of copyrighted works when an agreement with copyright owner cannot be secured. To Committee on Patents. No action.

H. R. 6695 (Mr. McGranery, D.-Pa.) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6973 (Mr. Lea, Calif.) GOVERNMENT RADIO STATIONS—Authorizing the purchase of site and erection of building in Massachusetts for use as radio monitoring station at cost not to exceed $30,000. Referred to Committee on Interstate and Foreign Commerce. Same as S. 2611. No action.

H. R. 7035 (Mr. Hobbs, D.-Ala.) ANTITRUST LAWS—To amend Sec. 8 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and to provide additional civil remedies against violations. Referred to Judiciary Committee. No action.

H. R. 7188 (Mr. Cochran, D.-Mo.) COMMUNICATIONS ACT—To abrogate FCC Rule 42.03(a), adopted by FCC May 23, 1939, requiring international broadcast stations to limit programs to those which reflect the culture of the United States and promote international goodwill, understanding and cooperation, and to prohibit FCC adopting any similar rule. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 7192 (Mr. Fay, D.-N. Y.) PATENTS—To provide for the compulsory granting of licenses under patents which are brought by competitors within a single control in order to dominate an industry. Referred to Patents Committee. No action.

H. R. 7456 (Mr. Kennedy, D.-N. Y.) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. Referred to Committee on Patents. No action.

## HOUSE RESOLUTIONS

H. Res. 70 (Mr. Connery, Mass.) FCC INVESTIGATION—Provides for exhaustive investigation of Federal Communications Commission. Referred to Rules Committee. No action.

H. Res. 72 (Mr. Wigglesworth, Mass.) BROADCASTING AND FCC INVESTIGATION—Provides for investigation of the broadcasting industry in the United States and of the acts, rules, regulations and policies of the Communications Commission. Referred to Rules Committee. No action.

H. Res. 234 (Mr. Larrabee, D.-Ind.) FCC—To authorize the FCC to take steps to provide an adequate method to obtain data and other factual information and material necessary to determine the effects of power in excess of fifty kilowatts, and to provide that the FCC shall not be restrained from licensing one or more than one station to operate on power of more than fifty kilowatts for such experimental operation as may be necessary. Referred to Committee on Interstate and Foreign Commerce. No action.

## HOUSE JOINT RESOLUTION

H. J. Res. 149 (Mr. Sirovich, N. Y.) COPYRIGHT—To create a Bureau of Fine Arts in the Department of the Interior with authority in the Secretary of the Interior to undertake and carry on "such projects and activities as may be necessary or appropriate to foster, develop and encourage the use of copyrighted and copyrightable material." Referred to Patents Committee. No action.

## FCC APPROPRIATIONS

President Roosevelt in his budget message to Congress on Thursday asked for $2,125,000 for total appropriations for the Federal Communications Commission for the fiscal year 1941 composed of $2,100,000 for salaries and expenses and $25,000 for printing. For the present fiscal year of 1940, the total appropriation for the Commission is $1,838,175 composed of $1,800,000 for salaries and expenses; $25,000 for printing; and $13,175 for special investigations.

## NEW SECRETARY TO COMMISSIONER BROWN

FCC Commissioner Thad H. Brown has announced the appointment of Corwin R. Lockwood as his secretary. Mr. Lockwood has been a member of the Commission's Law Department since February, 1938. Native of Bowling Green, Ohio, he received his A.B., M.A. and LL.B. degrees from George Washington University. For four years he was with the Finance Division of the Farm Credit Administration.

As Commissioner Brown's secretary, he succeeds Franklin C. Salsbury, who resigned to accept a position in the Law Department of the Commission.

## FCC RECOMMENDS TELEGRAPH MERGER

In a report to the Senate Interstate Commerce Committee, the Federal Communications Commission yesterday recommended that Congress authorize the consolidation of the Western Union and Postal Telegraph companies.

## FCC ASSIGNMENTS

The Federal Communications Commission announces that the work, business and functions of the Commission for the month of January have been assigned as follows:

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| Commissioner Craven | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations. |
| Commissioner Walker | Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal |

hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases for the week beginning Monday, January 8. They are subject to change.

### Monday, January 8

Further Hearing

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 100 watts, daytime.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.**, 250 watts, daytime.

### Wednesday, January 10

Broadcast

NEW—Chilton Radio Corp., Dallas, Texas.—C. P., **1370 kc.**, 250 watts, unlimited time.

NEW—V. O. Stamps, Dallas, Texas.—C. P., **1370 kc.**, 250 watts, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for hearings. They are subject to change.

### January 15

Public Hearing before the Commission En Banc

In the Matter of Exceptions to the Rules and Regulations for Television Stations Tentatively Adopted by the Commission on December 21, 1939, and to Specific Recommendations of Its Television Committee.

### February 28

Informal Hearing before the Commission En Banc

In the Matter of Aural Broadcasting on Frequencies Above **25,000 kc.** (An inquiry into the possibilities of Frequency and Amplitude Modulation.)

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted construction permit to make changes in equipment and increase power from 100 to 250 watts on **1210 kc.**

WSLI—Standard Life Insurance Co. of the South, Jackson, Miss.—Granted voluntary assignment of license of station WSLI from Standard Life Insurance Co. of the South, to Standard Life Broadcasting Co. (Station operates on **1420 kc.**, 250 watts, unlimited time).

W2XBT—National Broadcasting Co., Inc., New York City, Portable.—Granted modification of television broadcast station license authorizing use of frequencies **156,000** to **162,000 kc.** on an experimental basis conditionally.

WLOK—The Fort Industry Co., Lima, Ohio.—Granted construction permit authorizing operation on **1210 kc.** with 100 watts, unlimited time, instead of 100 watts daytime only.

WDMJ—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted modification of license to change time of operation from specified hours to unlimited time, on frequency **1310 kc.**, 250 watts.

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted modification of license to change frequency from **1210 kc.** to **1370 kc.**, and hours of operation from specified hours to unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted modification of license to change time of operation from specified hours to unlimited on **1210 kc.**, 250 watts.

W6XDU—Don Lee Broadcasting System, Los Angeles, Cal., Portable-Mobile.—Granted modification of television broadcast station license to change frequencies to **318,000** to **330,000 kc.**, on an experimental basis only.

WWL—Loyola University, New Orleans, La.—Granted extension of special experimental authority until May 1, 1940, to operate unlimited time on **850 kc.**

KWKH—International Broadcasting Corp., Shreveport, La.—Granted license to cover modification of special authority authorizing changes in equipment, increase in power from 10 to 50 KW, and move of transmitter site to Gamm Road, Dixie, La., using DA for nighttime operation on frequency **1100 kc.** Also granted authority to determine operating power by direct measurement of antenna input.

KRLD—KRLD Cario Corp., Dallas, Tex.—Granted extension until May 1, 1940, of special experimental authority to operate simultaneously with WTIC, unlimited time, on **1040 kc.**

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. —Granted extension until May 1, 1940, of special experimental authority to operate simultaneously with KRLD, unlimited time on **1060 kc.**

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension until May 1, 1940, of special experimental authority to operate from local sunset KPO to 11 p. m., EST, on **680 kc.**, using DA.

WAPI—Ala. Polytechnic Institute, Univ. of Ala. & Ala. College, Birmingham, Ala.—Granted extension until May 1, 1940, of special experimental authority to operate unlimited hours using DA after sunset at Tulsa, Okla., on **1140 kc.**

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted extension until May 1, 1940, of special experimental authority to operate unlimited time on **1140 kc.**, using DA at night.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension until May 1, 1940, of special authority to operate simultaneously with KTHS on **1060 kc.**, from 6 a. m. to local sunset at Hot Springs, Ark., and operate from local sunset at Hot Springs to 9 p. m., EST on **1060 kc.**, and operate synchronously with WJZ on **760 kc.**, 2½ KW, using DA from 9 p. m., EST.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted extension until May 1, 1940, of special authority to operate on **1060 kc.**, simultaneously with WBAL from 6 a. m. to local sunset, suspend operation from local sunset to 8 p. m., and operate unlimited time from 8 p. m. to midnight.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension until May 1, 1940, of special experimental authority to operate synchronously with KFAB from LS at Lincoln, Neb. to midnight.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted extension until May 1, 1940, of special experimental authority to operate synchronously with WBBM from local sunset at Lincoln, Neb. to midnight.

### DESIGNATED FOR HEARING

Louis R. Spiwak & Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—Application for construction permit to erect a new station to operate on **1210 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval. (Application designated for hearing to determine financial, technical and other qualifications of applicants; the character and nature of program and technical service proposed to be rendered; the extent and nature and effect of any electrical interference which would result should the proposed station operate simultaneously with stations KGLO, KFJB and the station proposed by pending application of J. D. Flavey.

## MISCELLANEOUS

W6XDU—Don Lee Broadcasting System, Portable-Mobile, area of Los Angeles.—Granted license to cover construction permit as modified, for new television station; frequencies **321000-327000 kc.,** 6.5 watts.

W2XAB—Columbia Broadcasting System, Inc., New York City.—Granted license to cover construction permit as modified, for new transmitter and move of transmitter, increase in power to 7500 watts for television station, and add A-3 emission.

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Granted authority to determine operating power by direct measurement of antenna input.

KARM—George Harm, Fresno, Cal.—Granted authority to determine operating power by direct measurement of antenna input.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted authority to determine operating power by direct measurement of antenna input.

KMO—Carl E. Haymond, Tacoma, Wash.—Granted authority to determine operating power by direct measurement of antenna input.

WCBS—WCBS, Inc., Springfield, Ill.—Granted authority to determine operating power by direct measurement of antenna input.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54, with certain additional power specifications. Also granted license to cover construction permit for changes in equipment and power from 100 watts daytime to 250 watts day, 100 watts night on **1200 kc.**

WSMB—WSMB, Inc., New Orleans, La.—Granted license to cover construction permit to replace tower and make changes in antenna (**1320 kc.,** 1 KW night, 5 KW day, unlimited time, using DA at night).

WAIR—C. G. Hill, Geo. D. Walker & Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to operate from 5:30 p. m. to conclusion of game by Southern team playing in Rose Bowl, January 1, 1940, EST, in order to broadcast game.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate from local sunset (December 5 p. m., EST), to 7:45 p. m., EST, on January 1, 1940, in order to broadcast East West football games for benefit Shriners Hospital for crippled children.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast stations WCBX and WCAB over station WKAQ, on a non-commercial experimental basis only, for the period December 30, 1939 to January 28, 1940.

WSOY—Commodore Broadcasting Inc., Decatur, Ill.—Granted special temporary authority to operate with power of 250 watts, from 6:30 p. m., CST, January 15, 1940, to conclusion of Illinois-Michigan game at Ann Arbor, Mich.; from 7:30 p. m., CST, January 1 and 8, 1940, to conclusion of Illinois-Butler game at Indianapolis, Ind., and Chicago-Illinois game at Urbana; from 8:00 p. m., CST, January 2, 4, 12, 16 and 23, 1940, to conclusion of games of Urbana High School at Decatur, Mattoon High School at Decatur, Springfield High School at Decatur, Illinois Wesleyan-Millikin at Decatur and Lincoln High School at Decatur, in order to broadcast basketball games between these schools.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts, from 8:00 p. m. to 9:30 p. m., CST, January 8, 13, 20, 27, 29 and February 3, 1940, in order to broadcast University of Kentucky basketball games.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 10:00 p. m., December 31, 1939, to 1:00 a. m., PST, January 1, 1940, in order to broadcast special local New Year's programs.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power of 250 watts from 6:00 p. m. to 7:00 p. m., and from 8:15 p. m. to 12 midnight, CST, on January 1, 1940, in order to broadcast dedicatory programs of transcontinental network and from 5:00 p. m. to 6:00 p. m., CST, January 1, 1940, to permit KFRU to broadcast Rose Bowl football game.

WGBF—Evansville on the Air, Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU with power of 250 watts from 6:00 p. m. to 7:00 p. m., and from 8:15 p. m. to 12 midnight, CST, on January 1, 1940, in order to broadcast dedicatory programs of transcontinental network and from 5:00 p. m. to 6:00 p. m., CST, January 1, 1940, to permit KFRU to broadcast Rose Bowl football game.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate from 10:30 p. m., EST, December 31, 1939, to 12:15 a. m., EST, January 1, 1940, in order to broadcast New Year's Eve Service for churches of Haverhill, Mass.

KOWH—World Publishing Co., Omaha, Nebr.—Granted special temporary authority to operate from 5:15 p. m. to 6:30 p. m., CST, on January 1, 1940, for the purpose of broadcasting Rose Bowl game in its entirety.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 p. m. to 10:00 p. m., CST, on January 6, 8, 13 and 15, 1940; to operate from 4:00 p. m. to 6:00 p. m., and from 7:45 p. m. to 10:00 p. m., CST, on January 20, 1940, in order to broadcast Purdue University basketball games.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.; Lillian E. Kiefer, Brooklyn, N. Y.; WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.; Paul J. Gollhofer, Brooklyn, N. Y.; WCNW—Arthur Faske, Brooklyn, N. Y.—The Commission extended the effective date of Provision (3) of the Commission's Order of December 5, 1938, to 30 days from December 31, 1939, in re Dockets Nos. 4029, 4050, 3941, 4302, 4331 and 4622.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate from 5:15 p. m., CST, January 1, 1940, to conclusion of Rose Bowl football game, in order to be able to broadcast the game in its entirety.

Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate a 1-KW frequency modulated transmitter on **43 mc.** at the site of the transmitter of station W2XMN, to be operated simultaneously with station W2XMN (**40 kc.** on **42.8 mc.**), in order to secure data on adjacent channel operations in preparation for the February 28, 1940, hearing on frequency modulation, for a period of 30 days.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 11 p. m., EST, December 31, 1939, to conclusion of Union New Year's Eve Watch Night Service from First Presbyterian Church, Sharon, Pa.

KXOX—Sweetwater Radio, Inc., Sweetwater, Tex.—Granted special temporary authority to operate from 6 p. m. to 10 p. m., CST, January 6, 1940, in order to broadcast special Old Hickory Banquet program via Network from Houston, Tex.

KTRB—Thomas R. McTammany and Wm. H. Bates, Jr., Modesto, Calif.—Denied special temporary authority to operate from 7 p. m. to midnight, PST, on January 4, 5, and 6, 1940, in order to broadcast the State Junior College basketball tournament games only.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Denied extension of special temporary authority to operate from 9 a. m. to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday, and Sunday mornings, for the period beginning December 31, 1939, until said time is specifically authorized to be used by the Saginaw Broadcasting Co., but ending in no event later than January 29, 1940, in order to broadcast educational programs.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m., EST, December 31, 1939, and from 12 to 12:45 a. m., EST, January 1, 1940, in order to broadcast religious programs only.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted renewal of license for the regular period.

WNEI—WFBM, Inc., Portable-Mobile (area of Indianapolis, Ind.). —Granted license to cover construction permit to make changes in equipment and reduce power of portable-mobile relay station to 0.15 watt.

WALO—Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted license to cover construction permit for new relay broadcast station, frequencies **33380, 35020, 37620** and **39820 kc.,** 2 watts, to be used with applicant's broadcast station WABC-WBOQ.

WALP—Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted license to cover construction permit for new relay broadcast station, frequencies **33380, 35020, 37620** and **39820 kc.,** 2 watts, to be used with applicant's broadcast station WABC-WBOQ.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted license to cover construction permit for changes in transmitting equipment and increase in power to 250 watts; **1200 kc.,** unlimited time, conditionally. Also granted authority to determine operating power by direct measurement of antenna input.

WIS—The Liberty Life Ins. Co., Columbia, S. C.—Granted authority to determine operating power by direct measurement of antenna input.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WESX—North Shore Broadcasting Co., Salem, Mass.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WESX—North Shore Broadcasting Co., Salem, Mass.—Granted license to cover construction permit for new broadcast station, frequency **1200 kc.,** power 100 watts, unlimited.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted modification of construction permit for change in frequency from **1210 kc.,** 100 watts, to **1370 kc.,** 250 watts, unlimited time; install new transmitter, install new antenna, and move transmitter to a site to be determined, Fort Smith, Ark.

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54, with certain additional power specifications.

WMAN—Richland, Inc., Mansfield, Ohio.—Granted license to cover construction permit for new broadcast station to operate on **1370 kc.,** 250 watts power, daytime.

KOCA—Oil Capitol Broadcasting Association, Kilgore, Tex.—Granted construction permit to move transmitter locally and make changes in antenna.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate January 1, 1940, to conclusion of Rose Bowl game in order to broadcast game.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted special temporary authority to operate from 5:30 p. m. to 7:45 p. m., EST, on January 1, 1940, in order to broadcast Rose Bowl game in its entirety.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7 p. m. to 10:30 p. m., CST, on January 2, 5, 12, 13, 19, 20 and 26, 1940, in order to broadcast basketball games of the Aurora High School.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 6:15 p. m., CST, to conclusion of game, January 1, 1940, in order to broadcast Shrine East-West football game.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted special temporary authority to operate on **1040 kc.** from 7:30 p. m. to 9 p. m., PST, on January 5, 6, 8, 9, 12, 16, 17, 19, 20, 26, 27, 29 and 30, 1940, in order to broadcast the college basketball games of the Pacific Northwest Conference.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m., January 5, 1940, to 1 a. m., AST, January 6, 1940, in order to broadcast religious services, dance music and other activities regarding The Three Kings Day; to operate from 9 a. m. to 11 a. m., AST, and from 2 p. m. to 6 p. m., AST, January 7, 14, 21 and 28, 1940, in order to broadcast basketball games of the Semi-Pro Series only.

KEIS—Midland Broadcasting Co., Portable-Mobile, area of Kansas City, Mo.—Granted special temporary authority to station KMBC to rebroadcast from a plane over short wave transmitter KEIS on 100 watts power, with **2790 kc.,** December 30, 1939, in order to broadcast ceremonies incident to the launching of a new type of plane.

Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Dismissed with prejudice application for construction permit to erect a new broadcast station to operate on **1370 kc.,** with 250 watts day, 100 watts night, unlimited time. (Applicant failed to appear at hearing to offer testimony in support of the application.)

Spartanburg Advertising Co., Spartanburg, S. C.—Granted petition authorizing the assignment of call letters WORD in lieu of WHTR for its proposed new station, construction permit for which has been granted by the Commission.

Palm Radio Company, Fort Myers, Fla.—Denied petition requesting that the Commission withhold actual issuance of a construction permit to Fort Myers Broadcasting Company (WFTM), and designate petitioner's pending application for construction permit for hearing immediately.

KMPC—The Station of the Stars, Inc., Beverly Hills, Calif.—Granted modification of construction permit for authority to use antenna and transmitter formerly used by station KECA, and move to KECA's former site, 1418 West 81st St., Los Angeles, Calif.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authority to operate on **1040 kc.,** limited time, and resume operation from 9 p. m. to 3 a. m., PST, beginning February 1, pending final action on application (B5-ML-648), but not beyond February 1, 1941.

## APPLICATIONS FILED AT FCC

### 790 Kilocycles

KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Authority to determine operating power by direct measurement of antenna power.

### 1100 Kilocycles

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—License to cover construction permit (B2-P-1982) as modified for new broadcast station.

### 1110 Kilocycles

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. D.—Construction permit to change frequency from **1110 kc.,** limited time, to **710 kc.,** unlimited, install directional antenna for night use and move transmitter.

### 1210 Kilocycles

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

### 1310 Kilocycles

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Authority to determine operating power by direct measurement of antenna power.

KVIC—Radio Enterprises, Inc., Victoria, Texas.—License to cover construction permit (B3-P-2118) as modified for new broadcast station.

### 1350 Kilocycles

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson. d/b as Brown County Broadcasting Co., Brownwood, Texas. —Construction permit for a new broadcast station to be operated on **1350 kc.,** 500 watts, unlimited time.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from **1350** to **630 kc.,** changes in antenna for nighttime use, changes in equipment (contingent on applications WGBF and KFRU being granted). Amended: To request increase in power from 1 KW night, 5 KW day, to 5 KW day and night, and changes in directional antenna.

### 1370 Kilocycles

NEW—Lookout Mountain Co. of Georgia, Lookout Mountain. Ga.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 100 watts night, 250 watts day, unlimited time. Amended: To request 250 watts day and night, and transmitter site to be determined, Chattanooga, Tenn.

NEW—Chilton Radio Corp., Dallas, Texas.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time. Request facilities relinquished by station KFJZ. Amended: To change power to 100 watts, and change type of transmitter.

### 1420 Kilocycles

WILM—Delaware Broadcasting Co., Wilmington, Dela.—License to cover construction permit (B1-P-2550) for changes in equipment and increase in power.

NEW—Capital Broadcasting Co., Washington, D. C.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts power, unlimited time.

### 1500 Kilocycles

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, Pres., Huntsville, Texas.—Voluntary assignment of license to Sam Houston Broadcasting Corporation of Huntsville, Texas.

KDAL—Red River B/C Co., Inc., Duluth, Minn.—License to cover construction permit (B4-P-2371) for changes in equipment and increase in power.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

NEW—The Delmarva Broadcast Co., Salisbury, Md.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited. Amended: To change frequency from **1500** to **1200 kc.**, and to request facilities of WSAL contingent on order of revocation against WSAL being made final.

### MISCELLANEOUS

WAID—Onondaga Radio Broadcasting Corp., Portable-Mobile.—License to cover construction permit (B1-PRY-174) for new relay broadcast station.

WENP—WSOC, Inc., Portable-Mobile.—License to cover construction permit (B3-PRE-332) to make changes in equipment.

W1XSQ—Worcester Telegram Publishing Co., Inc., Holden, Mass. —Modification of construction permit (B1-PHB-78) for new high frequency broadcast station requesting equipment changes.

NEW—WOKO, Inc., New Scotland, N. Y.—Construction permit for a new high frequency broadcast station to be located at New Scotland, N. Y., to be operated on **43400 kc.**, 250 watts, unlimited time, special emission for frequency modulation.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for new television broadcast station to be operated on **282000-294000** and **312000-324000 kc.**, 15 watts for visual and aural emission A3 and A5, unlimited.

NEW—R. B. Eaton, Des Moines, Iowa.—Construction permit for a new television broadcast station to be operated on **44000-50000 kc.**, 100 watts visual and aural, emission A3 and A5. Amended: Requests Class II station.

WEKR—South Bend Tribune, Portable-Mobile.—License to cover construction permit (B4-PRE-299) to install new transmitter and increase power.

WRPM—Radio Air Service Corp., Portable-Mobile.—License to cover construction permit (B2-PRE-284) for new relay broadcast station. Amended: To change name to United Broadcasting Company.

WEHP—The Fort Industry Co., Mobile.—Modification of license to increase power from 25 watts to 50 watts.

WAUW—J. T. Ward, tr. as WLAC Broadcasting Service, Portable-Mobile.—License to cover construction permit (B3-PRE-326) for new relay broadcast station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Jay Holtz Company**—Charging violation of the Federal Trade Commission Act through promoting the sale of merchandise by use of lottery methods, a complaint has been issued against Jacob and Abraham L. Holtz, trading as Jacob Holtz and as Jay Holtz Company, 889 Broadway, New York.

It is alleged that the respondents sell toilet sets, pillow cases, blankets, smoking stands, electric appliances, zipper bags and other merchandise, and that to their customers the respondents supply "Bingo" sets by means of which the customers may resell the respondents' products to ultimate consumers in a manner involving operation of a game of chance, gift enterprise or lottery scheme. (3979)

**Herman Nelson Corporation,** Moline, Ill., manufacturer of ventilating equipment, has been served with a complaint charging misrepresentation in the sale and distribution of its product.

In advertising in periodicals, catalogs and other printed matter, the complaint alleges, the respondent designates and refers to its equipment as "air conditioning," and represents that it will air-condition school buildings and other buildings in which it may be installed.

The term "air-conditioning," the complaint continues, signifies simultaneous control by a mechanical device of various factors affecting both the physical and chemical conditions of the atmosphere within a given structure, such factors including temperature, humidity and the motion or circulation of the air within the structure. The respondent's product, the complaint alleges, is an air ventilating unit only, being a mechanical device for ventilating the room in which it is installed, and heating the air drawn from the outside through a vent in the wall of the building. No provision is made for adding moisture to the air, taking moisture from it, or for cooling the air below the temperature of that outside the building. (3981)

### STIPULATIONS

The Commission has entered into the following stipulations:

**Club Supreme**—See Success Club.

**W. H. Fabry Manufacturing Co., Inc.,** Alhambra, Calif., manufacturer of "The Fabreeze Air Cooler," agrees to discontinue employing the words "Air Cooler" either as part of the trade name or designation for its device or in any other way as descriptive of that product, the effect of which may tend to create the belief that the action of the device on the air which passes through it produces a useful degree of cooling regardless of atmospheric conditions, or in those areas of the country where the relative humidity is high. The stipulation provides that if the words "Air Cooler" are so used, they shall be accompanied by other explanation indicating clearly that the device's action will be effective as a cooling medium only under certain atmospheric conditions, as for example, in areas of normal low relative humidity. (2623)

**John E. Jevnikar,** 708 Ninth-Chester Building, Cleveland, agrees to desist from representing that he is familiar with the individual needs of his prospective customers in the sale of wigs and toupees, or that he has all the necessary data on hand, and, inferentially or otherwise, that he has records of prospective customers sufficient to enable him to repair, adjust or otherwise service their wigs or toupees, when such are not the facts. The stipulation points out that the respondent did not have all the necessary data on hand to serve such customers; that in the hair business toupees and wigs have to be returned by customers at regular intervals for cleaning, adjusting and repairing, and that in order to perform these services properly it is necessary to have records showing the color and texture of the hair and other data, which the respondent Jevnikar himself did not have. (2616)

**Key Systems**—Dorsey E. Wynkoop, trading as Key Systems and as National Credit Rating Bureau, 358 West 59th Place, Los Angeles, sells mimeographed material purportedly describing plans for use by purchasers in the operation of collection agencies by mail. He agrees to desist from representing that his plans have been approved by chambers of commerce or legislative bodies; that profits from business based on his plans ordinarily are from $3,000 to $5,000 a year, or that profits of $10,000 to $25,000 a year are not unusual; and that the offer which the respondent customarily makes is a special offer. He also stipulates that he will discontinue use in advertisements of quotations purporting to be excerpts from so-called unsolicited expressions of appreciation from persons who or concerns which use "Key Folios", sold by him, when in fact the excerpts do not properly convey the meaning of the original letters, and that he will cease using, in connection with the sale of his plans, the trade name "National Credit Rating Bureau", alone or in conjunction with the phrase "A National Organization", so as to imply that the respondent is associated with or operates a nationwide organization or performs a credit rating service, national or otherwise, when such are not the facts. (2620)

**Kress & Owen Company**, 361 Pearl St., New York, selling medicinal preparations designated "Glyco-Thymoline", a liquid, and "Glyco-Thymoline Cough Drops", agrees to cease representing, directly or by implication, that use of these preparations will prevent, in a phophylactic sense, colds, sore throats or coughs, prior to the establishment of the infections which cause these conditions, and that they will stop, in a curative sense, colds, sore throats or coughs, if and when the infections which cause these conditions have been established. Other representations to be discontinued are that use of "Glyco-Thymoline" will aid in the relief of irritated and inflamed mucous membranes or be of any benefit thereto in any part of the body, and that, aside from its anti-acid properties, it has any therapeutic properties beyond its ability to aid in cleansing or soothing and thereby helping to heal, when used on the mucous membranes of several different parts of the body. (02478)

**Landon School**—Corwin Landon, trading as Landon School, National Building, Cleveland, in the sale of a correspondence course in cartooning, agrees to cease representing that the price customarily charged is a special reduced rate, and that 2,000 or any other number of his students are now successful comic artists or cartoonists, when there are no available facts to substantiate this claim. (2619)

**National Credit Rating Bureau**—See Key Systems.

**Robert J. Pierce, Inc.**, 78 Reade St., New York, in the sale of drug sundries, agrees to desist from representing, directly or indirectly, that it is the manufacturer of any product offered for sale by it, when such is not a fact. The stipulation relates that the respondent corporation represented itself as the manufacturer of a prophylactic product designated "Hercules" when in fact it merely distributed this article, purchasing it from the manufacturer. (2621)

**Richards' Electro-Fence Company**—Fred F. Richards, trading as Richards' Electro-Fence Company, Payette, Idaho, in the sale of "Electro-Fence Units" for fencing in of livestock, agrees to cease advertising that by the installation of electric fences or of any "Electro-Fence Unit", anyone can thereby effect a saving of any definite amount, irrespective of the extent of fencing required; that any unit selling at a lower price than "Electro-Fence Units", is without a built-in indicator; that the voltage of any of the respondent's units is greater than that of any other make; that a warning signal device or mechanisms used to change alternating current to direct current and permit only a small amount of current to reach the fence at one time, are exclusive features of the "Electro-Fence Units", and other representations. (02480)

**Success Club**—Selling lists of persons desiring correspondence for social and matrimonial purposes, Gladys Fore, Oxford, Fla., trading also as "The Success Club," "The Sunshine Club" and the "Club Supreme," has entered into a stipulation to discontinue misleading representations in the sale of her products.

In advertising, the respondent, according to the stipulation, represented: "The $2 you pay shows your good faith and pays printing, mailing, etc., expended in your behalf."

Other advertising representations, according to the stipulation, were: "Lovable lady, money. Romantic, with means." * * * "Man, very romantic, congenial, with money." * * * "An attractive lady has just enrolled in my club who owns considerable property."

In her stipulation, the respondent admitted, among other things, that the trade names mentioned in her advertising are owned and controlled by her and do not represent competitive enterprises, and that she had not made reasonable investigation into the financial or other standing of the members but merely repeated the statements made to her by them.

Under the stipulation, the respondent agrees to cease advertising that persons listed with her or holding membership in any of her enterprises are assured that golden opportunities are awaiting them; that persons listed with her are worth any specified amounts, or have any specified income, or any social, business or financial standing other than that disclosed by competent investigation; that any offer is special unless it is less in price than the usual or regular price charged, and limited in time; that $2 down payment in The Sunshine Club is used to pay for printing, mailing, etc., or is expended in behalf of the purchaser, or that a coupon mentioned in connection with the sale of membership in that club is of any value. (02475)

**Sunflower Hatchery**—Ernest A. Berry, trading as Sunflower Hatchery and Sunflower Poultry Farm & Hatchery, Newton, Kans., has entered into a stipulation to cease misleading representations in the sale of his product, baby chicks.

The respondent agrees to desist representing, by use of such expressions as "Livability Guaranteed," that he guarantees the livability of all grades of chicks sold by him unless and until he actually makes reimbursement in full for all losses by death.

A further representation to be discontinued is that the respondent carries insurance to protect his customers from loss due to death of any chicks purchased from him, unless and until he carries insurance with an accredited insurance company for the protection of his customers against his failure to make reimbursement in accordance with his agreement.

The respondent also agrees to discontinue advertising that the breeders producing his chicks are inspected by the American Poultry Association, until the breeders actually are inspected by an impartial representative of that association. (02479)

**Sunflower Poultry Farm & Hatchery**—See Sunflower Hatchery.

**Sunshine Club**—See Success Club.

**Superior Shirt Company**, 1216 Arch St., Philadelphia, in the sale of its garments, agrees to cease using the statement "U. S. Tested" or other representation of similar implication, the effect of which may tend to convey the impression that its garments have been tested by the United States Government or a branch thereof, when such is not a fact. (2615)

**Tomil Research Laboratories**—Harry Tomback, trading as Tomil Research Laboratories, New York, N. Y., agrees to cease advertising that application of his preparation "Albaderm" to the skin will of itself relieve acne, blackheads, whiteheads or other skin blemishes; that by continued use of this product alone, for any given period of time, persons with pimples, acne, blackheads or other skin blemishes can obtain permanent relief therefrom, and that "Albaderm," or the ingredients composing it, will remove bacterial infections causing skin blemishes. Among other representations to be discontinued are that application of "Albaderm," according to the directions prescribed, has brought happiness to hundreds, and that application of the product to the skin is harmless in all cases. The respondent also stipulates that he will cease representing, through use of the words "laboratory" or "research," or other words of similar import as part of a trade name, that he operates, conducts or maintains a laboratory for research, manufacturing, testing or experimenting with the preparation sold by him until such time as he actually owns and operates such a laboratory. (02481)

**United Hosiery Mills**—David and Morris Carity, trading as United Hosiery Mills, Philadelphia, Pa., agree to cease employing the word "Mills" as part of their trade name and from the use of this or any word of similar implication, the effect of which may tend to create the impression that they knit or manufacture the products they sell or that they actually own and operate or control the factory in which those products are made. The respondents also stipulate that they will desist from representing, as through the use of a purported local address, that they have an office or place of business at an indicated location, when such is not a fact. (2622)

**United Studios**—Andrew M. Smith and Jack Lucas, trading as United Studios, St. Paul, Minn., in the sale of photographs by mail order, agree to cease representing their regular method of sale as a special advertising offer and their photographic enlargements as "oil colored portraits," and to discontinue misrepresenting the value of certificates or coupons or misusing the word "guaranteed." (2617)

## CEASE AND DESIST ORDERS

The following cease and desist orders have been issued during the week:

**Gimbel Brothers, Inc.**—See A. Schottland, Inc.

**Howard D. Johnson Company**, 89 Beale St., Wollaston, Mass., has been ordered to cease and desist from representing factory-made food products as being home-made.

The Commission finds that the respondent, who manufactures ice cream and other food products, has represented, among other things, through advertisements in newspapers, through other printed matter and in radio broadcasts: "Howard D. Johnson Company, Makers of Howard Johnson's home made ice cream, candies and pastries," and "Howard Johnson food is wholesome—home cooked," while in fact the products were made in a factory, of the ordinary ingredients and by the ordinary methods of production used in factories manufacturing such products for sale.

The respondent is ordered to cease and desist from representing that its food products are home-made or home-cooked, unless they are in fact made or cooked in the manner and of the ingredients characteristic of the preparation of such products in the home, for consumption in the home, as distinguished from factory-made products. (3827)

**Mattia & Briganti Company**—See Premier Color Works.

**McKesson & Robbins, Inc.**, New York, has been ordered to discontinue certain misleading representations in the sale of "Calox Tooth Powder."

Commission findings are that in newspapers and other periodicals and by means of radio broadcasts, the respondent company advertised that "For teeth that 'Shine like the Stars' use Calox Powder," and that the product "Adds a charming sparkle to your smile—take this tip from Hollywood . . . use Calox Tooth Powder . . . the very same pure, safe, refreshing dentifrice that helps protect the radiant smile of Jean Parker, scores of other famous screen stars, and millions of people throughout the world."

The respondent stated that these excerpts from its advertisements were used in 1939 but that various other excerpts, which are mentioned in the findings of fact, were discontinued in 1937 and 1938. The findings show that among this latter group were representations to the effect that the product helps clean the proximal surfaces between the teeth, liberates nascent oxygen in the mouth, "fights" decay, "removes film and banishes stain"; that dentists advise the use of powder; that the sodium perborate in the respondent's product will keep gums firm and healthy, and other similar representations. (3791)

**Premier Color Works**—Fred C. Mattia, trading as Premier Color Works and as Mattia and Briganti Company, 382 Pearl St., New York, has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of a line of effervescent and laxative products designated "Ave Maria," "Ave Maria Effervescent Preparation" and "Ave Maria Laxative Preparation."

The Commission finds that the respondent Mattia is engaged in the manufacture and sale of the products, and that on cartons and containers in which they are packed, are printed statements among which are: "* * * Made in U. S. A. from a highly recommended formula of Dr. Arnaldo Piutti, Director of the Pharmaceutical Institute of 'Reggio Universita' di Napoli' (Italy)," and "Highest awards in the Hygienic Divisions of International Expositions."

The Commission finds that the respondent Mattia's products are not made from formulas recommended by Arnaldo Piutti, and that the medals and decorations depicted on the containers and cartons are not reproductions of decorations awarded the products at expositions, and that the products have not been awarded any medals or other prizes at international expositions.

The respondent Mattia is ordered to cease and desist from representing:

(1) That the formulas from which said products are manufactured are or were originated or recommended by an official or representative of the Royal University of Naples, or by any other person or persons who in truth and in fact have not originated or recommended said formulas;

(2) Through the use of medals or any other decoration depicted on the containers or cartons in which said products are packaged, or in any other manner that said products have been awarded any medals, prizes or other awards of merit by any international exposition or any other exposition or by any divisions thereof, until and unless said products have in fact won the awards represented.

The Commission's case as to Michael P. Briganti, named in the complaint as a respondent in this proceeding, was closed without prejudice to the Commission's right to reopen it and continue prosecution should such action be warranted by the facts. (3826)

**Prime Hat Company, Inc.**, 97 East Houston St., New York, and Vincent Gerbino, Samuel Scifo, Vito Digregorio and John Scifo, individually and as officers of the corporation, have been ordered to cease and desist from misrepresentation in the sale and distribution of hats made from second-hand materials.

In the conduct of their business, the Commission finds, the respondents buy old, worn and used felt hats, which are then cleaned, steamed, ironed and shaped, and fitted with new trimmings, sweat bands and labels. The hats are then sold to jobbers and wholesale dealers, the findings continue, and they resell them to retail dealers, who sell them to the public without disclosing the fact that the hats are manufactured from felts previously worn, and are not new hats.

The Commission finds that the respondents also use the words "Quality Hats" in designating their merchandise. Immediately under the words "Quality Hats" or under similar terms, the respondents cause to be embossed the words "Made Over Hat."

The methods of manufacture of the respondents and others who make hats from old, used and worn materials were found to be similar in part to the methods used in many instances by manufacturers of hats from new but shop-worn hat bodies which have never been used but have been reclaimed from merchants' shelves. By use of the words "Made Over Hat," the Commission finds, the respondents fail to disclose to purchasers that their products are made from old, worn and previously used hat bodies as distinguished from hats made from shop-worn hat bodies which have never been worn or used.

The respondents are ordered to cease and desist from representing that hats composed in whole or in part of used or second-hand materials are new, or are composed of new materials, by failure to stamp in the sweat bands thereof in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. If sweat bands are not affixed to the hats, then such stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. The respondents are also ordered to cease representing in any manner that hats made in whole or in part from old, used or second-hand materials are new, or are composed of new materials. (3830)

**Ralston Purina Company**, St. Louis, engaged in the manufacture and distribution of livestock feeds, cereal foods, and food for dogs and other animals, is ordered to desist from misrepresentation in the sale and distribution of "Purina Dog Chow."

In pamphlets, circulars, labels and other advertising matter, the Commission finds, the respondent represented that the product contains pure beef, pure meat, and meat. The ingredient which respondent represents as pure beef, pure meat, or meat, is really meat meal, or dehydrated meat meal.

Chemically, meat is composed of four food elements, which are protein, fat, moisture and calcium. In the manufacture of the meal, the Commission finds, the heating processes used by all the companies from which respondent purchases the ingredients in "Purina Dog Chow," designated as meat or beef, remove from the original contents the fat and moisture.

The respondent is ordered to cease and desist from using the terms "pure beef", "pure meat", "meat", or "beef", or any other terms of similar import or meaning to designate or describe dehydrated meat meal or any product which is not meat or beef in fact. (3102)

**A. Schottland, Inc.**—Orders have been issued in two cases requiring New York corporations to discontinue misleading representations in connection with the fiber content of fabrics or garments sold.

Respondents in one of these cases are A. Schottland, Inc., 1441 Broadway, and Valmor Undergarment Company, Inc., 149 Madison Ave., and in the other case, Gimbel Brothers, Inc., Broadway and 33rd St.

A. Schottland, Inc., manufactures fabrics at its factories in Rocky Mount, N. C., and Nanuet, N. Y., while Valmor Undergarment Company, Inc., manufactures women's undergarments and allied products. The Schottland corporation was found to have supplied customers with tags and labels to be attached to garments made from certain of the Schottland company's fabrics, such tags and labels featuring the words "Pure Dye" and "Crepe" in prominent type and the words "DuPont Rayon and Silk" in smaller type, so that purchasers and garments manufacturers were given the impression that the products so designated were silk, when in fact they were composed entirely of rayon.

Findings are that Valmor Undergarment Company, Inc., purchased certain fabrics from the Schottland corporation and used the tags and labels furnished by Schottland and also display folders to designate its finished undergarment and allied products as silk, when they were not composed of silk.

The order against the Schottland and Valmor corporations directs that they cease using the words "Pure Dye" or other words of similar import to describe fabrics not composed wholly of unweighted silk, and provides that certain qualifications be made in designating a fabric or material composed in part of unweighted silk and in part of materials other than unweighted silk. The order also directs that the respondents discontinue using the words "Satin," "Taffeta" or "Crepe" or words of similar import to describe a fabric or product not made entirely of silk, and provides for the use of certain qualifying language when such words truthfully designate the type of weave, construction or finish. The order also prohibits use of the word "Silk" or other terms including that word or a colorable simulation thereof to designate a fabric or product not wholly composed of silk, and provides for proper qualification in designating a fabric or product composed partly of silk and partly of materials other than silk.

Gimbel Brothers, Inc., department store, was found to have purchased from Morris Kaplan & Son, Inc., 222 West 39th St., wholesaler and jobber, a quantity of dress goods or fabrics known as "mill ends" which Gimbel Brothers advertised in a special sale in March, 1938, as being "woolens" and "luxurious woolens," when in fact they consisted of some pieces of all wool, some composed of wool and rayon, some composed of wool, rayon and cotton and others composed of wool and cotton.

Tests made by the National Bureau of Standards, Washington, of 10 pieces of the fabrics in question selected at random, showed only 4 as being all wool, while the remaining 6 were composed in large part of cotton and rayon. Other tests, both microscopic and chemical, conducted by the chief chemist of the Forstmann Woolen Company, showed that the wool contents of 3 pieces of the cloth chosen at random were only 30, 34 and 60 per cent, respectively. Finally, in tests made by Gimbel Brothers, through the Industrial By-Products and Research Corporation, only 7 out of 12 pieces tested proved to be all wool. The other 5 pieces contained from 31.1 per cent rayon to 66.2 per cent cotton and rayon.

The order against Gimbel Brothers, Inc., directs that it cease using the words "Wool" or "Woolens" or other words descriptive of wool to describe a fabric or product not composed wholly of wool, and provides for the use of qualifying language in designating fabrics or products composed in part of wool and in part of other fibers. The order also prohibits Gimbel Brothers, Inc., from representing in any manner that fabrics or products sold by it contain wool in greater quantity, percentage or degree than is actually the case.

The Commission ordered that the complaint in this proceeding be dismissed as to Morris Kaplan & Son, Inc., which was named a respondent in the complaint. Findings are that the products involved in this case were not shipped by Morris Kaplan & Son, Inc., in interstate commerce, and that that corporation retained no control of the goods after they were sold to Gimbel Brothers. (3276 & 3364)

**Universal Cordage Company, Inc.**, 312 Bridge St., Brooklyn, has been served with an order requiring it to cease and desist from certain misleading representations in the sale of its products, rope and cordage which are remade from reclaimed Manila fiber.

In the sale of its products, the respondent, according to findings, used the words "Pure Manila" as a designation when in fact such products are not rope or cordage manufactured from new and unused, pure Manila fiber.

The order directs the respondent to cease and desist from representing that rope or cordage made in whole or in part from used or reclaimed Manila fiber is made of new and unused fiber, and to discontinue using the words "Pure Manila" to refer to rope or cordage made in whole or in part from used or reclaimed Manila fiber.

The respondent is directed to cease representing, by means of the phrase "New manufacturers of pure Manila rope and fiber", or through employment of any other words implying that it is the manufacturer of the products it sells, that it manufactures the rope and cordage it sells, unless and until it actually owns and operates, or directly and absolutely controls, a plant wherein such products are manufactured in their entirety by the respondent. (3612)

**U-Need Candy Co., Inc.**, 1231 West Washington Ave., South Bend, Ind., and Louis J. Weger, Mrs. Louis J. Weger and Charles R. Hosey, individually, have been ordered to desist from use of lottery methods in the sale and distribution of candy to ultimate consumers.

The Commission finds that the respondents sold to jobbers and dealers assortments of candy so packed or assembled as to involve the use of games of chance, gift enterprises or lottery schemes.

The Commission orders the respondents to cease and desist from selling or distributing candy or other merchandise so packed and assembled that sales to the public may be made by means of a lottery; supplying or placing in the hands of others, assortments of candy or other merchandise, together with push or pull cards, punch boards or other lottery devices which may be used in selling or distributing the candy or other merchandise to the general public; supplying or placing in the hands of others, lottery devices, either with candy assortments or other merchandise, or separately, which devices may be used in selling the candy or other merchandise to the public; and selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (3855)

**Valmor Undergarment Company, Inc.**—See A. Schottland, Inc.

**Yardley of London, Inc.**, has been ordered to discontinue certain misleading representations in the sale of cosmetics. The respondent operates a plant in Union City, N. J. and a retail shop at 620 Fifth Ave., New York.

Findings are that many users of cosmetics and perfumes consider that such articles made or compounded in England are superior to similar articles produced in the United States, and that, in connection with the sale of its preparations, the respondent made representations which had a tendency to mislead consumers into the mistaken belief that all of its preparations are manufactured and compounded into the finished product in England and then imported into the United States.

In newspaper and other periodical advertisements, on labels and in other ways, the findings continue, the respondent corporation referred to its products as being English and imported articles, using names such as "Yardley's English Lavender," "Yardley's Famous English Lavender Soap," "English Lavender," and "Yardley's English Lavender Bath Salts."

It was found that the procedure generally followed in manufacturing the respondent's products included the receipt of certain imported ingredients in bulk from its parent company, Yardley & Co., Ltd., of London, and the mixture of these ingredients, in most cases, with certain domestic ingredients at its plant in Union City, N. J., in accordance with the parent (London) company's formulas.

The Commission's order directed that, in connection with its sale of toilet requisites and cosmetics, including, without limitation, perfumes, bath salts, facial creams, brilliantines and after shaving lotions, the respondent corporation cease representing, through use of the word "London," "English" or "Old English," or in other ways, that any of its preparations which were in fact made, compounded, diluted or bottled in the United States, or in any place other than England, were so produced in England or are of English origin; provided, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied by an explanation that such products were made, compounded, diluted or bottled, as the case may be, in the United States or in such place other than England.

The order also prohibits use of the terms or phrases "33 Old Bond Street," "Straight from Bond Street," or any other words or phrases of similar import to describe its preparations which were in fact made, compounded, diluted or bottled in the United States or in any place other than England.

A further representation forbidden is use of the word "London" as part of the respondent's corporate name in connection with the sale of its cosmetic products which were in fact made, compounded, diluted or bottled in the United States or in any place other than England, without clearly and conspicuously stating in immediate connection therewith that such products were made, compounded, diluted or bottled, as the case may be, in the United States or in such place other than England. (2330)

## FTC CLOSES CASE

The Federal Trade Commission has closed its case against Manuel Blattberg, trading as Monarch Hosiery & Neckwear Co., 112 South 7th St., Philadelphia, who was charged with the use of lottery methods in the sale of merchandise to ultimate consumers.

The case was closed without prejudice to the Commission's right to reopen it and resume proceedings, should future facts so warrant. (3463)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 2, January 12, 1940

# The Week in Washington

Enthusiastic approval of Broadcast Music, Inc., was registered last week at district meetings in New Orleans and Dallas, Texas. The North Carolina Broadcasters Association also endorsed the copyright plan. Neville Miller held meetings this week in Los Angeles, San Francisco, Portland and Seattle. From the Northwest he will head for Georgia and Florida. Alabama and Georgia broadcasters are meeting in Columbus, Georgia, on January 18. The following day Florida will meet at Orlando.

All broadcasters who have agreed to sign stock subscriptions should send in their papers to NAB Headquarters at the earliest possible moment. Likewise, those who have said they would recommend subscription to their station owners should endeavor to obtain this approval as soon as possible.

The Johnson Bill to ban beer and liquor advertising on the air came before the Senate Monday, but was passed over at the request of majority leader Barkley. Already approved by the Committee on Interstate Commerce and endorsed by the Federal Alcohol Administrator, the bill is still on the calendar.

Senator Thomas (D-Utah) introduced a bill to revise the Copyright Act, drafted by the so-called "Shotwell Committee". Although mainly satisfactory to the NAB, certain clauses are objectionable, and the NAB will seek revision.

Insertion in the *Record* of a couple of Townsendite petitions calling for revocation of the licenses of all stations adhering to the NAB Code was the only other event of the week in Congress affecting broadcasting.

At the NAB's request, the FCC postponed from March 1 to April 15 the final date for filing 1939 financial reports. The NAB Accounting Committee pointed out that stations could use their tax forms, due March 15, to obtain much of the information required in the FCC report. Compiling the FCC report before the tax returns would cause a great deal of avoidable accounting, the Committee told the Commission.

Competition among stations "is the essence of the American system of broadcasting," the FCC emphasized in a decision.

"In the radio broadcast field public interest, convenience and necessity is served *not* by the establishment and protection of monopolies, but by the widest possible utilization of broadcast facilities," the Commission said.

"Experience has shown that the addition of a competitive station in a community does not bring about disastrous results sometimes predicted by the licensee of an existing station in the community. More often the protests of the existing station to the establish-

*(Continued on page 3950)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations:* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## THE WEEK IN WASHINGTON

*(Continued from page 3949)*

ment of a new station spring not from a desire to insure its continued operation in the public interest, but rather from the purely private interest of seeking a monopoly in a field in which the interests of the public are best served by competitive operation."

## Southern Broadcasters Line Up for Broadcast Music

Enthusiastic approval of Broadcast Music, Inc., was registered last week at district meetings in New Orleans and Dallas, Texas.

After Neville Miller, NAB president, had explained the purpose of the new music corporation and how it would operate, substantial majorities of the broadcasters at both meetings voiced approval.

Meetings this week were scheduled for Los Angeles, San Francisco, Portland and Seattle, with Mr. Miller slated to speak at each.

Representatives of the following stations signed, promised to sign, or promised to recommend signing stock subscriptions to their station owners:

District 6—KARK, KALB, WJBO, WSMB, WWL, KTBS, KWKH, WJPR, WJDX, WSLI, WAML, WSKB, WQBC, WDOD, WHBQ, WMC, WMPS, WREC, WLAC, WSM.

District 13—KFDA, KGNC, KFDM, KRIS, WFAA, KGKO, WBAP, KPRC, KTRH, KXYZ, KFRO, KFYO, KIUN, KONO, KTSA, WOAI, KTEM, KGKB, KRGV, KWFT.

Those at the New Orleans meeting:

G. E. Zimmerman, KARK; W. H. Allen, C. Eddy Rogers, KALB; Chas. P. Manship, H. Vernon Anderson, WJBO; J. C. Liner, Sr., KMLB; Raymond F. Hufft, WNOE; J. H. Uhalt, WDSU; Charles C. Carlson, G. W. Oxford, WJBW; Harold Wheelahan, WSMB; Chas. I. Denechaud, W. H. Summerville, Jimmie Willson, Louis Read, F. A. Cavey, WWL; John C. McCormack, KTBS; John C. McCormack, KWKH; John R. Pepper, WJPR; Wiley Harris, WJDX; L. M. Sepaugh, WSLI; D. A. Matison, Hugh M. Smith, WAML; George Blumnestock, WSKB; O. W. Jones, Mrs. Frank Cashman, WQBC; Norman A. Thomas, WDOD; Hoyt B. Wooten, WHBQ; Henry W. Slavick, WMC; James C. Hanrahan, WMPS; Hoyt B. Wooten, WREC; S. O. Ward, WLAC; and Edwin W. Craig, WSM.

Those at the Dallas meeting:

Neville Miller, NAB; DeWitt Landis, KFYO; Burton Bishop, KTEM; James R. Curtis, KFRO; Tilford Jones, KXYZ; Edgar Bell, WKY; O. L. Taylor, KGNC; J. M. Moroney, WFAA; M. E. Danbom, KGKB; J. M. Hayes, NBC; Sam Bennett, Lone Star Network; Jack Hawkins, KUIN; E. J. Roth, KONO; Foster Fort; Darrold Kahn, KFDM; Ken Sinson, KRGV; H. C. Southard, WBAP; George Johnson, KTSA; J. W. Runyon, Times Herald, Dallas, Texas; Clyde Rembert, KRLD; Charlie Jordan, WRR; George Cranston, KGKO; Harold Hough, Ft. Worth Star-Telegram; Herbert Denny, Standard Radio; C. B. Locke, KFDM; Alex Keese, WFAA; Irvin Gross, WFAA; Martin B. Campbell, WFAA; Hugh Halff, WOAI; Kern Tips, KPRC; Earl Strandberg, KFDA; O. C. Brown and J. I. Meyerson, Oklahoma Publishing Co., Oklahoma City, Okla.; W. M. Witty, RCA-Victor Co.; Ray Nichols, KVWC; Joe B. Carrigan, KWFT; Tilford Jones, KRIS; Tilford Jones, KTRH; and Ray Barnes, KPDN, Pampa.

## NORTH CAROLINA BROADCASTERS ENDORSE BROADCAST MUSIC

The North Carolina Association of Broadcasters, at its recent annual meeting in Charlotte, unanimously endorsed Broadcast Music, Inc. The following resolution was adopted after Don Elias, WWNC, had led the discussion:

"Be it moved that this meeting heartily endorses the formation of the Broadcast Music Corporation and urges all North Carolina broadcasters to subscribe to its stock and give it their support."

## NEW COPYRIGHT BILL BEFORE CONGRESS

A bill (S. 3043) to revise the Copyright Act of 1909 was introduced in the Senate on January 8 by Senator Thomas (D-Utah) by request, and referred to the Committee on Patents. It is printed in the Congressional Record of January 8, page 134.

This bill was drafted by the so-called "Shotwell Committee," the Committee for the Study of Copyright set up by one of the foundations to study ways and means of promoting copyright relations between the United States and foreign countries, particularly Latin-America. It is the result of sixteen months' study by means of extended round-table discussions which took place in New York.

NAB, authors, publishers, motion picture producers, ASCAP, recording companies, and other interested groups, were represented and took part in the discussions. The bill is in the main satisfactory to NAB. However, certain clauses are deemed objectionable, and NAB will continue to endeavor to protect broadcasters' interests in all respects.

In its letter of explanation accompanying the bill, the Committee reported that it was unable to agree on extending the protection of copyright to renditions and mechanical transcriptions, and these subject matters, consequently, are not included in the bill.

The letter also noted that NAB is opposed to any minimum statutory damage for infringement by radio broadcasters.

## KRAMER HEADS HOUSE COPYRIGHT COMMITTEE

Representative Charles Kramer, Los Angeles Democrat, is the new chairman of the House Patents Committee which handles copyright legislation. Mr. Kramer succeeds the late Representative William I. Sirovich (D-N. Y.). Representatives Lanham (D-Tex.) and Dunn (D-Penna.) were ahead of Mr. Kramer in seniority on the committee, but they elected to retain other committee chairmanships.

## JOHNSON BILL

Here is the text of the Johnson (D-Colo.) bill, S. 517, pending on the Senate calendar:

S. 517

IN THE SENATE OF THE UNITED STATES

March 1 (legislative day, FEBRUARY 27), 1939

Referred to the Committee on Interstate Commerce and ordered to be printed

AMENDMENT

(In the Nature of a Substitute)

Intended to be proposed by Mr. Johnson of Colorado to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, viz: Strike out all after the enacting clause and in lieu thereof insert the following:

That section 316 of the Communications Act of 1934, as amended, is amended to read as follows:

"Sec. 316. (a) No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person operating any such station shall knowingly permit the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

"(b) No person shall broadcast or directly or indirectly induce any other person to broadcast by means of any radio station for which a license is required by any law of the United States, and no person operating any such station shall permit the broadcasting of, any advertisement of or information concerning any alcoholic beverage if such advertisement or information is broadcast with the intent of inducing the purchase or use of any alcoholic beverage.

"(c) Any person violating any provision of subsection (a) or subsection (b) of this section shall, upon conviction thereof be fined not more than $1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

"(d) All basic permits heretofore or hereafter issued under the provisions of the Federal Alcoholic Administration Act, as amended, shall be deemed to be conditioned upon compliance with the provisions of subsection (b) of this section. If the Administrator of the Federal Alcoholic Administration finds that any person who holds any such basic permit has willfully violated any provision of subsection (b) of this section, the Administrator shall by order, after due notice and opportunity for hearing to such person, revoke such permit or suspend such permit for such period as he may deem appropriate, provided that for a first violation of the conditions thereof the permit shall be subject to suspension only. Subsections (f), (h), and (i) of section 4 of such Act, as amended, shall apply to any proceeding under this subsection."

Amend the title so as to read: "A bill to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, and for other purposes."

## FAA RECOMMENDS BAN ON LIQUOR ADVERTISING

W. S. Alexander, Federal Alcohol Administrator, in his annual message to Congress, discussing the general subject of advertising, states that "the script for approximately 425 commercial radio broadcasts is reviewed each month."

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In his recommendations he asks "that radio advertising of alcoholic beverages" be prohibited.

# New Legislation

### FEDERAL

S. 3043, Senator Thomas (D-Utah) COPYRIGHTS—To revise the Copyright Act of March 4, 1909. Draft submitted by Shotwell Committee. Referred to Committee on Patents.

### STATE

KENTUCKY:

H 4 (Scheben) MUSICAL COMPOSITIONS—Creating a monopoly board for the regulation and sale of musical compositions.

NEW YORK:

A 22 (Jarema) LOTTERIES—Authorizes legislature to permit cities to operate and conduct lotteries, the net proceeds of which are to be devoted to low-rent housing and slum clearance. Referred to Judiciary.

A 30 (Ostertag) EMPLOYMENT AGENCIES—Regulates private fee-charging employment agencies. Referred to Judiciary.

A 31 (Ostertag) EMPLOYMENT AGENCIES—Provides for regulating private fee-charging employment agencies and appropriates $17,500 to labor department. Referred to Ways and Means.

S 31 (Phelps) LOTTERIES—UNEMPLOYMENT RELIEF—Authorizes legislature to pass laws permitting lotteries to be conducted by the state for unemployment relief. Referred to Judiciary.

## DATE FOR FINANCIAL REPORT POSTPONED TO APRIL 15

The NAB Accounting Committee has held numerous meetings with Mr. Norfleet and Mr. Sutton of the Accounting Department of the FCC during the past year regarding the proposed financial report forms 705-706 to be filed for 1939. Under Rule 1.361 of the Rules and Regulations adopted August 1, the report is due March 1, 1940.

The NAB Accounting Committee and Headquarters Office pointed out that much of the information requested could be taken from the tax forms required to be filed by March 15, and would, therefore, work a hardship on the stations to be compelled to file the report two weeks in advance of other governmental and state reports.

At the request of the NAB, the FCC at its meeting on January 9 extended the filing date until April 15. The FCC Accounting Department desires information contained on Schedule 8 at the earliest possible date and the Commission in extending the filing date of the report to April 15 did so with the understanding that the single sheet for analysis of time sales would be completed and returned promptly so that the Accounting Department could have the information contained in Schedule 8 at the earliest possible moment. Later, when the completed report forms are filed, the information can be re-copied in its regular place in the report.

The Solicitor General of the United States has ruled that reports such as 705-706 should be mailed only as first-class matter and if sent by express instead of mail, the postage must be included in addition to the express charges.

The FCC release covering the extension of the filing date follows:

> The due date for 1939 annual financial reports required of standard broadcast stations was extended from March 1 to April 15 by action of the Federal Communications Commission today. This was in compliance with request of licensees, who pointed out that these reports are made from tax returns and that a severe hardship would be involved if they were required to submit the same in advance of filing their tax returns.
>
> The Commission will provide the stations with a single sheet form for analysis of time sales for the past year, which is to be executed and returned to the Commission immediately.
>
> The new simplified forms for the annual financial report, along with detailed instructions, will be available in a few days.

## EXECUTIVE ENGINEERING COMMITTEE APPOINTED BY MILLER

Appointment of an Executive Engineering Committee by Neville Miller completes the engineering department organization of NAB. The engineering department now conforms with the other departments of NAB with a Director of Engineering, an Engineering Committee, and the newly formed Executive Engineering Committee.

The appointees were John V. L. Hogan, chairman, and E. K. Cohan, Paul de Mars, O. B. Hanson, Albert E. Heiser, and J. R. Poppele as members. Lynne C. Smeby, Director of Engineering; and Raymond Wilmotte, who was retained for a period of six months after the new director took office as an engineering adviser, will also meet with the committee.

The first Executive Engineering Committee meeting has been called by Chairman Hogan for Thursday, January 11, in New York City.

## SUGGESTIONS ON FCC RULES ASKED BY NAB

The Rules and Regulations on broadcasting as revised by the FCC were adopted August 1, 1939. By this time you have had an opportunity not only to study the Rules but also to see how they work in actual practice. Your criticisms and suggestions concerning changes that you feel are needed would be helpful to Headquarters Office. The Secretary-Treasurer is now reviewing the Rules and Regulations with the thought of submitting suggestions to the recently appointed committee of the FCC which is studying this subject. Andrew Ring is chairman of this committee and the NAB is desirous of helping its members and assisting the Commission in correcting and changing any undue hardships which have developed under the Rules.

## FCC SAYS COMPETITION IMPROVES RADIO PROGRAMS

"Competition in radiobroadcasting means, insofar as listeners are concerned in a particular community, a wider choice of programs, and consequently a heightened listener interest which may very well result in a greater amount of advertising expenditures because of increased listener hours with consequent increased revenues for both stations," declared the FCC in denying the petition of Virgil V. Evans, licensee of station WSPA, at Spartanburg, S. C., for rehearing or reconsideration of the Commission's grant to the Spartanburg Advertising Company of a construction permit for a new broadcast station at that place. The Commission further stated:

> "In the radiobroadcast field public interest, convenience and necessity is served *not* by the establishment and protection of monopolies, but by the widest possible utilization of broadcast facilities. Competition between stations in the same community inures to the public good because only by attracting and holding listeners can a broadcast station successfully compete for advertisers. Competition for advertisers which means competition for listeners necessarily results in rivalry between stations to broadcast programs calculated to attract and hold listeners, which necessarily results in the improvement of the quality of their program service. This is the essence of the American system of broadcasting."
>
> Experience has shown that the addition of a competitive station in a community does not bring about disastrous results sometimes predicted by the licensee of an existing station in the community. More often the protests of the existing station to the establishment of a new sation spring not from a desire to insure its continued operation in the public interest, but rather from the purely private interest of seeking a monopoly in a field in which the interests of the public are best served by competitive operation."

The Spartanburg Advertising Company station proposes to operate on 1370 kilocycles, with a power output of 100 watts night, 250 watts day, unlimited time. Station WSPA operates on 920 kilocycles, with power of 1 KW, daytime hours.

## DIES COMMITTEE LISTS COMMUNISTS-FASCISTS

The Dies Committee, in its annual report, lists the following as "Communist Front" organizations:

American League for Peace and Democracy
International Workers Order
American Student Union

Friends of the Soviet Union
National Negro Congress
Southern Negro Youth Congress
League of American Writers
Workers Alliance
Spanish Refugee Relief Campaign
North American Committee to Aid Spanish Democracy
Friends of the Abraham Lincoln Brigade

The following organizations and individuals were listed as having taken part, in one way or another, in an attempt to create a "united Fascist movement":

Knights of the White Camellia (George Deatherage)
Militant Christian Patriots (Mrs. Leslie Fry)
William Dudley Pelley
Gerald B. Winrod
Charles B. Hudson
James True
National Liberty Party (Frank W. Clark)
E. N. Sanctuary
Robert E. Edmondson
The American Rangers (J. H. Peyton)
The American White Guard (Henry D. Allen)
The Constitutional Crusaders of America.

## 1940 NAB REPORTS BINDERS

Binders for 1940 NAB Reports have been mailed to all NAB members. A charge of $1.00 for each binder will be shown on the regular February 1 statement.

## DUES CLASSIFICATION BLANKS

Dues classification blanks were mailed to all members on January 1st. Stations will materially assist the NAB accounting department if they will return these to headquarters as soon as possible.

All members should return one of these forms regardless of whether or not the amount of membership dues has changed. Such procedure is required by the By-Laws of the NAB.

## PROCEDURE FOR TELEVISION HEARING OUTLINED

The FCC has announced that parties interested in the proposed television rules and regulations may appear in defense of, as well as opposition to the same at the public hearing scheduled to start at 10 o'clock next Monday morning, January 15, before the Commission en banc. Such participation will be limited, however, to evidence and argument in rebuttal to exceptions offered. Persons desiring so to participate may apply for time to the Commission at the hearing, at the close of the presentation of evidence and argument in support of objections.

The Commission also stressed that it will afford parties opportunity to be heard on specific recommendations of the Television Committee in addition to the proposed rules and regulations. The allocation table was cited as an example of such recommendations.

The following organizations have filed appearances:

Don Lee Broadcasting System, Radio Pictures, Inc., General Electric Co., Zenith Radio, Metropolitan Television, Inc., F-M Broadcasters, DuMont Laboratories, Philco, R. C. A., International Business Machines Corp., Edwin H. Armstrong, Columbia, General Television Corp., Boston, Mass.

## ZENITH GETS HIGH FREQUENCY EXPERIMENTAL PERMIT

The FCC has announced grant of a construction permit for a new experimental high frequency broadcast station to the Zenith Radio Corporation of Chicago. The assignment is 42,800 kilocycles, 1 kilowatt, special emission for frequency modulation, unlimited time, in accordance with Commission rules and regulations for such experimental work.

The program of research and experimentation which the applicant proposes is expected to obtain data, particularly on the merits of wide band and narrow band modulation, which will be helpful at the informal engineering hearing on aural broadcasting on high frequencies, to open before the Commission on February 28th.

The Zenith corporation is licensee of television broadcast station W9XZV (42,000-56,000, 60,000-86,000 kilocycles, 1 kilowatt aural and visual power, A3 and A5 emission), already located in Chicago.

## FCC AMENDS RECORD RULES

*Amendment to Section 3.93 of Standard Broadcast Rules*

The Commission on January 4, 1940, amended Section 3.93 of the Standard Broadcast Rules, effective immediately, to read as follows:

3.93 Mechanical records. Each broadcast program consisting of a mechanical record, or a series of mechanical records, shall be announced in the manner and to the extent set out below:

(a) A mechanical record, or a series thereof, of longer duration than thirty minutes shall be identified by appropriate announcement at the beginning of the program, at each thirty minute interval, and at the conclusion of the program; Provided, however, That the identifying announcement at each thirty minute interval is not required in case of a mechanical record consisting of a single, continuous uninterrupted speech, play, religious service, symphony concert or operatic production of longer duration than thirty minutes;

(b) A mechanical record, or a series thereof, of a longer duration than five minutes and not in excess of thirty minutes shall be identified by an appropriate announcement at the beginning and end of the program.

(c) A single mechanical record of a duration not in excess of five minutes shall be identified by appropriate announcement immediately preceding the use thereof;

(d) In case a mechanical record is used for background music, sound effects, station identification, program identification (theme music of short duration), or identification of the sponsorship of the program proper, no announcement of the mechanical record is required.

(e) The identifying announcement shall accurately describe the type of mechanical record used, i.e., where a transcription is used it shall be announced as a "transcription" or an "electrical transcription", and where a phonograph record is used it shall be announced as a "record."

## TELEVISION BROADCAST STATIONS

(as of January 1, 1940)

| *Licensee and Location* | *Call Letters* | *Frequency (kc)* | *Power* | | *Emission* |
|---|---|---|---|---|---|
| | | | *Visual* | *Aural* | |
| Columbia Broadcasting System, Inc., New York, N. Y. | W2XAB | 42000-56000, 60000-86000 | 7½kw | 7½kw | A3, A5 |
| Allen B. Du Mont Laboratories, Inc. (area of New York, N. Y.) | W10XKT | 156000-162000 | 50w | 50w | A3, A5 (C. P. only) |
| Allen B. Du Mont Laboratories, Inc., Passaic, N. J. | W2XVT | 42000-56000 | 50w | 50w | A3, A5, Special |
| First National Television, Inc., Kansas City, Mo. | W9XAL | 42000-56000, 60000-86000 | 300w | 150w | A3, A5 |
| General Electric Co., Bridgeport, Conn. | W1XA | 60000-86000 | 10kw | 3kw | A3, A5 (C. P. only) |
| General Electric Co., Albany, N. Y. | W2XB | 60000-86000 | 10kw | 3kw | A3, A5 (C. P. only) |
| General Electric Co., Schenectady, N. Y. | W2XH | 288000-294000 | 40w | | A5 |
| General Television Corporation, Boston, Mass. | W1XG | 42000-56000, 60000-86000 | 500w | | A5 |
| Don Lee Broadcasting System, Los Angeles, Calif. C. P., T-Hollywood, Calif. | W6XAO | 42000-56000, 60000-86000 C. P., 44000-50000 kc. | 1kw | 150w | A3, A5 |
| Don Lee Broadcasting System (area of Los Angeles, Calif.) | W6XDU | 321000-327000 | 6.5w | | A5 |
| National Broadcasting Co., Inc., New York, N. Y. | W2XBS | 42000-56000, 60000-86000 | 12kw | 15kw | A3, A5 |
| National Broadcasting Co., Inc., Portable (Camden, New Jersey and New York, N. Y.) | W2XBT | 92000 and 175000-180000 | 400w | 100w | A1, A2, A3, A5 |
| Philco Radio and Television Corp., Philadelphia, Pa. | W3XE | 42000-56000, 60000-86000 | 10kw | 10kw | A3, A5 |
| Philco Radio and Television Corp., Philadelphia, Pa. | W3XP | 204000-210000 | 15w | | A5 |
| Purdue University, West Lafayette, Ind. | W9XG | 2000-2100 | 1½kw | | A5 |
| Radio Pictures, Inc., Long Island City, N. Y. | W2XDR | 42000-56000, 60000-86000 | 1kw | 500w | A3, A5 |
| RCA Mfg. Co., Inc., Portable (Camden, N. J.) | W3XAD | 321000-327000 | 500w | 500w | A3, A5 |
| RCA Mfg. Co., Inc., Camden, N. J. | W3XEP | 42000-56000, 60000-86000 | 30kw | 30kw | A3, A5 |
| State University of Iowa, Iowa City, Iowa | W9XK | 2000-2100 | 100w | | A5 |
| State University of Iowa, Iowa City, Iowa | W9XUI | 42000-56000, 60000-86000 | 100w | | A5 |
| Zenith Radio Corporation, Chicago, Ill. | W9XZV | 42000-56000, 60000-86000 | 1kw | 1kw | A3, A5 |

## 814 STATIONS

During the month of December, 1939, the Federal Communications Commission issued operating licenses to ten stations, and granted two permits for the construction of new stations. A comparative table by months follows:

| | Jan. 1 | Feb. 1 | Mar. 1 | Apr. 1 | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating | 722 | 727 | 729 | 732 | 734 | 735 | 735 | 738 | 739 | 743 | 751 | 755 | 765 |
| Construction | 42 | 39 | 37 | 37 | 38 | 38 | 43 | 56 | 59 | 57 | 58 | 57 | 49 |
| | 764 | 766 | 766 | 769 | 772 | 773 | 778 | 794 | 798 | 800 | 809 | 812 | 814 |

# FEDERAL COMMUNICATIONS COMMISSION

## FINAL ORDERS

The Federal Communications Commission has adopted a final order granting the applications of James R. Doss, Jr., licensee of Station WJRD, **Tuscaloosa, Alabama,** for renewal of license and for modification of license to operate unlimited time on **1200 kilocycles,** with power of 100 watts night and 250 watts local sunset (previously operated on **1200 kilocycles,** 250 watts, daytime hours).

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Final order has also been adopted by the Commission granting the application of Opelika-Auburn Broadcasting Company for a construction permit to erect a new station in **Opelika, Alabama,** to operate on the frequency **1370 kilocycles,** with 250 watts during day and 100 watts at night, unlimited time, subject to approval by the Commission of transmitter site and antenna system.

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The Commission also has adopted a final order granting the application of the Summit Radio Corporation for a construction permit to establish a new broadcast station at **Akron, Ohio,** to operate on **1530 kilocycles,** with 1000 watts power, unlimited time, using a directional antenna for nighttime operation.

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The Commission has adopted a final order granting the application of KTSM, **El Paso, Texas,** to change its frequency from **1310 kilocycles** to **1350 kilocycles,** increase its power from 100 watts night, 250 watts LS, to 500 watts, and from sharing time with WDAH to unlimited "upon condition that applicant surrender for cancellation the license of Station WDAH on or prior to the date on which KTSM undertakes to operate on the new assignment."

## PROPOSED FINDING OF FACT

The Commission has tentatively granted the application of the Martinsville Broadcasting Company and denied the application of the Patrick Henry Broadcasting Company, both applying for authority to erect a new station in **Martinsville, Virginia,** to operate on **1420 kilocycles,** 250 watts day, 100 watts night, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast and television cases for the week beginning Monday, January 15. They are subject to change.

### Monday, January 15

Public Hearing Before the Commission En Banc
(Television)

In the Matter of Exceptions to the Rules and Regulations for Television Stations Tentatively Adopted by the Commission on December 21, 1939, and to Specific Recommendations of Its Television Committee.

NEW—Joe W. Engel, Chattanooga, Tenn.—C. P., **1370 kc.,** 250 watts, unlimited time.

### Tuesday, January 16

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts, unlimited time.

### Wednesday, January 17

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Renewal of license, **1390 kc.,** 1 KW, daytime.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted modification of license to change hours of operation from limited to unlimited on frequency **680 kc.,** using directional antenna from sunset at San Francisco.

WJMS, Inc., Ashland, Wis.—Granted construction permit, effective January 10, 1940, authorizing erection of a new station to operate on **1370 kc.,** with 100 watts power, unlimited time, subject to approval by the Commission of exact transmitter location and antenna system. Applicant has now submitted satisfactory proof of authority to issue capital stock proposed to be issued and to do business in the State of Wisconsin.

### MISCELLANEOUS

KANS—The KANS Broadcasting Co., Wichita, Kans.—Granted license to cover construction permit as modified for changes in transmitting equipment and increase in power; frequency **1210 kc.,** power 250 watts, unlimited time.

KANS—The KANS Broadcasting Co., Wichita, Kans.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54, with certain additional power specifications.

KRLH—Clarence Scharbauer, Midland, Tex.—Granted authority to determine operating power in direct measurement of antenna input in compliance with Section 3.54, with certain additional power specifications.

WJAR—The Outlet Company, Providence, R. I.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54, with certain additional power specifications.

WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54, with certain additional power specifications.

W2XWF—William G. H. Finch, New York, N. Y.—Granted special temporary authority to change from A3 emission to special emission, frequency modulation **75 kc.** bend to make comparative tests on amplitude modulation, for a period not to exceed 30 days, results of test to be presented at February 28, 1940, hearing.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (4:30 p. m., PST) to the conclusion of basketball games only, on January 9, 11, 16, 18, 23, and 25, 1940, and to operate from 7:15 p. m., PST, to the conclusion of basketball games only, on January 5, 6, 8, 9, 13, 16, 17, 19, 20, and 27, 1940, in order to broadcast basketball games only.

WSAL—Frank M. Stearns, Salisbury, Md.—Denied special temporary authority to operate from 7 p. m. to 7:30 p. m., EST, on January 10, 1940, in order to broadcast a speech by Governor O'Conor of Maryland.

WEJL—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to use RCA-Victor transmitter for operation under New York area license of relay broadcast station WEJL in transmitting remarks by guests from their seats in different parts of the large NBC studio to the sound distribution system utilized as a public address system in connection with demonstration for members of the American Society of Civil Engineers, on January 10, 1940.

KIDW—Lamar Broadcasting Co., Lamar, Col.—Granted special temporary authority to remain silent for the period ending not later than January 10, 1940, pending adjustment of studio lease.

Lakeland Broadcasting Co., Willmar, Minn.—Granted petition for leave to amend application for new station to request frequency **1310 kc.** instead of **680 kc.,** power of 100 watts instead of 250, and time of operation unlimited instead of daytime only.

Glenn D. Gillett and G. S. Wasser.—Granted petition to intervene in the hearing on the application for renewal of license of station WQDM, St. Albans, Vt., to operate on **1390 kc.,** 1 KW, daytime only.

WQDM—Regan & Bostwick, St. Albans, Vt., and Glenn D. Gillett and G. S. Wasser.—Granted joint motion insofar as it requests clarification of issue No. 5 of Bill of Particulars in re hearing on application for renewal of license of WQDM, and overruled motion in all other respects.

Glenn D. Gillett, Washington, D. C.—Granted petition to intervene in the hearing on the application for renewal of license of station WBAX, Wilkes-Barre, Pa., to operate on **1210 kc.,** 100 watts, unlimited time.

WRR—The City of Dallas, Texas.—Overruled petition to intervene in the hearing on the application of Chilton Radio Corp., and V. O. Stamps, both applicants for a new station in Dallas, to operate on **1370 kc.,** 250 watts, unlimited time. Exceptions to ruling noted by counsel for petitioner.

KEIL—KMTR Radio Corp., Portable-Mobile (area of Los Angeles, Calif.).—Granted modification of construction permit to increase power to 50 watts.

WEMZ—WHEC, Inc., Portable-Mobile (area of Rochester, N. Y.).—Granted license for reinstatement of high frequency relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.,** power 2 watts; to communicate as a relay broadcast station in accordance with Sections 4.21, 4.22(c), 4.23(b) and 4.25(b); hours of operation in accordance with Section 4.24; to be used with applicant's standard broadcast station WHEC, Rochester, N. Y.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of eight hours daily for the period beginning January 20, 1940, and ending not later than January 27, 1940, in order to observe the first semester examination period at the University.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from local sunset at Abilene, Kansas (January, 5:30 p. m., CST), to 7:30 p. m., CST, on January 7, 1940, in order to broadcast football game between Greenbay Packers and Professional All Stars only, using 1 KW power.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Denied petition for rehearing in the matter of the application of F. W. Meyer for construction permit to erect a new station in Denver, to use frequency **1310 kc.**, 100 watts night, 250 watts local sunset, unlimited time, which was granted by the Commission on November 15, 1939.

KVOD—Colorado Radio Corp., Denver, Colo.—Denied petition for rehearing in the matter of the application of F. W. Meyer for construction permit to erect a new station in Denver, to use frequency **1310 kc.**, 100 watts night, 250 watts local sunset, unlimited time, which was granted by the Commission on November 15, 1939.

WSPA—Virgil P. Evans, Spartanburg, S. C.—Adopted decision and order denying petition of WSPA for rehearing in the matter of the application of Spartanburg Advertising Co., to erect a new station in Spartanburg to operate on **1370 kc.**, with 100 watts night, 250 watts day, unlimited time, which was granted by the Commission, October 26, 1939.

WNYC—City of New York, Municipal Broadcasting System, New York City.—Set for hearing the application for increase in hours of operation from daytime only to unlimited, on frequency **810 kc.**

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Ordered that hearing scheduled before Commissioner Case on January 29, in re application of WHDH for construction permit to increase power from 1 KW to 5 KW, and time of operation from daytime (KOA), to unlimited on frequency **830 kc.**, be heard before an examiner to be designated.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—The Commission, upon its own motion, ordered the hearing in re Matheson Radio Co., Inc., Docket No. 5453, now scheduled for January 15, 1940, continued to January 29, 1940.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 7:00 p. m. to 7:30 p. m., EST, on January 10, 1940, in order to broadcast a speech by Governor O'Conor of Maryland.

KARM—Gilbert H. Jertberg, Executor of estate of George Harm (also known as Geo. Harm and Geo. G. Harm), deceased, Fresno, Calif.—Granted special temporary authority to operate radio station KARM pending receipt and action on application for involuntary assignment of license issued to George Harm, now deceased, for the period ending not later than October 1, 1940.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WNEL—Juan Piza, San Juan, P. R.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted license to cover construction permit as modified for new broadcast station; frequency **1310 kc.**, power 100 watts, unlimited time.

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Granted license to cover construction permit as modified for new broadcast station; frequency **1420 kc.**; power 100 watts night, 250 watts daytime, unlimited time.

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Granted modification of construction permit for move of transmitter, new antenna and increase in power requesting approval of antenna and approval of transmitter site at Mobile, Ala.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 7:00 p. m. to 7:30 p. m., EST, on January 10, 1940, in order to broadcast an address by Governor O'Conor of Maryland.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ, authorized by modification of construction permit, on frequency **43000 kc.**, with power not to exceed 2000 watts, for the period January 15, 1940, to not later than February 13, 1940, in order to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400 foot mast.

W10XR—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate transmitter of developmental (experimental) station W10XR on frequency **670 kc.**, A-0 emission, 100 watts,, during daylight hours at District 7, Bethesda, Md., from January 15, 1940, to not later than February 13, 1940, in order to make field intensity measurements in connection with construction permit for radio station WMAL.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., to 10:30 p. m., CST, on January 13, 1940, in order to broadcast Joliet High School basketball game only.

Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to locate, maintain, and/or use studios or apparatus at Dearborn and Detroit, Mich., owned by or under the control of Columbia Broadcasting System, Inc., and Ford Motor Co., for the purpose of obtaining or producing programs consisting of program of the Ford Sunday Evening Hour, to be transmitted by electrical energy by means of regular CBS network facilities to KTSA, San Antonio, Tex. From there to Mexican border by wire (American Tel. and Tel. Co.). From Mexican border by means of wire line facilities furnished by La Compania Telefonica y Telegrafica Mexicana, S.A., except to Station KEME, Merida, which will rebroadcast the program to stations identified and located in a foreign country as follows: To transmit programs to stations XEQ, XEQQ, XET, XETT, SECZ, XES, XED, XEDD, XEU, and XEME (stations in Mexico), on January 14, 1940.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted special temporary authority to use a 50-watt oscillator on the frequencies **1460** and **1500 kc.**, from 1 a. m. to 6 a. m., EST, for a period not to exceed 10 days, in connection with antenna measurement work.

WGTM—WGTM, Inc., Wilson, N. C.—Granted license to cover construction permit for changes in transmitting equipment and increase in power; **1310 kc.**, 250 watts, unlimited time, with certain power specifications.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted special temporary authority to operate from 7:30 p. m. to 10 p. m., EST, on January 14, 1940, in order to carry special church program as described in letter dated January 2, 1940.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with radio station KLX from 7:30 p. m., PST, to the conclusion of basketball games only on January 13, 19, and 26, February 2, 3, and 9, 1940, in order to broadcast basketball games only.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:45 p. m. to 9:45 p. m., CST, on January 19 and 26, 1940, in order to broadcast basketball games only, and from 10 p. m. to 12 p. m., CST, on January 30, 1940, in order to broadcast President's Birthday Ball.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Construction permit to increase power from 1 KW, 5 KW day, to 5 KW day and night, and make changes in directional antenna system, night use.

### 630 Kilocycles

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—License to cover construction permit (B1-P-2369) as modified (B1-MP-840) for increase in power, move of transmitter, install new equipment, and make changes in directional antenna.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—License to cover construction permit (B1-P-2615) to use present licensed transmitter as an auxiliary transmitter at new site, increase power, and use antenna granted under B1-P-2369.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Authority to determine operating power by direct measurement of antenna power (main transmitter).

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Authority to determine operating power by direct measurement of antenna power (auxiliary transmitter).

### 680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Construction permit to install new transmitter; increase power from 5 KW to 50 KW; change hours of operation from limited to unlimited time; move transmitter to near Morrisville, N. C. Amended re directional antenna, use night, after local sunset at St. Joseph, Mo.

### 760 Kilocycles

WEW—The St. Louis University, St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna power.

### 860 Kilocycles

WABC-WBOQ—Columbia Broadcasting System, Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 880 Kilocycles

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night.

### 930 Kilocycles

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Voluntary assignment of license from May Seed and Nursery Co. to May Broadcasting Co.

### 950 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modification of construction permit (B4-P-2507) for increase in power, installation of directional antenna for night use, further requesting authority to make changes in equipment.

### 1110 Kilocycles

WRVA—Larus & Brother Company, Inc., Richmond, Va.—Construction permit to use old W.E. D-94992 transmitter as auxiliary transmitter, and move from Mechanicsville, 4¼ miles from city limits of Richmond, Va., to 12 miles southeast of Richmond, Va., on James River; use 5 KW power and directional antenna day and night.

### 1200 Kilocycles

WTOL—The Community Broadcasting Co., Toledo, Ohio.—License to cover construction permit (B2-P-2589) for changes in equipment and increase in power.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WHBY—WHBY, Inc., Appleton, Wis.—License to cover construction permit (B4-P-2289) as modified for installation of new transmitter and antenna and move of transmitter and studio. Studio location changed to 600 S. Lawe St., Appleton, Wis., same as transmitter.

NEW—Puerto Rico Advertising Company, Inc., Arecibo, P. R.—Construction permit for a new broadcast station on **1200 kc.,** 250 watts power, unlimited time.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 250 watts day and night.

### 1210 Kilocycles

KLAH—Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/b as Carlsbad Broadcasting Co., a partnership, Carlsbad, N. Mex.—Authority to determine operating power by direct measurement of antenna power.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Authority to determine operating power by direct measurement of antenna power.

NEW—T. Frank Smith, Houston, Tex.—Construction permit for a new station to be operated on **1210 kc.,** 250 watts power, unlimited time. Amended to make changes in antenna, specify transmitter site as 701 North San Jacinto, Houston, Tex.

WJTN—James Broadcasting Company, Inc., Jamestown, N. Y.—Authority to transfer control of corporation from Harry C. Wilder to Jay E. Mason, 1010 shares common stock and 120 shares preferred.

KASA—E. M. Woody, Elk City, Okla.—Authority to determine operating power by direct measurement of antenna power.

### 1220 Kilocycles

KPAC—Port Arthur College, Port Arthur, Tex.—License to cover construction permit (B3-P-2096) as modified for installation of new transmitter, move transmitter 500 feet, change frequency, hours of operation, and install directional antenna for night use.

KPAC—Port Arthur College, Port Arthur, Tex.—Authority to determine operating power by direct measurement of antenna power.

WGNY—Courier Publishing Corp., Newburg, N. Y.—Modification of license to change corporate name to WGNY Broadcasting Company, Inc.

### 1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corporation, Detroit, Mich.—License to use old W.E. 106-B, transmitter as an auxiliary transmitter at 5057 Woodward Ave. (its present site), with power of 1 KW, emergency use only.

### 1250 Kilocycles

WNEW—Wodaam Corporation, New York, N. Y.—Construction permit to install directional antenna for day and night use, increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 1260 Kilocycles

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Modification of construction permit (B1-P-2415) for changes in directional antenna to use both day and nighttime; move of transmitter and studio; further requesting authority to make changes in directional antenna and install new transmitter, increase power to 5 KW, extend commencement date to 30 days after grant and completion date to 180 days thereafter.

### 1270 Kilocycles

KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—Modification of license to request station classification as III-A.

### 1310 Kilocycles

WSAV—WSAV, Inc., Savannah, Ga.—License to cover construction permit (B3-P-1714) as modified for a new broadcast station.

WSAV—WSAV, Inc., Savannah, Ga.—Authority to determine operating power by direct measurement of antenna power.

KWOC—A. L. McCarthy, O. A. Tedrick, and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Authority to determine operating power by direct measurement of antenna power.

KWOC—A. L. McCarthy, O. A. Tedrick, and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—License to cover construction permit (B4-P-2596) for changes in equipment, increase in power, and change in hours of operation.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—License to cover construction permit (B4-P-2143) as modified for change in frequency, move of transmitter, antenna changes, increase in power and move of transmitter.

NEW—The Valley Broadcasting Co., Steubenville, Ohio.—Construction permit for a new station to be operated on **930 kc.,** 1 KW, daytime. Amended: Equipment changes; specify antenna to be determined; request change in frequency to **1310 kc.,** 250 watts power; time changed to specified hours (all hours not used by WSAJ).

KSUB—John P. Scripps, Watsonville, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans. —License to cover construction permit (B4-P-2203) to increase power and make equipment changes and install new antenna.

### 1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Authority to transfer control of corporation from T. H. Guyon to T. H. Guyon, H. J. Guyon, L. E. Moulds, Wm. F. Moss, G. T. Dyer, and Irene M. Cowen (by gift of 10 shares of common stock from T. H. Guyon to his sister, Irene M. Cowen).

KLPM—John B. Cooley, Minot, N. Dak.—Modification of license to increase (night) power from 500 watts night, 1 KW day, to 1 KW day and night.

### 1370 Kilocycles

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

KVGB—Helen Townsley, Great Bend, Kans.—License to cover construction permit (B4-P-2581) for changes in equipment and increase in power.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Construction permit to make changes in equipment; changes in antenna; increase power from 100 watts to 250 watts; move transmitter ¼ mile, from 821 Chillicothe St. to 1009 Gallia St., Portsmouth, Ohio.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—License to cover construction permit (B4-P-2166) as modified for a new broadcast station.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Authority to determine operating power by direct measurement of antenna power.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Authority to determine operating power by direct measurement of antenna power.

KGFL—KGFL, Inc., Roswell, N. Mex.—Authority to determine operating power by direct measurement of antenna power.

WSLB—St. Lawrence Broadcasting Corporation, Ogdensburg, N. Y. —Modification of construction permit (B1-P-2246) for a new station, requesting changes in equipment, approval of antenna and approval of transmitter and studio site at 2315 Knox St., Ogdensburg, N. Y.

NEW—D. Easley Waggoner, Greenville, Tex.—Construction permit for a new broadcast station on **1370 kc.,** 250 watts, unlimited time.

KVGB—Helen Townsley, Great Bend, Kans.—Authority to determine operating power by direct measurement of antenna power.

### 1400 Kilocycles

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Authority to determine operating power by direct measurement of antenna power.

### 1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

NEW—Herbert L. Wilson, Middletown, N. Y.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts power, unlimited time.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—License to cover construction permit (B2-P-2607) for changes in transmitting equipment and increase in power.

KLBM—Harold M. Finlay and Mrs. Eloise Finlay, LaGrande, Ore.—Construction permit to make changes in equipment.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—License to cover construction permit (B2-P-2544) as modified for new transmitter and increase in power.

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

### 1460 Kilocycles

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Modification of construction permit (B4-P-1828) as modified for move, new transmitter, directional antenna, and increase power, requesting extension of completion date from 1-8-40 to 3-8-40.

### 1500 Kilocycles

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—License to cover construction permit (B1-P-2112) as modified for new broadcast station.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Modification of license to change main studio location from Plainfield St., Ulster Twp., N. Y. to Gov. Clinton Hotel, Kingston, N. Y.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) for new equipment, increase in power and move of transmitter, requesting approval of antenna, and approval of transmitter site at 56th Road & 49th St., Long Island City, (near Maspeth), New York.

### MISCELLANEOUS

WRUW—World Wide Broadcasting Co., Boston, Mass.—Modification of license to add the frequencies of **11790** and **15250 kc.** to present authorized frequencies.

W1XPW—WDRC, Inc., Hartford, Conn.—Modification of license to rebroadcast over high frequency station W1XPW the transmission from high frequency broadcast station W2XMN.

WAIQ—WAVE, Inc., Louisville, Ky.—License to cover construction permit B2-PRY-187 for new relay broadcast station.

WEMW—The WGAR Broadcasting Co., Portable-Mobile.—Modification of license to increase power from 25 to 100 watts.

WCLA—Larus & Brother Co., Inc., area of Richmond, Va.—Modification of construction permit (B2-PRY-176) to change equipment and increase power to 50 watts. Amended: To request 40 watts power.

NEW—A. Bruce Fahnestock, Director, Fahnestock South Sea Expedition, Portable-Mobile.—Construction permit for a special relay broadcast station, on **4797.5, 6425, 9135, 12862.5, 17310** and **23100 kc.** frequency, 1 KW power, A1, A2 and A3 emission, unlimited time, location: to be used on The Fahnestock South Sea Expedition, Portable-Mobile.

WFYB—Columbia Broadcasting System, Inc., area of Cincinnati, Ohio.—Modification of license to change type number of transmitter to agree with actual type number of present equipment.

W2XOY—General Electric Co., Albany, N. Y.—Construction permit to increase power from 150 watts to 3000 watts, move transmitter from Albany, N. Y. to New Scotland, N. Y., and install new transmitter.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for a new television broadcast station on **78000-84000 kc.,** 1 KW power, emission A3 and A5, to be located at Wilshire Blvd., at Fairfax St., Los Angeles, Calif. Amended: To request **84000-90000 kc.,** changes in equipment, Class II station in accordance with Section 4.73 modified.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Baby Touch Hair Remover Company**—J. O. Davies, trading as Baby Touch Hair Remover Company, St. Louis, manufacturer and distributor of a hair removing device designated "Baby Touch Hair Remover", is charged in a complaint with misrepresentation.

The complaint alleges the respondent, in advertising in magazines, newspapers and circulars, represents, among other things: "Take your Baby Touch Hair Remover and rub lightly (a baby's touch) over the parts where the hair is to be removed, using a circular motion * * * do not rub more than one-half minute in any one place * * *. Repeat this operation the following day and the third day. You will find the hair will disappear and the light massaging process has given your skin a new appearance and a loveliness of youth. * * *"

The complaint alleges that the respondent's product is merely an abrasive substance said to be "trimorite" and that its use according to instructions will remove portions of the skin along with any hair removed and may cause abrasive injury to the skin and local infection. Its use, the complaint continues, will not give the skin the soft, white appearance of youth and beauty and its use will have no effect upon the hair follicles and will not retard or eradicate hair growth or have any effect upon it. (3986)

**Dow Chemical Company**—A complaint has been issued against Dow Chemical Company, Midland, Mich., alleging unfair disparagement of the product of a competitor.

Engaged in the sale of chemical preparations used in dry cleaning clothes, the respondent corporation, directly and by inference, the complaint declares, has made unfairly disparaging statements concerning the preparation "Kolene," a competitive product for dry cleaning of clothes. For the purpose of inducing purchasers to use its preparation in preference to that of its competitor, the respondent is alleged to have represented, among other things, that "Kolene" is inflammable and explosive when used under the usual conditions for dry cleaning; that it is a compound composed solely of tetrachloride and benzine, and is highly corrosive of metals of the dry cleaning machinery in which it is used.

The complaint alleges that the preparation "Kolene" is neither explosive nor inflammable; is not dangerous when used under usual working conditions; is not a compound of tetrachloride and benzine only; is not highly corrosive of metals, and that the representations made by the Dow Chemical Company are false, misleading and unfairly disparaging to its competitor. (3991)

**Firestone Tire & Rubber Company**—Three Akron, Ohio, rubber tire manufacturers have been served with complaints alleging misleading representations in the sale of tires. The respondents are The Firestone Tire & Rubber Company and its subsidiary, Firestone Tire & Rubber Company, The Goodyear Tire & Rubber Company, and The B. F. Goodrich Company.

The complaints allege that the respondents conduct nation-wide tire sales through their dealers, causing advertisements to be placed in newspapers and other periodicals in which it is falsely represented that the respondents' tires are being sold at various purported discounts from the regular prices, such sales usually being conducted just prior to Memorial Day, July 4, Labor Day and at other intervals.

In the complaint against the Firestone companies, it is alleged that the respondents advertised: "Save 25% with the New Firestone Convoy Tire—New High Quality at a New Low Price—Priced to Save You Money." For example, in the advertised list of sizes and prices appears: "6.00–16 $11.80." The complaint alleges that the standard list price of the 6.00–16 "Convoy" tire in effect at the time of the advertisement was $11.80, and consequently the advertised price of $11.80 represented no saving whatever.

It is alleged that the Firestone companies also advertised that their "Standard" tire was to be sold at a discount up to 50 per cent, for example, the company advertises its 6.00–16 size tire at a price of $7.98 showing a saving of $6.37 as compared to the "former price" of $14.35 and "including your old tire." The complaint charges that this tire was not sold at such discount or at the saving specified because the "former price" was not the list price in effect at the time of the advertisement, and the saving was $2.37 instead of $6.37 on that size tire. The complaint continues that the alleged savings were further exaggerated in that they made no allowance for the customary trade-in value of the customer's old tires.

The Firestone companies allegedly represented that their "Convoy" tube was a first line tube sold at 50 per cent off, when in fact it was not their first line tube and was not sold at 50 per cent off list price of the "Convoy" tube, but instead the alleged savings were based entirely on the list price of their higher priced first line tube and the advertised savings were false and fictitious.

It is also alleged that the Firestone companies advertised their "High Speed" tire at a 25 per cent discount from the customary price with old tire, when in fact the saving to the purchaser was not 25 per cent because the customary 10 per cent discount for used tires was not given. If the customary discount had been given, the saving to the purchaser would have amounted to only 16.8 per cent rather than the advertised 25 per cent, according to the complaint.

The complaint also alleges that the Firestone companies represented that their tires were proved for safety at the annual Memorial Day race on the Indianapolis Speedway, when in fact the only Firestone tires so tested were not ordinary tires but specially built racing tires; that non-skid features of their tires make it possible for a car to stop "up to 25 per cent quicker" when in fact said tire will not stop a car 25 per cent quicker than any other non-skid tire, under all conditions, and that Wilbur Shaw and other drivers used the respondents' "Champion" tires in the 1939 Indianapolis races when in fact they used specially built Firestone racing tires which are never sold for use on passenger cars.

The Goodyear Tire & Rubber Company allegedly advertised that its "Pathfinder" tire was sold at a 50 per cent saving from the standard list price, when in fact, for example, the advertised sales price of $7.98 for the 6.00–16 size tire represented a saving of 22.89 per cent rather than 50 per cent, and the advertised saving made no allowance for usual and customary trade-in value of used tires which would further have reduced the actual saving to 14.38 per cent instead of 50 per cent.

The complaint continues that the Goodyear company, in advertising its fourth-grade tire, the "Pathfinder", represented that a 50 per cent discount was available when in fact the discount that was granted was based not on the list price of the "Pathfinder" but on the list price of its highest grade tire. The discount on the "Pathfinder" was not 50 per cent but 14.38 per cent, after taking into consideration the customary 10 per cent allowance for trade-in value of used tire, according to the complaint.

Concerning its "Marathon" tire, the respondent allegedly advertised a discount of 40 per cent off standard list price when in fact, for example, the saving on its 6.00–16 size tire was only 20 per cent with no allowance made for used tires. If the 10 per cent used tire allowance had been made, the actual saving to the purchaser would have been 11.15 per cent instead of 40 per cent, according to the complaint.

On its "G-3 All Weather Tire", the respondent allegedly advertised a 25 per cent discount when in fact the customary used tire allowance was not granted, which would have made the saving only 16.8 per cent instead of 25 per cent.

The B. F. Goodrich Company is alleged to have advertised a saving of 50 per cent on its fourth line "Commander" tires, when in fact such saving was based on the list price of its first-line tires. The saving was 22.89 per cent rather than 50 per cent of the list price of the "Commander" tire, with no used tire allowance, and with such allowance would have been only 14.38 per cent, according to the complaint.

The respondent allegedly represented that all grades of its tires were sold upon the basis of two tires for the price of one. However, only the "Commander" tire was sold under this advertisement but not upon the basis of two tires for the price of one but instead two Commander tires were sold for the price of one first-line tire with no allowance for used tires. Consequently, the saving to the purchaser was only 14.38 per cent instead of 50 per cent as would appear from respondent's advertisement, after taking into consideration the usual and customary trade-in value of used tires.

The respondent allegedly advertised that all grades of its tires were being sold at 50 per cent off or a second tire at half price, with no trade-in allowance for used tires, when in fact only its "Commander" tires were so sold. The complaint alleges that the "Commander" tires were not sold at 50 per cent off since it was necessary for the purchaser to buy one tire at the full price in order to purchase the second tire at half price, resulting in a saving of only 25 per cent or, for example, $5.17 on size 6.00–16 tires. If the usual and customary trade-in allowance, had been granted, it would have made the saving $3.10 on two tires or $1.55 on each tire, or a saving of 16.64 per cent, according to the complaint.

The respondent company allegedly represented that all grades of its tires were sold at 40 per cent off, including old tires, when in fact only its third-line "Standard" tires were sold on that basis and they were not actually sold at 40 per cent off because it was necessary to buy one tire at the full price in order to purchase the second tire at 40 per cent off. The percentage thus saved allegedly was only 20 per cent on the total purchase price rather than 40 per cent; for example, the dollar saving on size 6.00–16 was $4.78 on two tires rather than one. If the customary trade-in allowance had been granted, it would have reduced the actual saving to $2.39 for two tires or $1.19 on each tire, according to the complaint.

The "Goodrich Silvertown Tire" allegedly was advertised as selling at a 25 per cent discount when in fact no such saving was affected because no allowance was made for customary used tire trade-in value which would have brought the saving to only 16.8 per cent rather than the 25 per cent advertised. (3983-3984-3985)

**Fredmorr, Inc.,** and Morris Weitz, individually and trading as Morrco, are charged in a complaint with use of lottery methods in the sale and distribution of merchandise to ultimate consumers.

Fredmorr, Inc. is located at 110 West 42nd St., and Morris Weitz, trading as Morrco, at 107 West 41st St., New York. Weitz, the complaint charges, as secretary and treasurer of the corporate respondent, directs and controls its policies.

It is alleged that the respondents have distributed to agents and the purchasing public literature and instructions, including push cards and order blanks, with electric dry shavers, fountain pens and other merchandise, thus supplying to and placing in the hands of others the means of conducting lotteries in the sale of their products, in violation of the Federal Trade Commission Act. (3982)

**A. J. Goforth,** 285 Riverview Drive, West Asheville, N. C., engaged in the sale and distribution of medicinal preparations concocted from herbs, is charged in a complaint with misrepresentation.

The complaint alleges that in advertisements in newspapers, periodicals and other printed matter the respondent represents: "Mr. Goforth is not just a medicine agent, selling concoctions designed to deceive and defraud the public. He is a specialist, backed up by 16 years of intense study and experience in preparing from natural herbs, tonics and remedies suited to the needs of each individual sufferer."

The complaint charges that the respondent's representations are grossly exaggerated, misleading and untrue; that his preparations have no substantial therapeutic value in the treatment of the diseases listed, and that the publication "They Say" is not a book of valuable information for those who suffer. (3980)

**B. F. Goodrich Company**—See Firestone Tire & Rubber Co.

**Goodyear Tire & Rubber Company**—See Firestone Tire & Rubber Co.

**Standard Sales Company**—A complaint has been issued charging Sam Guttman, trading as Standard Sales Co., 2363 Milwaukee Ave., Chicago, with lottery methods in the sale of merchandise to ultimate consumers.

The complaint alleges that the respondent sells to dealers radios, clocks, watches, fishing tackle, billfolds, wood statuettes and other novelty articles, and distributes assortments of merchandise so packed and assembled as to involve the use of games of chance or gift enterprises. Each assortment allegedly consists of a certain amount of merchandise together with a punchboard. (3990)

**Dr. Van Vleck Company,** 168 West Michigan Ave., Jackson, Mich., engaged in the sale and distribution of medicinal preparations designated "Dr. Van Vleck's Ointment," "Dr. Van Vleck's Muco Cones" and "Dr. Van Vleck's Pills," is charged with misrepresentation in a complaint.

In advertisements in newspapers, periodicals and other printed matter, the respondent corporation is alleged to have represented that the preparations, used conjointly, are an effective and scientific cure and remedy for the treatment of piles.

The complaint alleges that the preparations, used conjointly or separately, do not constitute a competent or effective treatment for piles other than to give some small degree of relief by means of their analgesic properties and in the prevention of constipation. (3988)

**Vulcan Lamp Works, Inc.,** Harrison, N. J., is charged in a complaint with misrepresentation in the sale and distribution of incandescent electric light bulbs.

The complaint charges that the respondent imports many of its bulbs from Japan and that these bulbs, when received by the respondent, have imprinted on the neck the words "Made in Japan" or "Japan".

The complaint alleges that in the manufacture of finished lamps distributed by it, the respondent places these bulbs into bases purchased from manufacturers in the United States and bearing the legend "Made in U. S. A." In this process the words "Made in Japan" are concealed, only the legend "Made in U. S. A." remaining visible.

The complaint also charges that in packing such lamps for shipment to retail dealers and for display and resale by these dealers, the respondent places them in cartons bearing the legend "Made in U. S. A." or "American Made for American Trade". (3987)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Civilian Preparatory Service, Inc.**—See Diesel Engineers, Associated.

**Diesel Engineers, Associated**—Orders have been issued requiring two correspondence school firms to discontinue misleading representations in the sale of their courses. Respondents in the cases are Roy E. Reed and Florence A. Reed, trading as Diesel Engineers, Associated, 805-807 South Flower St., Los Angeles, Calif., and Civilian Preparatory Service, Inc., Simms-Keller Building, Huntington, W. Va.

Roy E. Reed was found formerly to have operated under the names Diesel Engineers, Associated, and Diesel Training School. Subsequent to issuance of the Commission's complaint, he changed the name to Allied Engineering School. The respondent and his wife, Florence A. Reed, conduct both correspondence and classroom instruction, relating to Diesel engines and air-conditioning equipment. They were found to have made misleading representations in advertising their courses.

Among the practices prohibited in the Commission's order against them are the representation, through newspaper classified advertisements and other printed matter, under headings such as "Help Wanted" or "Employment", that persons responding to such advertisements may obtain an opportunity to work for pay while receiving instruction relating to Diesel engineering, air-conditioning equipment or any other subject; and the representations that either of the respondents is connected with, or that their school is an association of, engineers banded together for promoting any enterprise of mutual benefit to the members; that initial payments or other amounts paid by students for tuition in the school will be refunded, when such refunds are not in fact made; that students will receive a specified salary while studying or will be reimbursed for their tuition in any way, unless and until these are the facts; that, upon completion of the respondents' courses, positions will be made available to students, unless this be true, and that the price at which a course is offered is a special price, unless such price is lower than that charged others for the same instruction.

The order also forbids misrepresentation and exaggeration of the demand for, and the qualifications and earnings of, persons trained in the respondents' school; of the education, training and experience of the respondents' teachers, and of the equipment available to students. (3258)

Civilian Preparatory Service, Inc., conducting correspondence courses to prepare students for United States Civil Service examinations, was found to have made misrepresentations to its prospective students, both directly and through its representatives.

The order against Civilian Preparatory Service, Inc., prohibits the representation that the respondent or its representatives have any connection with or are under the supervision of the United States Government or Civil Service Commission; that the respondent is cooperating with or working in conjunction with or by authorization of that Commission in preparing pupils for examinations, or that its school has been selected by the Commission to select and prepare candidates for Civil Service examinations and positions. (3387)

**Merrill Candy Company,** Merrill, Wis., was directed to cease and desist from selling or distributing candy or other merchandise so packed and assembled that sales to the public may involve lottery; from supplying to or placing in the hands of others packages or assortments of candy or other merchandise together with push or pull cards, punchboards or other lottery devices which may be used in selling the products to the public; and from supplying to or placing in the hands of others such devices, either with assortments of candy or other merchandise, or separately. (3128)

**Milton Products Company**—Milton Meyer, doing business as Milton Products Company at 2440 Lincoln Ave., Chicago, has been ordered to cease and desist from representing that through the use of books sold and distributed by him the art of hypnotism may be acquired, future events foretold or any special ability, power or quality attained.

The Commission finds that the respondent is engaged in the business of selling books of instruction on various subjects, and other articles including watches, optical goods and skeleton keys. A catalog distributed by the respondent through the United States mails lists approximately 2,000 items. Among the articles advertised are certain books of instruction in ventriloquism, hypnotism, fortune telling, crystal gazing, mind reading and the interpretation of dreams. Among the titles of the books advertised are: "Learn to Plav the Piano by Easy Method at Home", and "Play Hawaiian or Steel Guitar in Five Minutes". In advertising certain of the books of instruction, according to the findings, the respondent represented that the purchaser will acquire a power enabling him to assert influence over those with whom he comes in contact and direct the affairs of others.

The respondent advertised that his telescopes were of a fine quality and that his skeleton keys would open all sorts of door locks. The findings show that these representations were untrue; that the telescopes were not of high quality and that the keys were effective only upon locks of simplest and cheapest construction.

The respondent is ordered to desist from representing that, by use of certain of his books of instruction, one can acquire the ability to play certain musical instruments, cure one's self of the addiction to drugs, foretell future events, and divine the meaning of dreams or tell fortunes. Under the order, the respondent is also prohibited from misrepresenting the power or quality of telescopes or other optical goods, watches, metal "plating" or skeleton keys sold and distributed by him. (3825)

**Stone Bros., Inc.,** Chicago, Ill., in the sale of candy, liquor chests, utility chests or other merchandise, and **Martin Benjamin Rothman,** trading as Esquire Products, in the sale of radios, waffle irons, silverware, coffee tray sets, pencils, griddles or other merchandise, were directed to discontinue supplying others with lottery devices or mailing or shipping to agents, distributors or members of the public, lottery devices so prepared and printed as to enable such persons to sell merchandise by their use.

The order against Martin Benjamin Rothman also prohibited the respondent from representing as the customary price or value of his products, prices and values which are fictitious and greatly in excess of the customary and normal prices. (3878 and 3902)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Barton Manufacturing Company, Inc.,** 4157 North Kingshighway, St. Louis, engaged in the sale of a shoe polish and dye designated "Dyanshine" and a white shoe cleaner designated "Barton's White Glaze Polish," will cease and desist from representing that "Dyanshine" causes shoes to retain the appearance they had when new, take on the appearance of new shoes after being repaired one or more times, or remain in their original, new condition while being used; that it will render shoe leather impervious to water, or feed or nourish leather, and that other shoe dyes, pastes or polishes cause shoes to become marred by unsightly cracks. The respondent will also discontinue representing that "Barton's White Glaze Polish" will not rub off shoes after its application. (02484)

**Best & Co., Inc.,** New York, N. Y., in the retail sale of shoes, agrees to cease use in advertising matter of the designation "Alligator Calf" as descriptive of products not made from the hide of an alligator, or in any way having a tendency to convey the impression that the products are made from such hide, when such is not a fact. (2624)

**Coast-to-Coast Stores (Central Organization, Inc.),** Minneapolis, has signed a stipulation to discontinue misrepresentations in the sale of chain store merchandise. The respondent is a corporation engaged in purchasing and supplying the merchandise offered for sale by some 235 stores operated by their individual owners in several Mid-Western and Western States. It has developed these stores into a chain known as "Coast-to-Coast Stores."

In connection with the sale and distribution of its merchandise or advertising matter, the respondent corporation agrees to desist from the use, or from placing in the hands of others for their use, advertising matter which contains statements such as "From Our Tire Factory," "From Our Rope Factory" or "From Our Paint Factory," the effect of which tends to convey the impression that the designated products are manufactured by Central Organizaion, Inc., or by the locally owned and operated stores or merchants named in the advertising. The stipulation points out that neither the corporation nor any of the individual stores manufactures tires, rope or paint.

The respondent corporation also agrees to discontinue use in advertising matter of phraseology such as "Annual Manufacturers Cooperative Sale" or "Hundreds of Manufacturers' Cooperative Specials in Our Store", the effect of which tends to cause purchasers to believe that all the various prices charged for the advertised products have been reduced or are special or are less than the prices customarily charged for those products, when such is not a fact. (2625)

**Evans Drug Company**—D. S., S. B., and Hattie M. Evans, trading as Evans Drug Company, sell "Kru-Gon", a medicinal preparation, and Medora Whinrey, owner, and Robert B. Whinrey, manager, trading as The Kru-Gon Company, Muncie, Ind., manufacture the product and prepare all advertising claims made to promote its sale. This advertising matter is published in each town or city where The Kru-Gon Company has a local representative. In the sale of "Kru-Gon," the respondents agree to cease advertising it as a competent remedy for indigestion, gas pains, bloating, neuritis, rheumatism, nervousness, insomnia, kidney trouble and run-down condition; as a competent remedy for constipation, unless limited to temporary constipation, and as being capable of removing poisons from the system in a natural manner, giving back health, ending indigestion attacks, correcting kidney disorders, making the stomach function properly and giving relief after other remedies have failed.

**Fog King Lamp Company,** Chicago, Ill., in the sale of a fog light or lamp having a special type of reflector and amber colored lenses, agrees that it will desist from the use in advertising matter of representations tending to convey the impression that the beam of light produced by its device will penetrate fog to any greater extent than ordinary white light or that it will successfully penetrate a dense or heavy fog or give any substantial visibility in such fog. (2626)

**Gafco, Inc.,** New York, N. Y., wholesale dealer in furs, agrees to desist from employing in its advertisements the word "Chinchillonette" or any other word simulating the word chinchilla as descriptive of a fur which is other than chinchilla fur. The stipulation provides that when the simulating word is so used to designate a fur other than that of the chinchilla, it shall be immediately accompanied by explanatory language in equally conspicuous type clearly indicating that the fur in question is not chinchilla fur, and clearly disclosing the actual trade name or nature of the fur, as for example, "Chinchillonette—Dyed Coney". (2633)

**Globe American Corporation**, Macomb, Ill., in connection with the sale and distribution of electric brooders or other poultry equipment, will discontinue claims in its advertising matter that its "Elect-O-Stat Brooder" or other brooder of similar construction, cuts the cost of electric current 30 to 40 per cent or by any other proportion or extent in excess of that actually ascertained and proven by means of competent and acceptable scientific tests. (2636)

**Highland Technical Institute, Inc.**, Los Angeles, Calif., selling its instructions by mail and operating a small trade school for shop training, stipulates that in the sale of its "Extension-Shop Training Course in Air Conditioning and Electric Refrigeration", it will cease using the word "Institute", either with or without the words "Highland" and "Technical" as a part of or in connection with its corporate or trade name. It will also desist from using the word "Institute" in a manner suggesting that this trade school is an organization conducted for the promotion of learning, philosophy, art or science, and has equipment and faculty such as to entitle it to be designated an institute.

Other representations to be discontinued are that the respondent pays students $1.40 a day or provides board and room during the shop training period, unless it is clearly explained that these payments or benefits are payable from funds previously collected from the students for that purpose; that any service or commodity is free when in fact it is part of the regular course for which the student pays; that any person, though lacking in proper education, experience or aptitude, can master the respondent's study courses; that the instruction and training offered "makes it possible for your dream to come true" or enables one to cash in and begin earning money before finishing either the home work or the shop training.

The respondent also agrees to discontinue using the "Help Wanted" columns in newspapers in such manner as to deceive prospective students into the belief that jobs are offered, and to cease representing that the respondent's trade school is an engineering concern or offers engineering instruction. (2632)

**Kahnetic Mentalism Institute**—Harry Kahne, trading as Kahnetic Mentalism Institute and as Institute of Kahnetic Ability, Pasadena, Calif., in the sale of a 12-lesson correspondence course prepared by the respondent and known as "Kahnetic Mentalism," stipulates that he will cease making representations which assert or the effect of which tends to convey the impression that his course will develop the brain by awakening allegedly idle or dormant portions of it, or that it will enable all students, regardless of age, sex or congenital factors, to attain success or to realize the desires of life. The respondent will also desist from representing that the study of his course will bring forth latent ability in all cases or make it possible for a student, due to his increased brain power or mental ability acquired by such study, to accomplish any desired mental feat, immediately grasp the entire situation of any business proposition, become a mental giant, or acquire an education equivalent to a college course.

The respondent also agrees to eliminate the word "Institute" from his trade names and to cease use of that word in any manner so as to imply that his business is that of an institute or organization for the promotion of learning, philosophy, the arts or the sciences, when such is not a fact. (2635)

**Kalamazoo Canvas Boat Company**—Pauline S. Winans, trading as Kalamazoo Canvas Boat Company, Kalamazoo, Mich., in the sale and distribution of canvas boats, agrees to cease representing that the boats are puncture-proof or have "no leaks, no repairs," and to discontinue making claims of similar import to cause the belief by purchasers that the boats are impervious to penetration or piercing by sharp or pointed objects, or that no leaks will ever develop or that all repairs may be avoided, when such is not the fact. (2634)

**Kantfreeze Chemical Company**—Alfred Loveman, trading as Kantfreeze Chemical Company and Kantfreeze Laboratory, Cleveland, Ohio, distributor of "Kantfreeze" crystals for use in protecting automobile radiators from freezing temperatures, stipulates that he will cease using the words "Kantfreeze Laboratory" as a trade name, when in fact there is no such laboratory, and will discontinue representing that "Kantfreeze" or any other product of similar composition will not corrode or cause rust, or that it will protect one's car against such conditions when used in the cooling system of an automobile. (2627)

**Kantfreeze Laboratory**—See Kantfreeze Chemical Company.

**Kru-Gon Company**—See Evans Drug Company.

**Metropolis Company**—Benjamin Schlien and Harry Kramer, trading as Metropolis Company, Philadelphia, Pa., in the sale of women's wearing apparel, stipulate that they will cease advertising, branding, or selling any product composed in whole or in part of rayon unless full and nondeceptive disclosure of the fiber and other content of such product is made by clearly and nondeceptively designating and naming therein each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber which is present in less than a substantial amount, or in any case less than 5 per cent. (2631)

**S. E. Mighton Company, Ltd.**—Agreeing to discontinue misleading representations in the interstate sale of animal foods, a Bedford, Ohio, firm has entered into a stipulation. The respondents are George A., Stanley E. and Kenneth G. Mighton, copartners, trading as S. E. Mighton Company, Ltd.

The respondents agree to cease representing that their products are "balanced" foods for all breeds of dogs, cats, puppies and foxes, or that the foods contain yeast or that yeast is added, unless the yeast content is sufficient to satisfy the yeast requirements of an average dog or other animal for which intended.

The respondents also stipulate that they will discontinue representing that their foods are "more nourishing" or result in better bones and coat or better health, unless in connection with each such representation it is clearly explained that the benefits claimed will obtain only when there is a deficiency in the feed or ration ordinarily provided such animals.

Also to be discontinued is the representation that any of the respondents' foods are beef or beef food products when their meat content consists wholly or in part of tongue trimmings, lungs or other parts of beef animals which may be designated not as beef but as meat by-products. Where descriptions of the meat content of foods containing both beef and meat by-products are presented, the proportion or quantity of such beef and of such meat by-products is to be clearly indicated, according to the stipulation.

Other representations to be discontinued are that the respondents' foods provide necessary vitamins in proper proportions with other food elements and minerals, unless such proper proportions are scientifically ascertained and are followed; and, inferentially or otherwise, either by brand names such as "Extra Liver", "Extra Beef", or "Extra Liver and Vegetables", or by other descriptive matter, that liver, beef, or other designated foods constitute the principal ingredient of certain brands of the respondents' foods, when such is not a fact. (2637)

**Natural Foods Institute**—William G. Barnard and William G. Barnard, Jr., trading as Natural Foods Institute, 807 St. Clair Ave., N. E., Cleveland, engaged in selling a food grater and a health booklet, agree to cease and desist from representing that a carrot grated with "The Barnard Grater" will produce more juice than an orange; that use of the grater is the only certain method of getting all the elements from the raw carrot; that no other instrument grates foods properly or as well; that carrots or carrot juice are a remedy or competent treatment for any disease or disorder of the human body; that they contain more vitamins A, B, C and G than any other vegetable; that carrot juice has healing properties or unusual health value or helps counteract body toxins; that the book "Health Via The Carrot" contains tested diets or diet of proven therapeutic value in the treatment of disease; that the book publishes for the first time the facts about the health value of carrot juice and other vegetable and fruit juices; that it outlines proper juice diets that will help correct any disease, or that purchase of the book has brought health to anyone. (02485)

**No-Stitch Manufacturing Company**—Louis Kaine, trading as No-Stitch Mfg. Company, 36-38 38th St., Long Island City, N. Y., engaged in selling a coated fabric necktie designated, "No-Stitch Ties," agrees to cease representing that the ties are made from a recently discovered fabric; that they will not stain, or that every kind of stain can be removed without injuring the ties; that prospective agents, salesmen or representatives can make profits within a specified period of time, which are in excess of the average net profits made in like periods by his active, full-time agents. (02483)

**William A. Reed Company**—Martin A. Levitt, operating as The William A. Reed Company, Philadelphia, Pa., stipulates that he will discontinue advertising that his preparation "Medrex Ointment," when used alone or in combination with "Medrex Soap," is an effective remedy for pimples in any manner other than as a relief for itching and, to a limited extent, as a skin antiseptic, fungicide and desiccant. The respondent also agrees to discontinue advertising that either product or both heals or clears the skin; that either or both constitutes an effective remedy for blackheads, open pores, eczema or other skin conditions, and that "Medrex Ointment" penetrates below the surface of the skin or acts safely or without irritation. (02487)

**Rochester Button Company,** manufacturer, Rochester, N. Y., agrees to desist from the use on its sample cards and invoices or in advertising matter of the word "Ocean" so as to imply that its products are made of ocean pearl, when such is not a fact. (2629)

**Rubber Products Company**—J. Oliver Thorp, sole trader as Rubber Products Company, New York, N. Y., in the sale of rubber cushion keys for typewriters, agrees to cease using the term "Para Rubber" or the word "Para" as descriptive of any product not actually made of Para rubber, which is known to the trade as rubber prepared from the latex of wild Hevea trees in the Amazon region of South America. The stipulation points out that the respondent's typewriter keys are made of rubber imported from cultivated plantations in the Far East. (2628)

**Charles Wicenstowski**—Charles and Sidney Wicenstowski, and David Feldman, trading as Charles Wicenstowski, New York, N. Y., engaged in the business of purchasing gray handkerchief goods and causing them to be converted by usual processes into the finished product, which they sell, agree to cease using on their letterheads and printed matter the words "Converter and Manufacturer" or the word "Factory," or representing that they have a factory at Ellenville, N. Y. The stipulation points out that the respondents do not own or control a plant or machinery for use in either the conversion or manufacture of the finished products sold by them. (2630)

**World's Dispensary Medical Association,** 665 Main St., Buffalo, N. Y., in the sale of medicinal preparations designated "Dr. Pierce's Golden Medical Discovery" and "Dr. Pierce's Favorite Prescription," agrees to desist from representing that "Dr. Pierce's Golden Medical Discovery" will keep the digestive system in tune, counteract excess acidity of the stomach, or will of itself build up the human system, relieve a weakened condition, increase weight, pep, energy, vigor or vitality, or is the one or only recognized tonic. The respondent will also discontinue representing that "Dr. Pierce's Favorite Prescription" is of any appreciable value in relieving the pain or discomfort associated with menstrual distress, unless in direct connection therewith it is stated that such results may follow only when used for some length of time. It is further stipulated that the respondent will desist from representing, by use of the word "Association" or words of similar import, that it is an Association of doctors or medical men, or that complete medical advice is given to persons writing for it. (02482)

## FCC DISMISSES CASES

The Federal Trade Commission has dismissed a complaint charging four Baltimore wholesale grocery firms with combining to restrict competition in the resale of certain products in the Baltimore trade area. The respondents were Benjamin Green and Harry L. Minch, trading as B. Green & Co., 636 West Pratt St.; Isador Rudo and Barnette H. Rudo, trading as The Atlantic Grocery Company 121 Cheapside St.; Morris Kolker, Harry Mark and Samuel Guttman, trading as The Maryland Grocery Company, 722 East Pratt St., and Michael Joffee and Reubin Joffee, trading as Joffee Brothers, 623 West Pratt St.

The Commission has also issued an order vacating and setting aside its findings as to the facts and its order to cease and desist entered November 7, 1939 in the case of C. C. Johnson, trading under the name Supreme Manufacturing Company and other names, with headquarters at 1014 City National Bank Building, Omaha, Nebr.

The cease and desist order issued in November involved representations of the respondent concerning a preservative or mending powder advertised by him as being effective for strengthening silk hosiery or lingerie.

The order vacating and setting aside the findings and the cease and desist order was made upon the respondent's request for a modification of the cease and desist order and upon the belief that both findings and order should be modified in certain respects other than those requested. Accordingly, the case was reopened for such further proceedings as may be necessary.

Also the Federal Trade Commission has closed its case against The Commonwealth Manufacturing Corporation, 4208 Davis Lane, Cincinnati, which had been charged in a complaint issued by the Commission with misrepresentation of the character, utility and merit of a welding machine manufactured and sold by it.

According to information received by the Commission, the respondent corporation has been dissolved and disposition made of all of its assets.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should the facts so warrant.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 3, January 19, 1940

# The Week in Washington

A long list of new backers for Broadcast Music, Inc., came in from the Pacific Coast this week after Neville Miller had meetings in Los Angeles, San Francisco, Portland and Seattle. Mr. Miller wound up his coast-to-coast tour in Broadcast Music's behalf this week with meetings in Columbus, Ga., and Orlando, Fla.

The Senate again deferred consideration of the Johnson (D-Colo.) bill to forbid beer and liquor advertising on the air. The bill remains on the calendar.

The National Plan of Settlement between the A. F. of M. and networks and affiliates expired without either renewal or a strike. Representatives of the networks assured the union they had no intention of reducing the employment of staff musicians at their stations. IRNA suggested to affiliates on January 5 that continued employment of staff musicians "in so far as their services are reasonably compatible with program requirements and possibilities" might preserve peace.

The FCC received nearly all the money it asked for from the House Appropriations Committee. During subcommittee hearings on the appropriation, the NAB Code came in for considerable discussion. James Lawrence Fly, FCC chairman, said he believed "right now that a majority of the broadcasters and a majority of the public generally accept the (controversial issues) rule as being a wholesome one."

The FCC started hearings on its television rules, and clarified its rule on record and transcription announcements.

In search of new business for broadcasters, the Bureau of Radio Advertising this week went after department stores and cleaners and dyers.

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## WEST COAST COPYRIGHT MEETINGS SUCCESSFUL

Four groups of West Coast broadcasters held meetings with Neville Miller last week, with excellent results for Broadcast Music, Inc.

Representatives of the following stations signed, promised to sign, or promised to recommend signing stock subscriptions to their station owners:

KIEM, KARM, KMJ, KDON, KLS, KLX, KROW, KFBK, KROY, KGO, KJBS, KPO, KSAN, KSFO, KQW, KSRO, KWG, KTKC, KOH, KHBC, KGMB, KSUN, KOY, KGLU, KTUC, KICA, KWEW, KGFL, KERN, KPMC, KMPC, KIEV, KFOX, KGER, KECA, KFAC, KFI, KFVD, KMTR, KNX, KRKD, KFSD, KTMS, KUIN, KOOS, KMED, KALE, KEX, KGW, KOIN, KRNR, KJR, KOMO, KGA, KHO.

Mr. Miller met first with District 16 broadcasters in Los Angeles in January. The following were present:

Fred Palmer, KSUN-KOY-KGLU-KTUC; W. E. Whitmore, KWEW-KGFL; Robert Stoddard, KERN; L. A. Schamblin, KPMC; Leo B. Tyson, KMPC; L. W. Peters, KIEV; Lawrence McDowell, KFOX; C. Merwin Dobyns, KGER; Harrison Holliway, KECA-KFI; Calvin J. Smith, KFAC; J. F. Burke, KFVD; Harry Maizlish, KFWB; Ben S. McGlashan, KGFJ; Van Newkirk, KHJ; Victor Dalton, KMTR; D. W. Thornburgh, KNX; J. Austin Driscoll, KRKD; J. C. Lee, KFXM; Thomas E. Sharp, KFSD; Ernest L. Spencer, KVOE; and Frank V. Webb, KTMS.

On January 10, Mr. Miller met with District 15 broadcasters in San Francisco, with the following present:

*(Continued on page 3966)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## WEST COAST COPYRIGHT MEETINGS

*(Continued from page 3965)*

Lou Keplinger, KARM; G. C. Hamilton, KMJ-KWG; Howard Walters, KDON; L. S. Warner, KLS; Preston Allen, KLX; Phil Lasky, KROW-KSFO; Howard Lane, KFBK-KOH; Will Thompson, KROY; William Pabst, KFRC; Glenn Dolberg, KGO; Ralph Brunton, KJBS; A. E. Nelson, KPO; William Grove, KSAN; C. L. McCarthy, KQW; Wilt Gunzendorfer, KSRO; C. P. Scott, KTKC; Marion Walker, KHUB; Fred G. Williams, KHBC-KGMB; Sherwood Brunton, KJBS; Gerald King, Standard Radio; W. H. Beltz, RCA Manufacturing Co.; Charles Whitmore, KTKC; R. F. Schuetz, NBC; Ray Lewis, KQW; John Brunton, KJBS; Neville Miller, NAB.

Part of District 17 met in Portland on January 12. The following were at the meeting:

Harry Spence, KXRO; Paul H. Connet, KEX; Harold M. Finlay, KLBM; Ben E. Stone, KOOS; Harry H. Burkendahl, KOIN-KALE; Ted Koorman, KALE; Gerald King, Standard Radio; W. Carey Jennings, KGW-KEX; M. J. Frey, KGW-KEX; H. Q. Cox, KGW-KEX; John Walker, KOIN; C. Roy Hunt, KALE-KOIN; H. M. Swartwood, KOIN-KALE; Frank H. Loggan, KBND; John Bauriedel, KUIN; Marshall H. Pangra, KRNR; Harris Ellsworth, KRNR; Lee Bishop, KMED; Frank L. Hill, KIDO-KONE, Boise, Idaho; C. O. Chatterton, KORE-KSLM; George Kincaid, KFJI; John H. Kendall, Attorney; C. W. Myers, KOIN-KALE; James C. Wallace, KAST; T. W. Symons, Jr., KXL; Harvey Benson, KOIN-KALE; Louis Wasmer, KHQ-KGA; Lee Davis, KWJJ; G. E. Spierston, KWJJ; C. E. Arney, Jr., KOMO-KJR; Harry Reed, KSLM; Glenn McCormick, KORE.

Other broadcasters in District 17 met in Seattle on January 13. They were:

Harry R. Spence, KXRO; J. Elroy McCaw, KELA; Florence Wallace, KXA; Vernice Erwin, KVI; J. A. Murphy, KIT-KMO; Archie Taft, KHQ-KGA-KOL; Rogan Jones, KVOS; H. J. Quilliam, KIRO; Robert E. Priebe, KRSC; Arthur L. Smith, KFIO, Birt Fisher, KOMO-KJR; R. F. Meggee, KXA.

## Shotwell Bill

For fear remarks in last week's REPORTS about the Shotwell copyright bill (S. 3043) be misunderstood, the NAB considers the bill *as a whole* quite unsatisfactory. Attorneys Myers, Sprague, and Kaye, who attended the Shotwell Committee meetings on behalf of the industry, have pointed out that the bill is, in most *important* respects, even more unfavorable to broadcasters than the present law. An extended analysis of the bill will appear in the REPORTS within a few weeks.

## FCC To Get More Money; Fly Discusses Code

The House Appropriations Committee this week recommended that the FCC get $2,116,340 for the fiscal year starting next July 1—an increase of $278,165 over the amount appropriated for the current year.

The only item deleted from the increase asked by the Commission was $8,660 for increased personnel for the Interdepartmental Radio Advisory Committee.

James Lawrence Fly, FCC Chairman, Commissioners Craven and Brown, and a number of Commission officials appeared before a House Appropriations Subcommittee on December 13, to discuss the FCC appropriation for the fiscal year starting next July. First, Mr. Fly pointed out that in addition to the $1,800,000 appropriated for the current fiscal year, the Commission wanted $300,000 more next year. Half of the increase was to go for modernization of monitor equipment and half for increased personnel.

Representative Wigglesworth (R-Mass) asked the Commission to furnish for the record tables showing the transfer of control of stations, the valuation of physical assets of these, how much was paid for them and whether the transfer was by lease or otherwise. He also asked for a table giving experimental licenses approved during the year. These were inserted in the record.

Mr. Wigglesworth then asked for a table showing the number and disposition of complaints against programs. This also was furnished.

Mr. Wigglesworth asked about the status of the monopoly investigation. William J. Dempsey, Commission counsel, said that the committee which conducted the investigation "will probably, although not necessarily, by the middle of January have a report in the hands of the Commission."

Representative Dirksen (R-Ill) asked that Mr. Fly put in the record a list of stations owned and operated directly or indirectly by newspapers. This was done. Mr. Dirksen also asked Mr. Fly to insert "any censorship activities of the Commission in the last year, if any."

"I would state, sir, so far as my knowledge goes, there has been nothing approaching censorship," Mr. Fly replied. "We have a lot of complaints about what somebody said on the radio, but we have not gone after the station on the basis of any individual remarks. It is my theory—I am not sure it is the right one, although I do feel fairly confident in it—that all we can do is review the conduct of the station as a whole."

Mr. Dirksen then asked "what has been the general reaction from those engaged in the radio business as well as certain segments of the public with respect to the operation of that (NAB) Code and with respect also to the possible impairment and abridgment of the first amendment of the Constitution of the United States."

Mr. Fly replied he assumed Mr. Dirksen meant that section of the Code dealing with controversial issues, then added:

"There have been very substantial elements in the industry that have complained about it, or have declined to accept it or have followed it only in a half-hearted way. I think there have been substantial complaints from portions, goodly portions of the public. It is my best guess now, and I don't want to pass final judgment either upon the state of opinion in the industry or to the public or the wisdom of the rule. I believe right now that a majority of the broadcasters and a majority of the public generally accept the rule as being a wholesome one."

The following discussion then took place:

"Mr. Wigglesworth: You refer to the rule that no controversial question can be discussed without the consent of the station?

"Mr. Fly: That is not the rule, sir.

"Mr. Dirksen: The basis of the rule is to grant free time to controversial matters so that both sides will be heard.

"Mr. Fly: That is the way that is expressed. In fact it really provides for the nonsale of time for a one-sided discussion of a controversial subject. There is some serious question as to how you get the most freedom of speech, whether you get it by selling the time to the highest bidder or whether you get it by keeping time under control and giving time away so that both sides will be presented to the public. I don't think you can assume that freedom of speech is on one side and something else on the other.

"Take the power to buy time. That lodges freedom of speech in an individual. That lodges freedom of speech in an individual who can buy the time. It does not give any freedom to millions of listeners. You have one man at the transmitter who is claiming some sort of right and you have millions of people at the receiving end of it and the receiving end is where the public interest is involved; it is the public interest as compared to the interest of a single man at the transmitter. Conceivably the man that does have the most money and buys the most time has gotten for himself the greatest freedom of speech. But what has the public gotten out of it? Hitler, for example, has perhaps the greatest freedom of speech of anybody because he can move in there and take control of that transmitter and millions have nothing to do but listen to it. Now, you see the test used, when it is said that because stations won't sell time for the one-sided presentation of a controversial subject there is a restriction on the freedom of speech. But it may be just as easy to suggest that a balanced discussion freely given, where both sides can be represented, gives the public something more in terms of freedom of speech.

"Mr. Woodrum: You would be giving the public a pretty good sock in the eye if you gave free time to anybody who wanted to get it and give an argument.

"Mr. Fly: That cannot be done. You are entirely right.

"Mr. Woodrum: It looks to me like a matter of very great public importance if somebody can afford to pay the rather reasonable fees which would be charged by radio stations for 30 minutes' time. I can think of nothing of great widespread public importance that one side of the issue would be able to pay for an hour's time and the other side would not be able to be heard.

"Mr. Fly: I am not sure, sir, that would be true in every case. I do not think you want a situation where a vast number of the public have no means of expression and cannot get to the transmitter and cannot buy the time. I am not at all clear you will always find the funds behind the side that needs the right to expression. I think in the average case you probably would but I do not think it is a very dependable thing. Of course—let me suggest something else, sir. I think it is important to note that under the Code, as I understand it, if you want to promote a debate which you think would be in the public interest you can do that. You can have a so-called forum type of discussion. You can buy an hour's time and take the two leaders of each side of the controversy and put them up and give each a half hour and let them go at it. You can always do that sort of thing. You have to pay for the time.

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"There are some now, as you know, very useful types of forum. I do not mean to suggest, Congressman Wigglesworth, that that really is the ultimate in this field. It is a difficult field. It is one through which we want to be guided before we see anything crystallized in an arbitrary manner.

"Mr. Fitzpatrick: It is a force for a good deal of good or evil if it is not controlled.

"Mr. Fly: That is true, I think. All of the studies are considered and deliberate in any move forward in that field. If there is anything we all want it is to see the people get the fairest, in terms of expression of opinion, the fairest and best service that we can. We want to see the most freedom of speech in the true sense of freedom of speech that we can have.

"Mr. Woodrum: A lot of sins are committed under the guise of freedom of speech.

"Mr. Fly: Absolutely.

"Mr. Wigglesworth: Let me ask you this: Under the present code supposing Mr. Woodrum wants to talk on the air on a controversial issue, he cannot do it by paying for the time?

"Mr. Fly: He can if he is a candidate.

"Mr. Wigglesworth: Supposing he is not?

"Mr. Fly: I take it under the code he could do that on free time. The broadcaster should then permit somebody to answer him either on the same program or some other program at the same or comparable time.

"Mr. Wigglesworth: He has got to go on free time?

"Mr. Fly: Yes; he would need to go on free time.

"Mr. Wigglesworth: Who decides whether or not he shall go on free time?

"Mr. Fly: The broadcaster. The broadcasters decide all these questions. You won't let me decide it. You won't let any governmental agency decide it. And I don't blame you. You tell us to keep our hands off. You don't want us censoring the radio.

"Mr. Wigglesworth: I certainly do not, but if I want to I can buy space in a newspaper while under this code, as I understand it, I cannot buy time on the air.

"Mr. Dempsey: Mr. Congressman, you cannot buy a newspaper if the publisher doesn't want to sell it to you.

"Mr. Dirksen: Mr. Fly, coming around to the point that was in my mind—whether the Commission directly or indirectly, passively or otherwise, as an individual or group of individuals or any member of the Commission has given sanction and blessing to this new NAB Code.

"Mr. Fly: I made a speech on this sir. I think that is all that has been done. Certainly, I did not speak for the Commission, and I am only, just as I would not want to be taken as speaking for the Commission now as a whole, trying to give you my best judgment and experience on it. Now, I made a speech which roughly follows the lines I have followed in this discussion. I would be happy to send you a copy of it, sir. But I refrained from committing myself in any final sense, and certainly refrained from endeavoring to commit the Commission in any way. I think you will agree when we do occupy any position in this field, if we have any business in it at all, we want to do it right and after thorough consideration.

"Mr. Dirksen: Of course, any public utterance you make in the field of radio, Mr. Fly, you will have great difficulty in divorcing yourself in the public mind from your official capacity.

"Mr. Fly: I appreciate that. That is the reason the speech was carefully drafted, to help preserve the right to keep the subject open.

"I can send it to you, and you can insert it in the record.

"Mr. Dirksen: I wonder if it is not too long?

"Mr. Fly: May I send it to you? I do not object to inserting it, if you like.

"Mr. Fitzpatrick: Can you send one to the members of the committee?

"Mr. Wigglesworth: Is that speech the probable basis for the statement by a distinguished democrat and former Member of Congress to the effect that 'only the other day the new Chairman of the Commission gave the new code his implied blessing?'

"Mr. Fly: Well, I think that is probably the basis, but I think you will agree when you read it it is hardly that. Although I do say, and I want to say now, it is my own best judgment the Code ought to be given an opportunity to determine in actual practice whether or not it would serve the public interest.

"Mr. Wigglesworth: There is a question of principle, as well as one of practice?

"Mr. Fly: No, sir. The principle is all involved in the practice. They are tied in together there and the question is how to get the most and best in terms of freedom of expression and in terms of the public interest. Now, we have made some study of that so-called principle. If an opponent of the code is on the freedom of speech side, then certainly in this tentative position that I am in, I am in a false position at this moment. But I do not see that the problem can be boiled down to that."

This ended discussion of the NAB Code. Mr. Wigglesworth then questioned Mr. Fly about the regulation of licenses for international broadcasting, the possibility of the Commission obtaining a New York office, an investigation to disclose "the real ownership" of all stations, the Bulova stations, the Cumberland Broadcasting Company, the average time for granting a permit, and the financial status of networks.

A transcript of the entire hearing can be obtained from the United States Government Printing Office. It is part of the "Hearings on the Independent Offices Appropriation Bill for 1941."

### FCC REPORTS ON PROGRAM COMPLAINTS LAST YEAR

The FCC reports that it received only 1,768 complaints against radio programs during the year ended last June 30.

Out of that number, 885 were dismissed without even investigation as "frivolous, unsubstantiated, or otherwise not warranting investigation," while 854 more were dismissed after investigation.

Only 29 were deemed worthy of a formal hearing.

During the year covered by the Commission's report the industry broadcast 3,250,000 hours of programs. Thus there was only one complaint for every 1,838 hours of broadcasting.

Out of the total number of complaints, 625 (or 35 per cent) were against one program—the Orson Welles "War of the Worlds." There were only 24 complaints against children's programs. There were 123 against allegedly false, fraudulent or misleading statements; 65 about medical programs; 84 about alleged propaganda; 93 against alleged obscene, indecent or profane language; 58 about failure to receive prizes from contests; and 62 about excessive advertising, excessive use of recordings and general inferior program service.

The Commission pointed out that these figures did not include duplicate complaints in all cases, or "fan mail."

This report was included in the Commission's testimony December 13 before a House Appropriations Subcommittee.

## Labor

### CIRCUIT COURT SAYS WAGNER ACT DOES NOT REQUIRE WRITTEN AGREEMENTS

The U. S. Circuit Court of Appeals in Chicago has ruled that there is nothing in the Wagner Act to force an employer to make a written agreement with a labor union.

In its opinion in the Inland Steel case, the court quoted the Supreme Court as saying that "the Act does not compel agreements between employers and employees." Both Senator Wagner and Senator Walsh also were quoted to the same effect.

It is doubtful that the Labor Relations Board will appeal this case, which grew out of the "little steel" strike of 1937. The board, it is said, is going to make its case on this point with the Art Metal Construction Company controversy, now pending in the New York Circuit Court of Appeals.

During the board hearing in the Art Metal case, counsel for the company stipulated that "at all times past, during the period in which negotiations have occurred * * * Art Metal Construction Company has refused and now does refuse to enter into or sign any agreement in writing * * * on the ground, among others, that it is not required to do so under the National Labor Relations Act."

### A. F. OF M.

The national plan of settlement between networks, affiliates and the American Federation of Musicians expired January 17. The plan was not renewed, nor was there a strike.

Representatives of the networks appeared before the A. F. of M. executive board at the Everglades Hotel in Miami on Tuesday, January 16, and informed the board that the networks would not reduce employment of staff musicians at either key or M. and O. stations.

It was learned from both the networks and IRNA that the networks had repeated to their affiliates the suggestions made by IRNA regarding continuation of the employment of musicians.

The musicians' board discussed the matter and concluded there would be no strike at this time. The board decided to await and observe the attitude of the stations in continuing employment.

It is generally agreed that wholesale dropping of musicians probably would precipitate trouble.

Early this month, Joe Weber, A. F. of M. president, notified all his locals that they were not to make any new local agreements with broadcasters, but that their members might continue to work for broadcasters without any agreement.

### I. B. E. W. WINS ELECTION

The International Brotherhood of Electrical Workers (A. F. of L.) defeated the American Communications Association (C.I.O.) by a vote of 3 to 0 in a Labor Board election January 8 among the technicians at Station WQXR, New York City. Two of the five eligible voters cast their ballots for "neither union." The Station had been dealing with the ACA.

### CRAWFORD NEW GUILD HEAD

Kenneth Crawford, Washington correspondent for the New York *Post,* has been elected president of the American Newspaper Guild (C.I.O.) to succeed the late Heywood Broun. Upon taking office, Mr. Crawford made the following statement about Guild policy:

> "Stated generally, it is my opinion that the Guild's function is to protect and improve the wages, hours and working condition of newspaper people; that this objective should be pursued by trade union methods in cooperation with the C. I. O. and the rest of the labor movement; that it is not the Guild's business to reform the world or the world's newspapers."

The Guild has contracts with several broadcasting stations.

### AVERAGE PAY

The FCC reports that the average pay of all full-time employees, executives excluded, in broadcasting stations for the week of December 11, 1938, was $35.84. Executives received an average of $78.51. The average for the entire full-time personnel was $41.17, compared with $45.12 for the week of March 6, 1938.*

For the week of December 11, 1938, the average pay for operating technicians (research excluded) was $39.07; for production men, $38,17; for writers, $32.39; for announcers, $32.19; for staff musicians, $45.07; and for outside salesmen, $48.41.

The NAB is endeavoring to get a break-down of these figures geographically and by size of station.

## Advertising

### BUREAU OF RADIO ADVERTISING AFTER STORES, CLEANERS AND DYERS

The NAB Bureau of Radio Advertising this week went into action on two large advertising fronts important to the development of more local and regional business.

Samuel J. Henry, Jr., of the Bureau, was on hand at the National Retail Dry Goods Convention in New York, where the problems of local radio advertising were given their first major convention-wide consideration. The Bureau has arranged for a complete transcript of the radio panel discussion reported below. It will be released shortly to all member stations. Out of this, Headquarters believes will come a greater understanding and a wider use of radio by department stores and retailers.

Meanwhile, Ed Kirby presented the case of radio advertising to another large group wherein lies a tremendous new volume of potential advertising revenue. He addressed the 3,000 delegates gathered in Baltimore at the annual convention of the National Association of Cleaners and Dyers.

### RETAILERS PRAISE RADIO

"Radio has definitely established itself as a profitable medium for department stores. If it does not get the expected results, look to your program or other factors —don't blame radio generally."—Irwin D. Wolf, vice-president, Kaufman's, Pittsburgh, Pa.

"Retailers should tell the station man their problems, if they want radio to show maximum results. Open up —tell the radio man something about your business. Given a fair chance to help, he in turn can then best advise you as to the most effective use of the medium." —Willard H. Campbell, Publicity Director, G. Fox & Company, Hartford, Conn.

These were two of the many significant words of advice given to National Retail Dry Goods Association members at the radio panel discussion held January 17 at Hotel Pennsylvania, New York, where the association met in its twenty-ninth annual convention January 15-19. Several hundred department store and retail advertising executives displayed keen interest in the informative discussion, arranged by Alan Wells, NRDGA Sales Promotion Manager.

Two boards of experts, composed of eight department store officials who have used radio successfully over a period of years, answered the questions gathered from NRDGA members, and put to them in the form of an "Information Please" program. The questions covered these four general subjects:

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* The FCC report for the week of March 6 covered 626 stations, while the report for the week of December 11 covered 660. The addition of smaller stations with comparatively low wage rates must have accounted for the decrease in the average pay. No widespread pay cuts were reported to the NAB.

NAB LIBRARY

1. Why Radio for Retailers?
2. Retail Radio Programs
3. Costs of Radio Advertising
4. Results from Radio

The experts, on panels 1 and 3 were:

Irwin D. Wolf, vice-president, Kaufman's, Pittsburgh.
George Slockbauer, vice-president, L. Bamberger's, Newark.
Miss Lois Munn, sales promotion manager, Hangerer's, Buffalo.
B. Louis Posen, publicity director, Hochschild, Kohn, Baltimore.

On panels 2 and 4:

Marvin Oreck, vice-president, Oreck's, Duluth.
C. I. Burtanger, sales promotion manager, Rike-Kumler, Dayton.
Kenneth Taylor, vice-president, John Taylor's, Kansas City, Mo.
M. Manus Roisen, sales promotion manager, Edward's Buffalo.

Willard H. Campbell, publicity director, G. Fox & Co., Hartford, and vice chairman, Sales Promotion Division, NRDGA, was chairman of the discussion, with Walter Johnson, sales manager, WTIC, Hartford, acting as master of ceremonies and firing the series of questions at the retail experts.

Among the many suggestions for successful radio advertising offered by the experts, the following were especially significant:

The entire store personnel must be kept informed on the program, items advertised each day, etc. Buyers must be sold and kept sold on the value of the radio campaign to their particular department.

The program should create a definite and distinct air personality for the store. It was recommended that the store should place an experienced radio person in complete charge, to work closely with the station on production, commercial copy, etc.

Much emphasis was given to the desirability of giving radio a full and fair chance to do the required job—with no less than 52 week contracts and daily broadcasts recommended wherever possible. Even the best program, it was pointed out, may take 10 to 20 weeks to build an audience and establish a following, while on the question of frequency of broadcast, anything less than daily use of radio places it in an unfair position as compared with newspapers.

All the usual publicity and promotion efforts should be made, particularly at the start of the campaign, to build an audience for the program. Stations, it was pointed out, are usually glad to cooperate toward that end.

Many retailers expect too much of radio, more than of any other medium, without giving it a real chance to succeed. Care should be taken to enlist the proper merchandising and store-wide cooperation so essential to the success of any advertising effort. Radio can stand on its own feet, but it is entitled to every ligitimate and reasonable assistance if the store is to enjoy maximum results.

Radio's ability to build goodwill and acceptance for the entire store is especially important today, when problems of public relations are becoming more vital to all business.

Radio's superior coverage is of value in expanding the store's market, bringing in new customers, charge accounts, phone and mail orders.

Radio is a more flexible medium than any other, allowing last minute copy changes to take advantage of weather changes and other emergencies.

Through its ability to dramatize and paint "ear pictures" radio has sold fashion items as well as "price appeal" and sale merchandise. The right program can also sell high-priced products, such as refrigerators. The experts cited actual cases where radio had proved its value not only in direct selling of all types of merchandise, but in building store traffic and increasing goodwill and prestige.

## FTC RULES FOR RADIO ADVERTISING COPY

A station program manager asked the NAB this week if there were any fixed rules for radio advertising copy to insure its compliance with Federal Trade Commission standards.

Russell P. Place, NAB counsel, replied as follows:

In reply to your letter of January 5, permit me to state that yesterday I talked with Mr. James A. Horton, Chief Examiner of the Federal Trade Commission, relative to procuring standards to guide you in editing script with regard to "unfair methods of competition" and "unfair or deceptive acts or practices in commerce."

It appears that they have no printed standards for distribution. But it may be helpful in this connection to quote from a recent address of Mr. Horton's and from the Annual Report of the Federal Trade Commission for 1939.

Mr. Horton has stated, "* * * The rule of construction applied to a false and misleading advertisement considers the advertisement in its entirety. The question of whether any particular statement is true or otherwise is not the wholly pertinent question; the really pertinent question is whether the advertisement as a whole is calculated to deceive." Again quoting Mr. Horton:

"The second part of the Wheeler-Lea Act adds a number of entirely new sections to the Federal Trade Commission Act and is the result of public demand for more stringent penalties for false advertising in the specific fields of food, drugs, devices, and cosmetics.

"The term false advertisement is defined as an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual.

"This provision is designed to protect the purchaser against his own lack of information. It would appear that if the advertiser truthfully represents the characteristics and ingredients of his produce in the light of the use for which the produce is intended, he may not be held responsible for consequences resulting from the use of the product under conditions not prescribed or normal. He is, however, required to tell the whole truth without deceptive concealment whenever it is required for the protection of the public."

The annual report of the FTC for 1939, at page 82, lists certain typical methods and practices condemned in orders to cease and desist. This list is not limited to orders issued during the last year, and I will quote those types that seem to apply to radio advertising.

1. The use of false or misleading advertising, calculated to mislead and deceive the purchasing public to their damage.

6. Making false and disparaging statements respecting competitors' products and business, in some cases under the guise of ostensibly disinterested and specially informed sources or through purported scientific, but in fact misleading, demonstrations or tests; and making false and misleading representations with respect to competitors' products, such as that seller's product is competitor's, and through use of such practices as deceptive simulation of competitor's counter-display catalogs or trade names; and that competitor's business has been discontinued, and that seller is successor thereto or purchaser and owner thereof.

13. Using merchandising schemes based on lot or chance.

18. Various schemes to create the impression in the mind of the prospective customer that he or she is being offered an opportunity to make a purchase under unusually favorable conditions when such is not the case, such schemes including—

(a) Sales plans in which the seller's usual price is falsely represented as a special reduced price made available on some pretext for a limited time or to a limited class only, or involving false claim of special terms, equipment, or other privileges or advantages.

(b) The use of the "free goods" or service device to create the false impression that something is actually being thrown in without charge, when, as a matter of fact, it is fully covered by the amount exacted in the transaction as a whole.

(c) Use of misleading trade names calculated to create the impression that a dealer is a producer or importer, selling directly to the consumer, with resultant savings.

(d) Use of pretended, exaggerated retail prices in connection with or upon the containers of commodities, intended to be sold at lower figures as if bargains.

(e) Use of false or misleading representation that article offered has been rejected as nonstandard or is, for some other special and unusual reason, offered at an exceptionally favorable, or other than its normal, price, or that the number thereof that may be had or purchased is limited.

(f) Falsely and misleadingly representing that the goods are not being offered as sales in ordinary course, but are specially priced and offered as a part of a special advertising campaign to secure customers or for some purpose other than the customary profit.

20. Concealing business identity in connection with the marketing of a product, or misrepresenting the seller's relation to others; such as claiming falsely to be the agent or employee of some other concern, or failing to disclose the termination of such a relationship in soliciting customers of such concerns.

21. Misrepresenting in various ways the necessity or desirability or the advantages to the prospective customer of dealing with the seller, such as—

(a) Misrepresenting seller's alleged advantages of location or size, or the branches, domestic or foreign, or the dealers he has.

(b) Making false claim of being the authorized distributor of some concern, or of being successor thereto or connected therewith, or of being the purchaser and owner of competitor's business, or falsely claiming the right to prospective customer's special consideration, through such false statements as that customer's president or chairman of its board, or the customer's friends, have expressed a desire for, or special interest in, consummation of seller's transaction with the customer.

(c) Alleged Government connection of a concern, or endorsement of it or its product by the Government or by nationally known business organizations.

(d) False claim by a dealer in domestic products of being an importer, or by a dealer of being a manufacturer, grower, or nursery, or by a manufacturer of some product of being also the manufacturer of the raw material entering into the product.

(e) Claiming to be a manufacturer's representative and outlet for surplus stock sold at a sacrifice, when such is not the fact.

(f) Representing that the seller is a wholesale dealer, grower, producer, or manufacturer, or owns a laboratory in which product offered is analyzed and tested, when in fact such representations are false.

(g) Representing that ordinary private commercial seller and business is an association, or national association, or connected therewith, or sponsored thereby, or is otherwise connected with noncommercial or professional organizations or associations, or constitutes an institute, or, in effect that it is altruistic in scope, giving work to the unemployed.

(h) Falsely claiming that business is bonded or misrepresenting its age or history, or the demand established for its products, or the selection afforded, or the quality or comparative value of its goods, or the personnel or staff or personages presently or theretofore associated with such business or the products thereof.

(i) Claiming falsely or misleadingly patent, trade-mark, or other special and exclusive rights.

24. Giving products misleading names so as to give them a value to the purchasing public, or to a part thereof, which they would not otherwise possess, such as names implying falsely that——

(a) The particular products so named were made for the Government or in accordance with its specifications and of corresponding quality, or are connected with it in some way, or in some way have been passed upon, inspected, underwritten, or endorsed by it; or

(b) They are composed in whole or in part of ingredients or materials, which in fact are contained only to a limited extent or not at all, or that they have qualities or properties which they do not have; or

(c) They were made in or came from some locality famous for the quality of such products; or

(d) They were made by some well and favorably known process, when as a matter of fact they were made in imitation of and by a substitute for such process; or

(e) They have been inspected, passed, or approved after meeting the tests of some official organization charged with the duty of making such tests expertly and disinterestedly, or giving such approval; or

(f) They were made under conditions or circumstances considered of importance by a substantial part of the general purchasing public; or

(g) They were made in a country, place, or city considered of importance in connection with the public taste, preference, or prejudice.

29. Employing various false and misleading representations and practices to give products a standing, merit, and value to the purchasing public, or a part thereof, which they would not otherwise possess, such practices including——

(a) Misrepresenting, through salesmen or otherwise, products' composition, nature, qualities, results accomplished, safety, value, and earnings or profits to be had therefrom.

(b) Claiming falsely unique status or advantages, or special merit therefor, on the basis of pretended, but in fact misleading and ill-founded, demonstrations or scientific tests, or pretended widespread tests, or of widespread and critical professional acceptance and use.

(c) Misrepresenting the history or circumstances involved in the making and offer of the products or the source or origin thereof (foreign or domestic), or of the ingredients entering therein, or parts thereof, or the opportunities brought to the buyer through purchase of the offering, or otherwise misrepresenting scientific or other facts bearing on the value thereof to the purchasers; and

(d) Representing products falsely as legitimate, or prepared, tagged, and labeled in accordance with law, or prepared in accordance with Government or official standards or specifications; and

(e) Claiming falsely Government or official, or other acceptance, use, and indorsement of product, and misrepresenting success and standing thereof through use of false and misleading indorsements or false and misleading claims thereto, or otherwise.

At page 139, the Report states:

"*Requests for advice.*—Many requests have been received from radio stations, advertisers, and advertising agencies for advice and information concerning certain advertisers and their products. The Commission cannot give the information requested in many cases either because the matter may be under investigation or it is not fully advised of all the facts and cannot render opinions therein; and, in any case, it is not the Commission policy to pass on the merits of products advertised. It treats as confidential all proceedings prior to acceptance of a stipulation or issuance of a complaint. After a stipulation has been accepted and approved, or a complaint issued, the facts concerning such proceedings are for the public record and available to anyone who may request them."

If I can be of any further help in the matter, I shall be glad to have you write me.

Very truly yours,
Russell P. Place,
*Counsel.*

# Engineering

## HEARING ON TELEVISION RULES

The FCC met on Monday, January 15, to consider objections to the rules and regulations for television stations which were tentatively adopted by the Commission on December 21, 1939, and to specify recommendations of its television committee. The first witness called was Edwin H. Armstrong. However, Major Armstrong was confined to his hotel by a bad cold and his testimony was deferred.

The next party to be called was the committee on organization of F. M. broadcasters. Mr. Philip G. Loucks, on their behalf, asked that no action be taken which would affect the issues in the F. M. hearing scheduled for February 28. The next party to present testimony was Allen B. DuMont Laboratories, Inc., of Passaic, New Jersey, represented by Mr. Roberts. Dr. Thomas T. Goldsmith, television engineer for DuMont, gave a short historical sketch of television development. On behalf of DuMont he asked that the FCC should not freeze the standards for television at 441 lines per frame and a frame frequency of 30 per second. He asked that flexibility be provided. Dr. Goldsmith claimed that the number of lines could be increased and the number of frames decreased, and still remain within the present six megacycle channel width and yet give a better picture.

Mr. C. A. Priest, engineer in charge of transmitter engineering of the Schenectady works, appeared for the General Electric Company. Mr. Priest's testimony dealt mainly with the allocation tables as set up by the FCC. Under the FCC allocation plan, Albany and Bridgeport were assigned to channel number 7, using 1 kw. each. It was Mr. Priest's contention that Schenectady should have a 10 kw. assignment and he offered an alternate allocation proposal.

Horace Lohnes, attorney for the Don Lee Network, placed Harry R. Lubcke, director of television for Don Lee, on the witness stand. Mr. Lubcke testified that the R. M. A. standards should not be adhered to too closely, however, that he was generally in favor of them. It was his opinion that powers higher than those proposed by the Commission should be used in order to overcome interferences such as emanated from diathermy machines. Louis Ellen Weiss, vice president, continued the testimony for Don Lee. It was his opinion that the changes allowed under the proposed regulation should be more liberal. Mr. Weiss estimated that there were from four to eight hundred television receivers in their area.

The hearing was resumed on Tuesday, starting with testimony for Philco, represented by Louis Caldwell. W. D. Smith, testifying for Philco, advocated the use of vertically instead of horizontally polarized waves. He stated that they had been experimenting with a set using a loop inside the receiver and he believed that due to the elimination of the expense and installation of a horizontal antenna, that the cost of television receivers could be forty to fifty dollars cheaper, each. Mr. Smith objected to the synchronization standards, stating that the synchronization and sound are not as good as they should be and need improvement. It was his feeling that more power was needed for the sound channel and that the use of a third carrier should be considered for carrying the synchronization impulses. Mr. Smith suggested a delay of a few months in order to bring standards up to date before freezing them.

Mr. John V. L. Hogan, president of Radio Pictures, Inc., New York City, was the next witness heard by the Commission. Mr. Hogan testified that he was working on the development of a synchronizing system which would be better and cheaper. He maintained that both class 1 and 2 stations should be allowed to charge for program production. Mr. Hogan also objected to the stipulation in rule 4.74-D as to the number of stations in large cities. It was his opinion that leeway should be left in the channel assignments so that economics would be a governing factor. He contended that for the present the FCC should not adopt any standards. He also suggested the elimination of the class 1 and 2 categories and allow all stations to experiment with both the technical and program aspects. Mr. Hogan also suggested that if the stations are allowed to charge for programs that they should also be allowed to charge for transmission. It was Mr. Hogan's feeling that the Commission should encourage more stations to experiment. Testimony was again resumed by the DuMont Company, placing R. M. Campbell on the stand. Mr. Campbell described the DuMont flexible line per inch system and claimed that synchronization was more reliable and sure, and that equalizing pulses were unnecessary. It was his contention that the DuMont system was not bothered quite as much by interferences as was a system under the R. M. A. standards; however, he admitted that a third carrier for synchronization was more satisfactory than both. The minimum size acceptable picture for home use was given as 8 x 10, and that the best size would be the same size that we now have on a home movie screen.

The testimony of John Howland for the Zenith brought out an interesting possibility and that was, that Frequency Modulation be used for the sound channel and that the synchronizing impulses be multiplexed on the same channel. Mr. Howland stated that television is not ready for the public and that more experimental work should be encouraged.

Mr. Robert Robins appearing for the Cart-Ray Electronic Laboratories, Inc., New York City, testified that the company was ready to market a radio and television receiver with a seven inch tube in the one hundred dollar

($100.00) price field. He asked that the present license holders be compelled to maintain a regularly scheduled program service.

The Television Hearing reconvened Wednesday morning with Mr. Paul W. Kesten taking the stand for Columbia. Mr. Kesten propounded three courses of action for the FCC to follow without committing Columbia to any of them. The three courses of action were:

1. Freeze the standards for a stated number of years, probably eight to ten, and allow regularly scheduled programs.

2. Delay standards and regular programs until some indication of a fair stability has been attained. This would take about one year.

3. If either one or two cannot be put into effect, proceed with programs as proposed without freezing the standards and tell the public that there is no guarantee for the future as to obsolescence of their sets.

Mr. Kesten estimated that with the advent of a second program source in New York City there would be sales of between ten and fifteen thousand sets in the first year and that in the second year there would be thirty to forty-five thousand. Mr. Kesten foresees that public indignation will be focused on the broadcasters and not the manufacturer of the receiving sets, should the sets suddenly become obsolete through changes in standards, it was his belief that under R. M. A. standards, pictures twice as good as we now have can be obtained through development without making present standards obsolete. Mr. Kesten does not see any threat to the sound broadcasters from television. It was his estimate that ultimately we could expect not over 30 per cent ownership and that ultimately the probable looking hours per day would be two as compared with five hours of sound now.

Dr. Peter Goldsmith replaced Mr. Kesten on the stand and gave technical testimony as to the present quality of pictures and what we might expect in the future if we freeze on the R. M. A. standards.

Several of the witnesses and several of the commissioners were apparently quite surprised to find that the Radio Manufacturers Association standards for television were not unanimously acceptable to the industry.

The main questions brought out in the hearing up to date are whether television under the R. M. A. standards can be as good as it should be and whether or not the commission should allow commercialization at this time.

The hearing was adjourned until Friday morning.

## FREQUENCY MODULATION

Frequency modulation was demonstrated before 500 members and guests of the Washington Radio Club, January 13 in the National Museum auditorium.

Major Edwin Armstrong discussed the historical and technical background of F. M.

Stewart Bailey conducted the demonstration of records, live talent, sound effects and the multiplexing of a radio typewriter. The transmission was made from the Jansky and Bailey experimental F. M. station in Georgetown. The reproduction of the live talent was so lifelike that it evoked spontaneous applause from the audience even though they were only hearing the artists thru a loudspeaker.

C. M. Jansky, Jr., took up a discussion of the F. M. allocation problem and stated that, due to the small ratio needed between the desired and undesired signal, comparatively few channels would be needed to supply a good broadcast system for the United States.

Fred W. Albertson, chairman of the Washington Radio Club presided.

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In a talk before the Washington section of the Institute of Radio Engineers, January 8, Paul A. de Mars presented his observations on Frequency Modulation transmission from the Yankee Network experimental station at Paxton.

His observations indicate a coverage of 100 miles radius, interference free and of high fidelity, when the Paxton power is raised from its present power of 2 KW up to 50 KW.

Mr. de Mars showed a map with the coverage of present broadcast stations and the F. M. 50 KW Paxton station. A marked improvement in coverage was indicated.

## FCC RECORDING RULES

As a result of numerous inquiries from member stations, the NAB this week obtained informally from the FCC an interpretation of Section 3.93 (e) of the new Record Rules. Use of the words "transcribed" or "recorded" is permissible under the new rule as heretofore.

## FCC FINANCIAL REPORT

By this time all stations have undoubtedly received FCC blanks for the annual financial report. In addition stations received a single page on which stations were asked to report as promptly as possible page 11, schedule 8. On line 23(b) of that sheet the word "from" should be changed to read "for." This was an error in the form and at the request of the FCC Accounting Department the NAB is calling this to the attention of members.

As stated in last week's Reports, the FCC extended the filing date of the complete financial statement until April 15, but requests that page 11, schedule 8 be returned as promptly as the figures can be assembled.

## FCC ANNUAL REPORT

The fifth annual report of the Federal Communications Commission to Congress covering its operation during the fiscal year, July 1, 1938 through June 30, 1939, was released January 15. The report covers the entire operations of the FCC in the field of radio, telephone and telegraph, set forth under the following chapter headings: Introductory Summary, General, Regulation of Telephone and Telegraph Carriers, Regulation of Broadcast Service, Promotion of Safety of Life and Property, Licensing, Recommendations to Congress and Appendixes.

On the subject of broadcasting, the Commission reports the total number of broadcasting stations in the United States and its possessions. The following table presents this information together with an accounting of the changes during the year.

| *Class of Station* | *New stations authorized* | *Stations deleted* | *Total number of stations June 30, 1939* |
|---|---|---|---|
| Broadcast | 39 | 8 | 774 |
| Special broadcast | 0 | 0 | 4 |
| Relay (low frequency) broadcast | 64 | 8 | 199 |
| Relay (high frequency) broadcast | 47 | 38 | 275 |
| High-frequency broadcast | 6 | 8 | 46 |
| Television broadcast | 7 | 3 | 23 |
| International broadcast | 2 | 1 | 14 |
| Facsimile broadcast | 7 | 1 | 12 |
| Developmental broadcast | 3 | 5 | 12 |
| Non-commercial educational broadcast | 1 | 0 | 2 |
| Total | 176 | 72 | 1,361 |

Several tables are included in the report which analyze the number of standard broadcast stations by type of channel and hours of operation.

Included is a discussion of the new rules and regulations and standards of good engineering practice issued by the Commission during the year. There are reports, also, under the subjects of television, broadcast services other than standard, international broadcast stations, relay service, facsimile, high-frequency, educational broadcasts, use of broadcast facilities in emergencies, monopoly investigation, field inspections, examinations, investigations and litigation.

The latter part of the report is devoted to appendixes. Appendix F deals with the financial and statistical data on standard broadcasting stations in continental United States. Some financial material, not previously released by the Commission, is presented here. The total investment of the broadcasting industry after depreciation and exclusive of goodwill is reported at $33,826,792 at the end of 1938.

The income of the industry from the sale of station time for the year 1938 is reported at $117,379,459. No comparison is presented in the report with similar figures gathered by the FCC for 1937. It is not possible to present a comparison here because of accounting difference which exists between the two sets of data. The apparent loss of the industry from the figure of $117,908,973 presented in the fourth annual report of the Commission will undoubtedly be changed to show a slight increase for the industry when the 1937 figures are put on a comparable basis with the figures of 1938. There is also some question as to whether the entire income from the sale of station time of regional networks is included in the 1938 figures.

Income and expense figures are presented for network operations, the 23 network managed and operated stations and the 637 other reporting stations. This information is also tabulated for stations operating on the various channels under the various classifications of operating hours and also by geographic districts and states.

A tabulation by state presents population and families as of July 1, 1937; families owning radios as of January 1, 1938, showing the number, the ratio to families, and the percent of total United States; retail sales of retail stores as of 1935 with percent of total U. S.; and broadcast revenue showing the amount, the percent of total U. S. and the average revenue per radio family.

The figure of average revenue per radio family for the United States is reported at $2.97. This figure loses its significance to a great extent when reported by state because of overlapping market areas. As an example, the District of Columbia is listed as having the highest ratio, at $6.48. However, the physical limits of the District of Columbia is used as a criterion of Washington station coverage and does not take into account the large number of radio families in adjacent counties of Maryland and Virginia, which, if included, would materially reduce the ratio.

The Commission reports that during the week beginning December 11, 1938, the broadcasting stations of the country released 67,283 hours of radio programs. Program hour information is broken down by programs originating from national networks, regional networks and from local studios and shown separately for personal and mechanical renditions. Also included is a tabulation of the types of commercial and sustaining programs. For the week reported, 33.86 percent of programs were commercial and 66.14 percent sustaining.

During the week beginning December 11, 1938 stations and networks employed 18,358 persons full-time and 4,377 part-time. For the full year 1938, the industry employed 23,060 persons with a total payroll of $45,663,757. A tabulation is given showing the classifications of employees, their number, total compensation and average weekly compensation.

## State Legislation

KENTUCKY:

H. 91 (Lyon) COPYRIGHTS—TEXTBOOKS—To require copyrights on textbooks in elementary high school and state supported institutions.

New York:

A. 184 (Holley) INSTALLMENT CONTRACTS—SELLERS—Provides for uniform statement of terms in installment contracts for sale of goods and for licensing and regulating installment sellers, no warrant of seizure to be issued in New York City municipal court if defendant tenders all arrearages. Referred to General Laws Committee.

A. 226 (Crews) EMPLOYMENT AGENCIES—DISCRIMINATION—Prohibits discrimination by employment agencies on account of race, color or religion, violation being sufficient cause for suspension or revocation of license. Referred to Civil Service Committee.

A. 399 (Schwartz) EMPLOYMENT AGENCIES—Regulates private fee-charging employment agencies and appropriates $40,000 to Labor Department. Referred to Ways and Means Committee.

S. 198 (Coughlin) DISCRIMINATION—PRESS AND RADIO—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship. Referred to Codes Committee.

Virginia:

S. 14 (Parker) RADIO STATIONS—COLLEGES AND UNIVERSITIES—To authorize governing bodies of state colleges and universities to construct, equip, maintain and operate for certain purposes radio transmitting and broadcasting stations and apparatus. Referred to Public Institutions and Education Committee.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are scheduled before the Commission during the week of Monday, January 22.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

#### January 30

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts, unlimited time.

#### February 1

Oral Argument Before the Commission

WRTD—Times-Dispatch Radio Corp., Richmond, Va.—C. P., **590 kc.,** 1 KW night, 1 KW day, unlimited (DA night).

#### February 7

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Renewal of license, **1390 kc.,** 1 KW, daytime.

#### February 8

Further Hearing

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted construction permit, subject to approval of transmitter site, authorizing a new broadcast station to operate on **1300 kc.,** 1 KW, unlimited time, employing directional antenna both day and night.

Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Granted construction permit, subject to approval of transmitter site, authorizing a new broadcast station to operate on **1420 kc.,** 100 watts (Class IV), unlimited time.

### MISCELLANEOUS

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co., San Antonio, Tex.—Granted motion to accept amendment to application to use directional antenna and specify site. (Application requests change in frequency from **1370 kc.,** power from 100 watts, 250 watts local sunset, and time from shares KONO, to frequency **930 kc.,** power 1 KW, unlimited time).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted petition to intervene and for consolidation of hearings on applications of Springfield Radio Service, Inc., Springfield, Ohio, for construction permit to operate on **780 kc.,** 250 watts, daytime, and petitioner's application for construction permit to install new transmitter and increase power to 1 KW.

Lookout Mountain Co. of Georgia, Lookout Mountain, Ga.—Referred to Commission petition to fix hearing date and to consolidate application for construction permit to operate on **1370 kc.,** 250 watts, unlimited time, with application of Joe W. Engel, Chattanooga, Tenn., for construction permit to operate on **1370 kc.,** 250 watts, unlimited time.

G. D. Gillett, Washington, D. C.—Granted motion for continuance of hearing to February 7, 1940, in re application of E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, for renewal of license to operate on **1390 kc.,** 1 KW, daytime, scheduled January 17, 1940.

G. D. Gillett, Washington, D. C.—Granted motion for continuance of hearing scheduled January 16, 1940, to January 30, 1940, in re application of John H. Stenger, Jr., Wilkes-Barre, Pa., for renewal of license to operate on **1210 kc.,** 100 watts power, unlimited time.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from local sunset at Abilene, Kans. (January 5:30 p. m., CST), to 7:30 p. m., CST, on January 14, 1940, in order to broadcast football game between Green Bay Packers and Professional All Stars only, using 1 KW power.

Joe W. Engel, Chattanooga, Tenn.—Designated P. W. Seward to preside at hearing on application for construction permit for new station to operate on **1370 kc.,** 250 watts, unlimited time, in lieu of R. H. Hyde.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted license to cover construction permit to use present licensed transmitter as an auxiliary transmitter at new site, increase power to 1 KW for auxiliary; use directional antenna at night. Also granted authority to determine operating power by direct measurement of antenna input.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Texas.—Granted special temporary authority to rebroadcast transmissions between the ground and plane of Army stations at Randolph Field over radio station KABC on Thursdays for a period not to exceed thirty days.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8:00 p. m. to midnight, EST, on January 22, 1940, in order to broadcast March of Dimes program for President's Birthday Ball.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate from 7:30 p. m., to 8:30 p. m., EST, on January 16, 1940, in order to broadcast public meeting with Governor speaking.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2:00 p. m. to 3:00 p. m., EST, on January 13, 20, 27, February 3 and 10, 1940, in order to broadcast the following sustaining programs: 2 to 2:10 p. m. Newscast, 2:10 to 2:30 p. m.; Matinee Moods, 2:30 to 3 p. m. Suggestions in Symphony; to operate from 2:00 p. m. to 3:00 p. m., EST, on January 14, 21, 28, February 4 and 11, 1940, in order to broadcast the following programs: 2 to 2:15 p. m., Newscast, 2:15 to 2:30 p. m.; Tune Travels, 2:30 to 2:45 p. m.; Sabbath Meditations, 2:45 to 3:00 p. m.; ¼ hour in ¾ time, Musical Program; and to operate as follows on February 12, 1940: 8:30 to 9 a. m.; Breakfast Club, 9 to 9:30 a. m. Opening of Mail, 9:30 to 10 a. m.; Dances of the World, 2 to 2:10 p. m.; Newscast, 2:10 to 2:30 p. m.; Matinee Moods, 2:30 to 3 p. m.; Suggestions in Symphony (provided WSVS remains silent).

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted license to cover construction permit for installation of new transmitter; frequency **1420 kc.,** power 250 watts, unlimited time.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted license to cover construction permit for changes in equipment, increase in power and change in hours of operation to **1210 kc.,** 250 watts, unlimited.

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted license to cover construction permit as modified, for new broadcast station; **1100 kc.,** 1 KW, daytime.

WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WNBI and WRCA over Station WNEL for a period not to exceed 30 days.

WRTD—The Times Dispatch Radio Corp., Richmond, Va.—Scheduled Oral Argument to be held on February 1, 1940, on Report No. B-84.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted license to cover construction permit authorizing changes in equipment and increase in power to 250 watts on **1420 kc.,** unlimited time.

WAIQ—WAVE, Inc., Portable-Mobile (area of Louisville, Ky.).—Granted license to cover construction permit for new relay-broadcast station to be used with applicant's standard broadcast station WAVE; frequency **2790 kc., 1622, 2058, 2150 kc.,** 50 watts.

W2XB—General Electric Co., New Scotland, N. Y.—Granted license to cover construction for new television station; frequencies **60,000-86,000 kc.,** visual 10 KW, aural, 3 KW, upon an experimental basis only.

WPRO—General Electric Co., New Scotland, N. Y.—Granted license to cover construction permit and modification thereof, for increase in power, move of transmitter, installation of new equipment, and to make changes in directional antenna. Station operates on **630 kc.,** 1 KW night, 5 KW day, unlimited time, directional antenna at night.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted license to cover construction permit authorizing changes in transmitting equipment and increase in power, **1420 kc.,** 250 watts, unlimited time.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted modification of construction permit as modified, authorizing move of transmitter, installation of new transmitting equipment and directional antenna and increase in power *requesting* extension of required completion date of construction to March 8, 1940.

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input.

KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Granted authority to determine operating power by direct measurement of antenna input.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted license to cover construction permit authorizing changes in transmitting equipment and increase in power to 250 watts LS, using 100 watts night, on **1500 kc.,** unlimited time.

WJHL, Inc., Johnson City, Tenn. (area), Portable-Mobile.—Granted construction permit for new low frequency relay broadcast station to operate on frequencies **1622, 2058, 2150, 2790 kc.,** power 40 watts, to communicate as a relay broadcast station in accordance with Sections 4.21 and 4.22(c); hours of operation in accordance with Section 4.24; to be used with applicant's standard broadcast station WJHL.

KGGF—Hugh J. Powell, Coffeyville, Kan.—Granted special temporary authority to remain silent from 2:00 p. m. to 3:00 p. m., CST, on February 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, and 29, 1940 and from 3:00 p. m. to 3:30 p. m., CST, on February 5, 12, 19, and 26, 1940, in order to permit WNAD to broadcast special educational programs.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate during above periods (provided KGGF remains silent) in order to broadcast educational programs.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period January 19, 1940, to not later than February 17, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 9:00 p. m. to midnight, PST, on January 18, 1940, in order to broadcast the meeting of the Central California League of Municipalities and to operate from 9:00 p. m. to midnight, PST, on January 20, 1940, in order to broadcast the California-Nevada Convention of Kiwanis Clubs.

Thumb Broadcasting Co., Brown City, Mich.—Upon consideration of a petition for rehearing filed by Thumb Broadcasting Co., the Commission ordered that its Opinion and Order of November 8, 1939, denying application of applicant for a new station to operate on **880 kc.,** with 1 KW power, daytime only, be set aside, and the application remanded for further hearing to determine whether the Commission's Standards of Good Engineering Practice would be met by a grant of the application in part so as to permit the use of frequency **880 kc.,** with 250 watts power.

Lookout Mountain Company of Georgia, Lookout Mountain, Georgia.—Granted petition only in so far as it requests petitioner's application be designated for hearing (to be held February 19, 1040) on the following issues: (1) to determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed broadcast station; (2) to determine type and character of program service to be rendered; (3) to determine the area and population which would be expected to receive interference-free primary service both daytime and nighttime; (4) to determine whether the proposed station would render service in accordance with the Commission's Standards of Good Engineering Practice for Class IV stations; (5) to determine whether public interest, convenience and necessity will be served through a grant of the application, or through a grant of the application of Joe W. Engel (B3-P-2483), or through a denial of both applications.

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Denied petition for rehearing in re application of Red River Valley Broadcasting Corporation (KRRV), Sherman, Tex., for construction permit to move transmitter locally to a new site, install new equipment, including a directional antenna, and change frequency from **1310 kc.** to **880 kc.** and power output from 250 watts, daytime only, to 1 KW, unlimited time, granted by the Commission on November 8, 1939.

KVIC—Radio Enterprises, Inc., Victoria, Tex.—Granted license to cover construction permit as modified for new broadcast station, frequency **1310 kc.,** 100 watts night, 250 watts daytime, unlimited time.

KVOS—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WEKR—South Bend Tribune, Portable-Mobile (area of South Bend, Ind.)—Granted license to cover construction permit to install new transmitter in Relay broadcast station and increase power to 15 watts.

WHPM—United Broadcasting Co., Portable-Mobile (area of Cleveland).—Granted license to cover construction permit for new relay broadcast station; frequencies **31620, 35260, 37340** and **39620 kc.,** 25 watts for relaying programs and orders in re such programs, and 50 watts on **37340 kc.** for transmission of orders only.

WEJA—National Broadcasting Co., Inc., New York City—Granted license to cover construction permit as modified, to make changes in equipment of relay broadcast station, and increase power to 100 watts.

WFYB—Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted modification of license for relay broadcast station to change type number of equipment to agree with actual type number of present equipment.

WEHP—The Fort Industry Co., Portable-Mobile (area of Toledo, Ohio).—Granted modified license to increase power of relay broadcast station to 50 watts.

WEMW—The WGAR Broadcasting Co., Portable-Mobile (area of Cleveland).—Granted modification of relay broadcast station license to increase power to 100 watts.

WRCA—National Broadcasting Co., Inc., New York City.—Granted modified license to correct description of transmitter in international broadcast station.

WNBI—National Broadcasting Co., Inc., New York City.—Granted modified license to correct description of transmitter in international broadcast station.

W1XBQ—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Granted modification of construction permit to change equipment in high frequency broadcast station.

KWOC—Radio Station KWOC, Poplar Bluff, Mo.—Granted license to cover construction permit for changes in transmitting equipment, changes in hours of operation to unlimited, and increase power to 250 watts on **1310 kc.** Also granted authority to determine operating power by direct measurement of antenna input.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted authority to determine operating power by direct measurement of antenna input.

KHUB—John P. Scripps, Watsonville, Cal.—Granted authority to determine operating power by direct measurement of antenna input.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted authority to determine operating power by direct measurement of antenna input.

WABC-WBOQ—Columbia Broadcasting System, Inc., New York City.—Granted authority to determine operating power by direct measurement of antenna input.

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted license to cover construction permit as modified, for changes in transmitting equipment and increase in power to 250 watts.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted license to cover construction permit as modified, for changes in transmitting equipment and increase in power to 250 watts.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted modification of license to change main studio location from Plainfield St., Ulster Twp., New York, to Governor Clinton Hotel, Albany Ave., Kingston, N. Y. Also granted authority to determine operating power by direct measurement of antenna input.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted license to cover construction permit as modified for new station to operate on **1500 kc.,** 100 watts, daytime.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted license to cover construction permit as modified for new transmitter, and increase in power to 250 watts, on **1420 kc.**

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted modification of construction permit to increase night power to 5 KW, install directional antenna for night use, and make changes in equipment.

WGNY—Courier Publishing Corp., Newburgh, N. Y.—Granted modification of license to change corporate name of license from Courier Publishing Corp. to WGNY Broadcasting Co., Inc.

WEHK—Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted construction permit to increase power in relay broadcast station to 2 watts, and make change in equipment.

WCLA—Larus & Brother Co., Inc., Portable-Mobile (area of Richmond, Va.).—Granted modification of construction permit to change equipment and increase power to 40 watts, in relay broadcast station.

WEMP—Radio Station WSOC, Inc., Portable-Mobile (area of Charlotte, N. C.).—Granted license to cover construction permit to make changes in equipment of relay broadcast station.

WAGF—John T. Hubbard, Julian C. Smith, and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 9:00 p. m. to 10:00 p. m., CST, on January 20, 1940, in order to broadcast "A Symphony from the New South" program.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate high frequency (experimental) broadcast station W2XWG to utilize amplitude modulation and frequency modulation on frequency **42600 kc.** for a period not to exceed 30 days, in order to accumulate data for direct comparison of the effectiveness of frequency modulation versus amplitude modulation for presentation at the February 28, 1940, hearing.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted special temporary authority to operate from 7:30 p. m., CST, to the conclusion of basketball games described in letter dated January 10, 1940, on January 25, 26, February 2, 3, 5, 6, 10, 12, 13, 16, 17, 19, 23, 24, 1940, in order to broadcast basketball games only, using 250 watts power to operate from local sunset (February 5:30 p. m., CST) to the conclusion of the Macon County Farmers Institute sessions on February 21 and 22, using 250 watts power.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7:30 p. m. to 8:00 p. m., EST, or to the conclusion of the annual banquet of the Shenango Valley Junior Chamber of Commerce in order to broadcast proceedings on January 23, 1940.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from 7:00 p. m. to 8:00 p. m., CST, on January 21, 28, and February 4, 1940, in order to broadcast church services.

The Commission (by its Administrative Board) on January 17 took the following action:

WRVA—Larus & Brother Co., Inc., Richmond, Va.—Granted construction permit to use old W. E. transmitter as an auxiliary, with power of 5 KW, DA day and night, and move to site of main transmitter on James River 12 miles southeast of Richmond.

WSAV—WSAV, Inc., Savannah, Ga.—Granted license to cover construction permit as modified, authorizing new station to operate on **1310 kc.,** 100 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted license to cover construction permit and modification thereof, for change in frequency to **1200 kc.,** increase power to 250 watts, move transmitter and make changes in antenna.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Construction permit to install new transmitter, vertical antenna, increase power from 1 KW to 1 KW night and 5 KW day, move transmitter to Granger, Oregon. Amended to request 5 KW power day and night, changes in requested transmitting equipment, installation of directional antenna for day and night use.

### 580 Kilocycles

KMJ—McClatchy Broadcasting Company, Fresno, Calif.—Extension of special experimental authority for transmission of facsimile signals, for period 4-1-40 to 4-1-41.

### 600 Kilocycles

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—License to cover construction permit (B3-P-2361) for installation of auxiliary transmitter.

### 620 Kilocycles

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit to install directional antenna for night use and increase power from 1 KW night and 5 KW day to 5 KW day and night.

### 650 Kilocycles

WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Extension of special experimental authority for transmission of facsimile signals from 12 midnight to 6 a. m., for period 2-1-40 to 2-1-41.

### 780 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit to install directional antenna for night use, increase power from 1 KW and 5 KW day to 5 KW day and night.

### 900 Kilocycles

NEW—The Fort Industry Co., Cleveland, Ohio.—Construction permit for a new station on **810 kc.,** 1 KW, daytime operation. Amended to request **900 kc.**, 5 KW power, unlimited time, changes in antenna and transmitting equipment.

### 1050 Kilocycles

KFBI—The Farmers & Bankers Broadcasting Corporation, Wichita, Kans.—Modification of construction permit (B4-P-1865) as modified, for new equipment, new antenna, and move of transmitter and studio, further requesting authority to install new transmitter.

### 1110 Kilocycles

NEW—Mosby's, Inc., Anaconda, Mont.—Construction permit for a new station on **1110 kc.**, 500 watts night, 1 KW day, unlimited time.

### 1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—License to cover construction permit (B3-P-1958) for changes in equipment and increase in power.

### 1150 Kilocycles

NEW—Helen L. Walton and Walter Bellatti, Jacksonville, Ill.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts power, unlimited time. Amended to request **1150 kc.**, daytime operation, and amend sections 19(f), 30 and 33.

### 1200 Kilocycles

WHOP—Paducah Broadcasting Co., Inc., Hopkinsville, Ky.—License to cover construction permit (B2-P-2519) for a new broadcast station.

WHOP—Paducah Broadcasting Co., Inc., Hopkinsville, Ky.—Authority to determine operating power by direct measurement of antenna power.

KVNU—Cache Valley Broadcasting Company, Logan, Utah.—License to cover construction permit (B5-P-2469) for changes in equipment and increase in power.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

### 1210 Kilocycles

NEW—Western Gateway Broadcasting Corporation, Schenectady, N. Y.—Construction permit for a new station on **1210 kc.**, 250 watts, unlimited time.

### 1280 Kilocycles

WIBA—Badger Broadcasting Company, Inc., Madison, Wis.—Construction permit to make changes in directional antenna for use at night, and increase power from 1 KW; 5 KW-daytime to 5 KW day and night.

### 1310 Kilocycles

KFYO—Plains Radio Broadcasting Co., Lubbock, Texas.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

WTEL—Foulkrod Radio Engineering Company, Philadelphia, Pa.—Construction permit to make changes in equipment, increase power from 100 to 250 watts. Amended to change frequency from **1310 kc.** to **1500 kc.**, and hours of operation from S-WHAT to unlimited.

WMBO—WMBO, Inc., Auburn, N. Y.—Authority to determine operating power by direct measurement of antenna power.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Construction permit for a new station to be operated on **680 kc.**, 250 watts power, daytime. Amended to request **1310 kc.**, 100 watts power, unlimited time.

### 1320 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Modification of construction permit (B-P-2220) as modified, for change in frequency, increase in power, new transmitter and antenna, and move of transmitter, requesting extension of completition date from 2-20-40 to 8-20-40.

WSMB—WSMB, Inc., New Orleans, La.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

WDRC—WDRC, Inc., Hartford, Conn.—Modification of construction permit (B1-P-2223) for installation of directional antenna and increase in power, further requesting changes in directional antenna for use day and night, and extend commencement date 30 days after grant and completion date 150 days thereafter.

### 1370 Kilocycles

WMAN—Richland, Inc., Mansfield, Ohio.—Modification of license to change hours of operation from daytime to unlimited, using 250 watts power.

NEW—The Hampden-Hampshire Corporation, Holyoke, Mass.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts power, unlimited time. Amended: equipment changes and specify antenna to be determined.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Authority to determine operating power by direct measurement of antenna power.

### 1380 Kilocycles

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1400 Kilocycles

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Authority to determine operating power by direct measurement of antenna power.

### 1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license to increase power from 250 watts, 1 KW day, to 1 KW day and night.

### 1420 Kilocycles

WSPB—WSPB, Inc., Sarasota, Fla.—Authority to determine operating power by direct measurement of antenna power.

KABC—Alamo Broadcasting Company, Inc., San Antonio, Tex.—Authority to determine operating power by direct measurement of antenna power.

WSPB—WSPB, Inc., Sarasota, Fla.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

### 1450 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment and make changes in directional antenna (for use day and night); change frequency and power from **1450 kc.**, 1 KW, 5 KW day, to **730 kc.**, 10 KW day and night; move transmitter from 1000 Harvard Ave., Cuyahoga Heights, Ohio, to Bassett Road, Dover, Ohio.

### 1500 Kilocycles

WMEX—The Northern Corporation, Boston, Mass.—Modification of construction permit (B1-P-1167) for change in frequency, increase in power, new transmitter, directional antenna, and move of transmitter, further requesting changes in directional antenna and move of transmitter from Granite Ave., Milton, Mass., to W. Squantum St. and John St., Montclair (Quincy), Mass.; and extend commencement date 30 days and completion date 180 days. Corrected re: sections 11 b and e, and new resolution filed under section 18.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Modification of construction permit (B3-P-2384) for a new station, requesting authority to make changes in equipment, and approval of antenna, and approval of studio and transmitter site at end of 23rd Ave., Cordele, Ga.

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant R. Wrathall, d/b as Utah Broadcasting Company, Salt Lake City, Utah.—License to cover construction permit (B5-P-2513) as modified for changes in equipment and increase in power.

WKEU—Radio Station WKEU, Griffin, Ga.—Construction permit to make changes in antenna and change hours of operation from daytime to unlimited, using 100 watts power.

KNEL—G. L. Burns, Brady, Tex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

### MISCELLANEOUS

W1XK—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Modification of construction permit (B1-PHB-76) to change transmitter site from Hotel Bradford, 275 Tremont St., Boston, Mass., to Newport Road, Hull, Mass., and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WBOS—Westinghouse Electric & Manufacturing Co., Millis, Mass.—Modification of license to add the frequencies of **11870** and **17780 kc.** to those already authorized (**6140, 9570, 15210, 21540**), sharing time on all frequencies with WPIT.

WENH—WJR, The Goodwill Station, Portable-Mobile.—License to cover construction permit (B2-PRY-185) to change frequencies and make changes in equipment.

NEW—William G. H. Finch, New York, N. Y.—Construction permit for a new high frequency broadcast station to be located at 1819 Broadway, New York, N. Y., to be operated on **117910 kc.**, 1 KW power, unlimited time, special emission.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-PHB-80) for new high frequency broadcast station.

NEW—God's Bible School and College, Cincinnati, Ohio.—Construction permit for a new international broadcast station to be located at 1810 Young St., Cincinnati, Ohio, on **11710** and **21610 kc.**, unlimited time on **21610 kc.** and sharing time on **11710 kc.**, 60 KW power, A-3 emission.

KBQB—Edwin A. Kraft, area of Juneau, Alaska.—License to cover construction permit (B5-PRY-196) for new relay broadcast station.

NEW—Muzak Corporation, New York, N. Y.—Construction permit for a new high frequency broadcast station to be located in New York, N. Y., to be operated on **43600** and **117910 kc.**, 1 KW, unlimited time, special emission.

NEW—WIBX, Inc., area of Utica, N. Y.—Construction permit for a new relay broadcast station on **1606, 2022, 2102, 2758 kc.**, 100 watts, A-3 emission, unlimited time. Located in area of Utica, N. Y. Portable-Mobile.

NEW—Peoria Broadcasting Co., area of Peoria, Ill.—Construction permit for a new relay broadcast station to be operated on **33380, 35020, 37620, 39820 kc.**, 1 watt power, A-3 emission, unlimited time. Portable-Mobile, area of Peoria, Ill.

NEW—Peoria Broadcasting Co., Peoria, Ill.—License to cover above.

W9XMK—Peoria Broadcasting Co., Peoria, Ill.—Construction permit to change frequencies from Group G (**33380, 35020, 37620, 39820 kc.**) to Group A (**1622, 2058, 2150, 2790 kc.**) and make changes in equipment and operate with 50 watts power.

NEW—The Crosley Corporation, Cincinnati, Ohio.—Construction permit for a new high frequency broadcast station to be located at corner Vine and Fifth Streets, Carew Tower, Cincinnati, Ohio, to be operated on **43200 kc.**, 1 KW power, unlimited time, special emission.

KEIT—Midland Broadcasting Co., Portable-Mobile.—License to cover construction permit (B4-PRE-325) for changes in equipment.

NEW—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be located at 1450 Broadway, New York, N. Y., on the frequency channel **84000-90000 kc.**, 1 KW power for both visual and aural, A-3 and A-5 emission. Amended to request Class II television station and change frequency channel to Channel 4 (**78000-84000 kc.**).

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Aurine Company, Inc.**, Chicago, Ill., in newspaper and periodical advertising, allegedly made representations, directly or by implication, to the effect that its preparation "Ourine" is a cure or remedy for deafness, has therapeutic value in treating it, and is competent and effective in treating ringing and buzzing head noises due to hardened or coagulated wax in the ear. The respondent also allegedly advertised that it refunds the purchase price to dissatisfied customers.

The complaint charges that the respondent's representations are misleading and constitute false advertisements. Deafness, the complaint continues, may be caused by either a central or systemic or local disorder or condition. "Ourine" allegedly is not a cure or remedy or competent or effective treatment for deafness or conditions due to hardened wax in the ear although its use may soften accumulations of wax in the ear. However, the complaint points out, without the use of an instrument to extract wax, the conditions which may result from an accumulation of wax, namely, temporary deafness, ringing or buzzing head noises, will not be materially benefited or relieved. The complaint alleges that the respondent does not uniformly make refunds to purchasers who are not satisfied with the results obtained.

Alleging violation of the Federal Trade Commission Act, the complaints grant each respondent 20 days for filing answers. (3993)

**Theodore Radin, Inc.**, New York, N. Y., distributes "Glycirenan", "Glycirenan-Forte", "Jodirenan", "Inhaledrin-Compositum", and "Aerizon", which it allegedly advertises in newspapers, testimonials and circulars as being cures, remedies or competent treatments for asthma, hay fever, sinus discomfort, bronchial asthma and other bronchial ailments. It is also alleged to represent that its preparations are absolutely harmless no matter how often used, and that their use will prevent attacks of asthma and hay fever or the recurrence of these ailments and will relieve the suffering incident to them.

The complaint charges that the respondent's assertions are exaggerated and misleading, and that its products do not constitute competent and effective treatments in excess of furnishing temporary symptomatic relief from the paroxysms of asthma, attacks of hay fever, bronchial irritations and sinus discomfort. Further, the complaint alleges, the preparations are not absolutely harmless no matter how often used because of the presence of epinephrine and ephedrine and their use over a long period is likely to produce prolonged vasoconstriction such as to cause tissue damage from anoxemia, with secondary inflammatory reactions. (3992)

### CEASE AND DESIST ORDERS

No cease and desist orders were entered into during the week.

### STIPULATIONS

The Commission has entered into the following stipulations:

**American Electrical Sales Company, Inc.**, 65 East 8th St., New York, agrees to desist from advertising or distributing used or reconditioned electrical apparatus or equipment without properly disclosing the fact that it is used or reconditioned, and from implying in its advertising or otherwise that the merchandise is new and unused. The respondent also agrees to desist from misrepresenting prices of equipment. (2644)

**Ascot Mills**—Abe D. Kasen, trading as Ascot Mills, New York, in the sale of knitted sportswear or other products, agrees to desist from use of the word "Mills" as a part of his trade name or in any manner implying that the respondent knits or manufactures the products sold by him or owns or controls a mill in which such goods are made, when this is not a fact. The stipulation points out that the respondent fills orders with products made by other concerns as to which he has no ownership or control and for which he acts only as selling agent. (2650)

**David H. Blanck & Company**—David H. Blanck, trading as David H. Blanck & Co., Philadelphia, Pa., in the sale and distribution of drugs and other merchandise, agrees to cease simulating or imitating the wrappers or containers of a competitive product in any way by design, arrangement, wording or otherwise, with a tendency to confuse purchasers into believing that the product so labeled is that of another concern. The stipulation points out that in the sale of "Femigene", a douche powder, the respondent used labels on the containers which simulated those of a competitive douche powder. (2647)

**Century Hosiery Mills, Inc.,** Burlington, N. C., distributor of hosiery, agrees to desist from use of the word "Mills", as part of its corporate or trade name, on stationery or other printed matter, in advertising or in any manner tending to convey the belief to purchasers that all the products offered for sale by it are knitted or manufactured in its own mills, or that it actually owns, operates or directly and absolutely controls the mill or factory wherein the products are manufactured, when such is not the fact. (2641)

**Ciba Pharmaceutical Products, Inc.,** Summit, N. J., agrees to cease representing that "Agomensin 'Ciba' " has the action in all cases of activating menstruation, stimulating ovarian function, or preventing hyperemia; is indicated as a proper and effective treatment or cure for certain diseases of women, regardless of the cause, and that its hormone content, estrin or progestin, is sufficient to have therapeutic effect, except in cases where relatively low hormone potency is indicated. Further representations to be discontinued are that "Sistomensin 'Ciba' " is a competent and effective treatment for the control of hemorrhage of puberty and of menopause, in all cases; is indicated for all symptoms of hormone deficiency or for all types of climacteric disturbances, and that the estrin content of "Sistomensin 'Ciba' " is such that, when given as directed, it will be effective, except in cases where relatively low hormone potency is indicated. (2649)

**Clark's Cancellation Shoes**—David R. Schlossman, trading as Clark's Cancellation Shoes, 525 13th St., N. W., Washington, D. C., engaged in selling women's shoes at retail, agrees to discontinue use of the word "Cancellation" as part of his trade name and from use of the word or any similar words in his advertising matter which tends to convey the belief to purchasers that the shoes sold by him are of the "cancelled order" class, when such is not the fact. (2642)

**G. E. Conkey Company,** Cleveland, Ohio, in its supplemental stipulation, agrees to cease advertising, directly or by implication, that either of its products. "Conkey's Y-O Starting Feed" or "Conkey's Y-O 32% Supplement", will prevent leg weakness in poultry when that condition is not due to a deficiency of Vitamin D, and that either product is a competent treatment or effective remedy or cure for an existing leg weakness. The respondent company admitted that its products will be of no benefit in preventing leg weakness in poultry except when that condition is due to a deficiency of Vitamin D and that the preparations are not competent to treat or cure an existing leg weakness. (02269)

**Consolidated Theatre Supply Corporation,** New York, in the sale of theatre equipment, accessories and supplies, will cease employing the word "Manufacturers" as descriptive of its business or in any way except in referring to products it may actually manufacture; describing its business as that of "Distributors" or in any other manner implying that the respondent, a jobbing concern, is a duly constituted distributing agency for the producers of the goods which it sells; describing its business as that of "Exporters", unless and until a substantial part of its regular business is actually in the export trade, and representing itself to be the "Theatre Equipment Center of America" or using any assertions conveying the impression that the respondent corporation conducts a large and imposing business. Other practices to be discontinued are the advertising or selling of second-hand or rebuilt equipment without disclosure that it is such; placing a fictitious or exaggerated valuation upon certain merchandise; representing that prices quoted in the ordinary course of trade are "Special", "Introductory" or "Drastic Reductions", or that prices and quality are guaranteed, unless the language is properly qualified, and designating its method of merchandising as a "Triple Thrift Replacement Plan" or otherwise representing that advantageous transactions are offered other than the usual prices and payment terms, when such is not a fact. (2651)

**Donnelly Company**—A stipulation has been entered into to cease misleading representations in the sale of their preparations from Arthur M. Donnelly and E. R. Evans, trading as Donnelly Company, 5988 Easton Ave., St. Louis, dealers in cosmetics.

In the sale of "Roll Away Lotion", the respondents agree to discontinue advertising, directly or by implication, that their product or any other cosmetic preparation containing substantially the same ingredients or the same properties, whether sold under that or any other name, is the only new and unique skin lotion on the market, the only preparation which rolls off the skin, and the only cleanser which will not dry the skin.

The respondents also agree to cease representing that their product is efficient as a general healing preparation; that it smooths out horny, scratchy or wrinkled skin in every instance, possesses penetrating qualities, is more effective than other lotions in softening and smoothing rough skin surfaces, and whitens the skin or possesses bleaching properties. (02492)

**O. Henry Shirt Company**—Agreeing to discontinue misleading representations in the sale of men's shirts, Harry Marks, trading as O. Henry Shirt Co., Greensboro, N. C., has entered into a stipulation.

The respondent agrees to cease advertising that the shirts he sells will not shrink or are otherwise pre-shrunk, when the materials used in their manufacture have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left in them, and to discontinue representing that the shirts he sells will not fade or are manufactured from materials the colors of which are fast, unless or until the color or dye in the materials is a true fast color and will not fade or blanch when subjected to laundering. (02491)

**K-C Optical Company**—See Specialty Optical Company.

**Kresge Department Stores, Inc.,** operating under the trade name of The Palais Royal, 11th & G Sts., N. W., Washington, D. C., has entered into a stipulation to cease making certain misleading representations in the sale of Chinese filet banquet or dinner cloths advertised as "Tuscany Lace".

The respondent corporation agrees to cease representing, directly or by implication, that any banquet cloths or other articles sold by it are "Tuscany Lace", unless they are in fact true Tuscany Lace, which is defined in the stipulation as being a hand-made filet lace of grape design produced in the Tuscany district of Italy, from linen thread.

The stipulation points out that the banquet cloths referred to by the respondent corporation as "Hand-Made Tuscany Lace" were in fact filet laces made of cotton thread in China to imitate the true Tuscany lace. (02489)

**G. L. Morris Corporation,** Cleveland, Ohio, distributor of theatrical equipment, including portable dance floor mats, agrees to desist from representing itself to be a manufacturer when it neither owns, operates nor controls a manufacturing plant and from representing itself to be the "exclusive" manufacturer of portable dance floor mats or any other product when there are similar articles on the market made and sold by others. (2643)

**Palais Royal**—See Kresge Department Stores, Inc.

**Paty Publishing Company**—William Michael, trading as The Paty Publishing Company, 618 South Western Ave., Los Angeles, engaged in selling a system for making selections in horse races designated "The Flat Wager System", agrees to discontinue representing that a booklet which he distributes gratuitously for advertising purposes contains instructions and information for making selections in horse races. (02490)

**Pritchard and Thompson Advertising Agency, Inc.,** New Orleans, La., agrees to cease disseminating advertisements which represent, directly or by implication, that "HF" is a remedy and a complete treatment or cure for athlete's foot; that other preparations are not beneficial in treating this condition or disease and will not reach the parasites causing it, and that the use of "HF" will keep a person "rid" of this disease or condition and eradicate the germs causing it.

Other representations to be discontinued by the agency are that the use of "HF" will cause the itching accompanying athlete's foot to stop; that the product is world renowned, and that more money has been spent for advertising it in a given time than for any other athlete's foot medicine. (02488)

**Sears, Roebuck & Company**, Chicago, agrees to discontinue representations in advertising matter, by use of the words "Hand-Made" or "Hand-Stitched," to imply that merchandise is made or stitched by hand, when such is not a fact. The stipulation points out that certain machine-stitched comforters were purportedly so advertised. (2648)

**Silbermann, Kohn & Wallenstein, Inc.**, New York, N. Y., importer of diamonds and manufacturer of jewelry, agrees to desist from the use in advertisements, or from placing advertisements in the hands of others for their use, in which appear any representation directly asserting or the effect of which tends to convey the impression that an individual, firm or corporation named in the advertisements is the importer of the displayed merchandise, when in fact such person or concern is not the importer. The stipulation points out that in order to stimulate the sale of its diamonds and other jewelry, the respondent adopted a plan of causing various of its customers to receive, purportedly as importers, diamonds from a source of supply in a foreign country for the purpose of having the package containing the diamonds and the shipping documents pertaining thereto photographed and such pictures featured in newspaper or other advertisements of jewelry with diamond settings.

The respondent also agrees to cease representing in advertising matter or in any other way that prices charged for designated merchandise have been stripped of the profits of the middleman, broker or importer, when such is not a fact. (2640)

**N. G. Slater Corporation**, 3-7 West 29th St., New York, agrees to discontinue representations in catalogs or other advertising matter implying that it is the manufacturer of certain products distributed by it, or that the corporation owns or operates the plants in which such merchandise is manufactured, when such is not a fact. (2645)

**Southwestern Distilled Products, Inc.**, West Memphis, Ark., engaged in the rectifying, bottling and sale of distilled spirits, agrees to desist from holding itself out to be, or in any way designating itself as, a distiller, in its advertising matter, trade literature, labels or otherwise, when such is not a fact; or in any manner representing that the liquors sold by it have been distilled in its own plant when it neither owns, operates nor controls the plant in which such distilled spirits are produced. The stipulation points out that the respondent described itself as "Distillers and Rectifiers" when it neither operates nor is licensed or authorized to operate a distillery, although it does conduct a rectifying and bottling plant. (2646)

**Specialty Optical Company**—John David Brock, trading as Specialty Optical Company, Superior Optical Company, and K-C Wholesale Optical Company, Kansas City, Mo., according to the stipulation, referred in catalogs to certain spectacle frames as being "Neatly Engraved Rhodium Plated—Pink Finish" or "Tan Finish", when in fact such advertising was misleading in that it tended to convey the impression to purchasers that the pink or tan finish was an inherent quality of the rhodium used in plating such products and, therefore, would not wear away or change its color. The respondent agrees to cease such use of the words "Pink Finish" or "Tan Finish". The respondent also stipulates that he will desist from using the term "Semi-Precious" as descriptive of products made from so-called "Villadium" which is not composed of the precious metals. (2638)

**Superior Optical Company**—See Specialty Optical Company.

**Ver Halen Publications**—Charles J. Ver Halen and Charles J. Ver Halen, Jr., trading as Ver Halen Publications, Los Angeles, Cal., and engaged in the publication of "Photographic Dealer", a trade paper, agree to cease representing, directly or by implication, that their journal is either the first or the only trade journal in the photographic industry. The respondent co-partners also agree to desist from the claim that their publication is the "Official Buying Guide of the Photographic Industry", when such is not a fact, and to discontinue any representation concerning the alleged cost of mailing an issue of the publication to subscribers in various zones of the United States which is not in all respects true. (2639)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 4, January 26, 1940

# A Message from Neville Miller

I have just returned to Washington from attending District meetings in New Orleans, Dallas, Los Angeles, San Francisco, Portland, Seattle, Columbus, Georgia, and Orlando, Florida. These meetings, with the Third District recently held in Camden, complete the series of District meetings, and I believe we can feel very encouraged over the enthusiastic support which Broadcast Music received at practically all the meetings.

Now, for a few statistics—416 stations were represented at the meetings, and representatives of 358 stations have either signed or agreed to recommend approval by their directors, or have indicated approval in some manner. In a number of cases, the representative present individually approved of Broadcast Music, but felt he was unauthorized to commit his station in any way without first reporting back to his superiors. 140 stations have sent in their checks, together with signed Stock Subscriptions and License Agreements; additional ones are arriving in every mail. I believe we can now count on the support of at least 90 per cent of those stations which were represented at the meetings. That, to me, indicates a tremendous endorsement. However, there is much work yet to be done.

To those stations who have sent in their checks, Stock Subscriptions and License Agreements, we express our sincere appreciation.

We urge those which have indicated approval, but have yet to send in their checks, Stock Subscriptions and License Agreements, to attend to this at the earliest possible moment. Your immediate attention will be greatly appreciated.

To those stations which have not yet committed themselves, we urge your careful consideration of Broadcast Music now. Any additional information desired, will be furnished upon request. We want your support and cooperation. May we hear from you NOW?

Several months ago, many said the broadcasters would never show a united front, and would not contribute any substantial sum. By your recent actions, you have answered that statement more eloquently than I have done by any number of words.

Let's finish the job with a bang—may we hear from you *NOW?*

Sincerely yours,

Neville Miller

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

# Labor

## A. F. OF M. AUTHORIZES LOCAL CONTRACTS FOR AFFILIATES

Joseph N. Weber, president of the American Federation of Musicians, sent the following letter to all his locals on January 17, from the A. F. of M. executive board meeting in Miami:

"As the national agreement has expired all local unions may use their own judgment in entering into contracts with radio stations in their jurisdiction. These contracts must not contain any stipulations contrary to the laws and rules of the American Federation of Musicians and furthermore should contain the following: nothing herein shall be so construed as to interfere with the prior obligations of the musicians to the American Federation of Musicians as members thereof.

"Decisions and conclusions of the International Executive Board in the radio situation were based upon new developments and facts which in the interest of the Federation the Board conformed to. Copy of local radio contracts must be sent to the President of the American Federation of Musicians."

There is some doubt as to what the union means by the suggested clause for inclusion in all local agreements. In the opinion of some, it means that the local contracts could be abrogated at any time by the union's international office.

## WAGE AND HOUR LAW

Three broacasting stations are in trouble with the Wage and Hour Administration. In two cases the trouble followed inspection by federal agents.. In the third, the engineering staff made a complaint.

In all three cases, failure to pay time and one-half for overtime beyond 42 hours a week led to the trouble. Inadequate records figured in two of the cases. Calling a chief engineer who took a regular trick at the transmitter an "executive" led to one complaint. Partial payment of employees in "due bills" also was involved in one case.

**The NAB Labor Relations Director again urges all station managers who have any doubt about whether they are complying with the law to send in their questions.**

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Federal District Judge Charles E. Woodward, in Chicago, has ordered the G. and G. Genuine Majestic Refrigerator and Radio Parts Company to reinstate an employee fired, allegedly, because he supplied Wage and Hour inspectors information about law violation by the employer.

## NEW ACA CONTRACT

The *ACA News* reports a new contract between Station WPEN, Philadelphia, and the American Communications Association (C.I.O.) covering announcers, production men, telephone operators, building maintenance employees, commercial department and general office workers. The contract calls for increased wages, a 40-hour week, closed shop, and time and one-half for overtime.

## DISTRICT FIVE BROADCASTERS APPROVE BROADCAST MUSIC

District Five broadcasters, at meetings last week in Columbus, Ga., and Orlando, Fla., expressed approval of Broadcast Music, Inc. After hearing Neville Miller explain how the new corporation would operate, representatives of the following stations signed, promised to sign or said they would recommend signing subscriptions:

WAPI, WBRC, WSGN, WCOV, WSFA, WFTL, WFTM, WMBR, WIOD, WQAM, WDBO, WSUN, WTSP, WTAL, WDAE, WFLA, WJNO, WGPC, WAGA, WATL, WSB, WRBL, WMAZ, WTOC, WPAX, WPRP.

Present at District 5 meeting in Columbus, Ga.:

Thad Holt, WAPI; K. G. Marshall, WBRC; Henry P. Johnson, WSGN; G. W. Covington, Jr., WCOV; Howard E. Pill, WSFA; Stewart Watson, WGPC; Maurice C. Coleman, WATL; Paula Wilbrite, John Fulton, WGST; Lambdin Kay, WSB-WAGA; William J. Davis, WRDW; James Woodruff, Jr.; Wilton Cobb, WMAZ; Ben Williams, William O. Knight, WTOC; H. Wimpy, WPAX; Jack Williams, John J. Tobola, WAYX; Walter Tison, WFLA.

Present at District 5 meeting in Orlando, Fla.:

W. Wright Esch, WMFJ; James H. Knox, WFTL; W. E. Eenns, Jr., WFTM; Jack Hopkins, WJAX; Frank King, Glenn Marshall, Jr., WMBR; Hal Leyshon, WIOD; F. W. Borton, WQAM; H. P. Danforth, WDBO; R. M. Tigert, WFOY; Harold H. Meyer, WSUN; Fred Bugg, WTSP; L. S. Mitchell, WDAE; Walter Tison, WFLA; Reggie Martin, WJNO; Robert Feagin, Mrs. Marjorie B. Willis, WTOC.

## FREE OFFERS

Several new and even subtler forms of time-chiseling have been reported to NAB Headquarters by member stations during the past two weeks.

MacFadden Publications offers to let stations and their listeners in on its $100 weekly reward (for apprehension of wanted criminals) if they will broadcast the "True Detective Mysteries" half-hour show, dramatized from True Detective Mysteries Magazine.

American Boy Magazine asks stations to broadcast advance publicity of articles and features appearing in its February issue.

The Bureau of Industrial Service is allowing stations to broadcast "free of charge" a script describing the advantages of new woven glass fabrics for home decoration.

The Spector-Goodman Advertising Agency, Chicago, offers daily transcribed programs on behalf of its client, Winn Publishing Company, (Race-Track Publications). The transcriptions are available, free of charge, (if on a sustaining basis) and "at actual cost of production—only $8.25 per program," if station obtains a sponsor. This offer is made further appealing by the agency's announcement that "inasmuch as Winn Publishing Company is contemplating an advertising compaign in newspapers in your city, this is an opportune time to feature Willie Winn on your station." Thus stations will be allowed to help the time-chiseler sell form charts and tips to listeners who want to play the races, the profits from said sales to be spent in newspapers.

The Institute of American Meat Packers is requesting stations to broadcast recipes recommending pork sausage as an excellent menu item for breakfast on Ground Hog day, or any other day.

As usual, the Bureau of Radio Advertising has advised these concerns that NAB members consider acceptance of their generous offers bad business practice. The companies have been invited to use radio advertising on a regular paid basis.

The National Chemical and Manufacturing Company, Chicago, in reply to a recent letter from the Bureau, has disclaimed any intention of time-chiseling. Their offer on behalf of Luminall was for "sampling purposes" only, they stated. The successful results of this sampling have now made it possible for them to produce a series of transcribed programs, "the time for which will be paid for in full by either our dealers or ourselves."

### Cost-Per-Inquiry

The following advertising agencies have recently sought to place cost-per-inquiry accounts on member stations:

Sterling Beeson, Inc., Toledo, Ohio
F. Arthur Caso, Inc., New York City

The Bureau of Radio Advertising has advised them that such propositions are contrary to accepted business practice among NAB member stations. In reply, the Sterling Beeson Company has agreed to withdraw its percentage request as far as NAB members are concerned. The Bureau has again invited the company to consider a regular radio advertising campaign.

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## NAB ACCOUNTING COMMITTEE

Neville Miller congratulated the NAB Accounting Committee this week for its work with the FCC Accounting Department in obtaining simplification of the annual financial report broadcasters must make to the Commission. The Committee has held seven meetings during the last year. Numerous conferences have been held with William J. Norfleet, chief accountant, and de Quincy Sutton, his assistant, who cooperated in presenting the industry's view to the Commission.

The Committee's object was to have a report form that would give the Commission the information they request and were required to secure under the Radio Act and at the same time in keeping with the manner in which most stations kept their books and records. The Committee also recommended to the FCC Accounting Department that the program portion of the previous reports be eliminated and that a sample week be adopted rather than a detailed week by week report. The amount of details required to be filed by stations doing less than $25,000 per year was kept to a minimum. The date for filing the return also was postponed to allow the use of tax returns in compiling it.

The members of the Accounting Committee during 1938-39 were: Harry C. Wilder, WSYR, Chairman; L. A. Benson, WIL; E. E. Hill, WORC; E. M. Stoer, Hearst Radio, Inc.; Harold Wheelahan, WSMB; Frank White, CBS; Mark Woods, NBC; P. M. Thomas, WJR; and Edwin M. Spence, Secretary to the Committee.

The new Committee, appointed after the July convention consists of C. T. Lucy, WRVA, Chairman; H. W. Batchelder, WFBR; S. R. Dean, CBS; E. J. Gluck, WSOC; N. L. Kidd, WSYR; and Harry F. McKeon, NBC.

Members of both committees devoted many hours of time to this work.

## LIBEL INSURANCE

The NAB has been informed of the possibility of broadcasters' taking out libel and slander insurance through Employers Reinsurance Corporation, Kansas City, Missouri. So far as the NAB knows this is the only company in the country writing this coverage at present.

Under their policy form, the station usually assumes liability up to $2,500 or $5,000 in respect of each loss, and they cover for the excess. With regard to rates, they state:

"Since each risk is underwritten separately and individually it is most difficult, if not impossible, to advise a blanket rate which would be applicable in all cases but you may keep in mind that the basic rate from which we start is the published advertising charge of each station, that is the charge for one hour after 6:00 p. m., exclusive of talent and other charges. This charge is presumed to reflect the power of the station, time on the air, population reached, and popularity, together with other phases of the situation. This basic charge is then taken into consideration with other factors such as territory served, personnel, etc.

"This basic charge is usually considered applicable to either of two proposals: $50,000 excess of $5,000, or $25,000 excess of $2,500. Should a prospective assured desire higher limits up to $100,000 there is an increased rate applicable in the amount of 15% to 35%.

"Our minimum premium for any radio station is $150.00 and in order to get a fairly accurate idea as to the cost of this insurance you might well take the published advertising charge as above described, for usually such charge is not increased materially, except in some peculiar circumstance such as where the station involved is a key station of a network or there is involved some other extenuating circumstances."

# Engineering

## FREQUENCY MODULATION

NAB Reports for December 29, 1939, told of the scheduled FCC hearing on "High Frequency." This hearing has been called in order that the facts concerning Frequency Modulation, as best we know them today, can be correlated to give an indication as to the ultimate value of Frequency Modulation.

Many claims have been made for F. M. such as "static free reception," great coverage with low power, and high fidelity.

Modulation is the process of controlling the radio signal caused by the sound desired to be transmitted. In the present day *amplitude modulation* this control produces a change in the *amplitude* of the transmitter power. In the *Frequency Modulation* system the amplitude of the transmitter power is maintained constant but the *frequency* is varied.

When modulating with A. M. the transmitter power is varied from the extremes of zero to four times the carrier power at 100 per cent modulation, while with F. M. this power remains constant for all modulation. F. M. then has an advantage over A. M. so far as transmitter power is concerned, in that only the carrier power used need be provided for, while in the A. M. system provision must be made to handle four times this power.

In A. M. the carrier frequency is maintained constant and in F. M. the carrier frequency may be varied over a desired band. At present F. M. stations are licensed to operate on a band width of 200 kc. A. M. then has an advantage in that 20 of our present A. M. channels could be provided for in the space required for one wide band F. M. channel. It should be pointed out that if we should make an A. M. allocation in the U. H. F. band with channel separations the same as we have in the present broadcast band, namely, 10 kc., we would not be able to extend the band of audio frequencies transmitter such as is proposed by the sponsors of F. M. Another important factor is that it is difficult to build an A. M. U. H. F. receiver with a small enough drift so that the receiver does not detune. On the other hand it takes a comparatively large receiver drift to have appreciable effect on F. M. signals. It is claimed that the signal from the desired station need be only twice as strong as that from an undesired station operating on the same frequency for good reception with F. M., while A. M. requires that the signal from the desired station be 20 times as strong. This then would allow a smaller spacing between F. M. stations for the same protection from interferences. In connection with the allocation problem it may be possible to place F. M. stations on adjacent channels, although it might be more satisfactory to put them on alternate channels in the same locality.

The F. M. system inherently does not respond as readily to noise and static as does A. M. in the same frequency band and there is claimed an advantage for F. M. of 20 to 1 up to 50 to 1 in signal strength. If these ratios are correct, using the 20 to 1 figure, it will require 400 times the power with A. M. to give as clear a signal as with F. M. on the same frequency and 2500 times using the 50 to 1 value.

The various advantages of F. M. are dependent on the width of band used. One of the important questions which needs answering is, if we adopt F. M., what band width should be used? The narrower the band the more power is required to give the same results but a narrower band of frequencies is required.

Much experimental work has been done on the Paxton station of the Yankee Network. New England has favorable conditions for F. M. in that the conductivity of the land is very low reducing the coverage of standard broadcast band stations, and that there are available high mountains which are suitable for F. M. antennas. The height of the F. M. antenna is important in that the signal from an ultra high frequency station is directly proportional to the height of the antenna. Also the horizon of the antenna is important in the use of U. H. F., in that beginning at about that point tropospherical effects start to set in. These fading effects are similar to the effects we now experience in the present broadcast band due to the ionosphere and are due to the lower atmosphere of the earth. The tropospherical effects are present both day and night. According to the C. C. I. R. committee's report on the "study of the propagation of radio waves" at distances of the order of 2 horizons and greater, these troposphere waves probably represent the predominant part of the received field at the U. H. F.

The effects of fading on A. M. signals in the U. H. F. are known to a certain extent and cause trouble at some point not very far beyond the horizon. According to Mr. Paul de Mars, technical director of the Yankee Network, fading has little effect on the results when using F. M. According to Mr. de Mars, the Yankee Network F. M. station at Paxton will have a good reliable range of about 100 miles when the power is stepped up to 50 kw. from its present power of 2 kw. If his predictions are borne out then the station will have good coverage to almost two horizons. Going over the horizon from a U. H. F. station there is a gradual increase in the attenuation of the waves. This has two effects, one detrimental, and the other good. The detrimental effect, of course, is a relatively small increase in area covered with a power increase. The good effect is that with the greater attentuation the stations can be placed closer together with a smaller waste area between them. The distance in miles to the horizon from a transmitting antenna over spherical earth equals 1.22 times the square root of the height in feet. If the receiving antenna is elevated, its horizon should be calculated, with the same formula, and this distance added to the transmitting antenna's horizon.

The Paxton antenna is 1800 feet above sea level. This height gives a sea level horizon of 51.7 miles. Two horizons then would be 103.4 miles. If we take a case in the plains of the middle west the height above surrounding country will be of the order of 600 feet, we have a horizon at 30 miles or 60 miles for two horizons. These figures are given merely for a relative comparison and probably are an index to A. M. coverage using the horizon value but not F. M. in as much as we still have not determined at what point beyond the horizon coverage will cease, regardless of power. Major Armstrong and Mr. de Mars claim that due to the slight effect of fading on F. M. signals, that the optical horizon is not so important as it is with A. M., therefore they predict ranges of the order of 100 miles over most conditions of terrain. It also should be pointed out that the height of the receiving antenna has an effect on the effective horizon. Assuming an average height for residential antennas of 30 feet the horizon will be extended 6.7 miles approximately. The height of the receiving antenna has a direct bearing on the signal received. As with the transmitting antenna, the field strength is proportional to the height of the antenna.

No one can tell at present what will be the future of F. M. as far as the broadcasting industry is concerned. Its development involves the general use of special receivers. None of the regular receivers now in use are suitable for receiving F. M. and there are some forty-four million receivers in the United States. On the other hand, there are indications of considerable developments both from the transmitting angle as well as the receiver manufacturing angle. It is not impossible that we may find in the not too distant future that broadcasting has developed into two bands—one the regular broadcast band and the other the F. M. band. No doubt, for some time it will be necessary to have a certain number of stations in the regular broadcast band to provide service to much of the rural and sparsely settled sections of the country, particularly in the plains states. Of course, the use of two bands for receiving broadcasting would increase the cost of receivers. It is not impossible either that F. M. may be generally adopted in years to come, and if such is the economic and technical trend of this new development, there will be required a transition period during which the auxiliary F. M. station gradually changes to the main station and the A. M. station fades into an auxiliary to be ultimately abandoned. However, the information available at this time is insufficient for any reliable prophesies to be made.

Some of the advantages of Frequency Modulation transmission and reception are so marked that it should command the greatest attention from the broadcast industry, in order that the full "system" possibilities might be determined. Many of the questions concerning Frequency Modulation undoubtedly will be answered during the Federal Communication Commissions hearing on "High Frequency" February 28.

## FREQUENCY MODULATION IN NON-BROADCAST SERVICE

To obtain more factual data about frequency modulation for services other than broadcast, the FCC has announced that it will accept applications for such experimental authorizations on the frequencies allocated to those services above 30,000 kilocycles.

This applies to such services as emergency, aviation, and those miscellaneous radio services not directly involved by the Commission's informal engineering hearing, scheduled to begin February 28, primarily to consider frequency modulation as applied to the standard broadcast service.

Frequency modulation is claimed to offer definite advantages over existing amplitude modulation systems in the police and aviation services. In the police service, each system is under the direct control of one licensee who can plan and control the installation and operation of both the transmitting and receiving systems. There are approximately 1,000 police radio systems with more than 6,000 transmitters (including headquarters and patrol cars) now using amplitude modulation.

On the basis of the reports required to be submitted under the experimental rules, and after observation of operation by Commission personnel, decisions will be reached as to whether and under what conditions frequency modulation can be regularly authorized for use in the non-broadcast services.

## TELEVISION HEARING

The last NAB reports carried the testimony in the FCC television hearing up to Wednesday night, January 17. The hearing was then adjourned until Friday.

Chairman James L. Fly resumed the television hearing on Friday, January 19 with the request that a demonstration be arranged for the FCC by the proponents of the various systems. The various respondents invited the Commission to inspect their television.

Dr. Peter Goldmark, in resuming testimony for Columbia, reiterated his statement of Wednesday, that we could improve the present picture quality by 100 per cent adhering to the R. M. A. standards. He said that he thought that if different stations did transmit with a different number of lines that it could be handled in the receiver either with a push button or manual control. Dr. Goldmark remarked that a contrast of 15 to 1 is the best television is doing now and that he expects that we can go to a contrast of 30 to 1 by developments in the technique of transmitting and receiving, even though we adhere to the fixed R. M. A. standards. In respect to the question; if two stations on the same channel could operate without interferences if one used horizontal and the other vertical polarization, he answered that this should be the subject of further tests. It was his opinion that a station in New York and a station in Philadelphia would be spaced about the right distance for making such a test.

Mr. Adrian Murphy, Executive Director of Television, continued testimony for Columbia. Mr. Murphy contended that the cost of operation and experimentation in television is so high that some degree of monopoly is justified. He also maintained that a station should be given full time on a channel even though it was not now prepared to operate during all the available hours. Mr. Murphy said that at present the most desirable viewing hours were between 7:30 and 9:30 P. M. He testified that it usually takes three men to produce a sound program as against twenty-three for a television program. Mr. Murphy suggested that semi-annually instead of quarterly reports to the Commission be required on television experiments. He also suggested that the proposed rule No. 4.74-D be changed so that at least two competitive signals can be provided in each city.

The hearing was continued with Dr. W. R. G. Baker, Director of Engineering for the Radio Manufacturers Association, giving testimony concerning the methods used in arriving at the RMA Television standards. Dr. Baker said that the RMA Television Committee was appointed two years ago although RMA has been working for four years on television matters. He said that the committee was instructed to entirely neglect patent considerations and that the RMA standards were accepted by the committee, with two dissenting votes on the synchronization standards. It was Dr. Baker's opinion that television would go ahead only if the RMA rules were allowed to go into effect.

John C. Bolte a motion picture theatre owner and operator, of Yonkers, New York, presented additional testimony for the Cath-Ray Electronic Laboratories, concerning the installation of a television receiver in his home. Mr. Bolte said that it took less than three-fourths of an hour to install the television receiver. The receiver used a 7 inch tube and Mr. Bolte testified that 22 people at one time and 18 people at another had viewed television programs at the same time. It was his opinion that television sets could readily be sold to the people who go to motion picture shows and that ultimately television would replace much of the present theatre going. His set cost him $149.50 completely installed, in contrast to the testimony of Mr. Robert Robins of the Cath-Ray Electronic Laboratories, last week when he said that the receiver was in the $100 price field.

Mr. Frank W. Wozencraft, attorney for the Radio Corporation of America, opened their testimony by stating that television was here and ready for the public. He said that they now had a 4½ x 6 foot television picture in their Camden laboratory and that they hope before the end of the year to have a picture large enough for theatres.

Mr. Alfred H. Morton, vice president of NBC in charge of television, carried on the RCA testimony with the statement that NBC, beginning April 30, 1939, started providing in New York City, ten to twelve hours of television service per week and that this time was augmented by transmission of test patterns, bringing the total weekly time up to approximately 28 hours. The program time was divided into 38 per cent studio, 32 per cent pickup of spot news, and sports, and the remainder of the time using motion picture films.

Mr. Morton estimated that there are 2,000 homes equipped with television in the New York area and that on the average 4 to 5 people view each set. Mr. Morton described a survey made which showed that 100 per cent of the set owners looked in 2 hours per week, 87 per cent looked in from 5 to 6 hours per week, 60 per cent looked in from 7 to 8 hours per week, and 21 per cent looked in at the total weekly schedule. Mr. Morton stated that limited commercialization would be very helpful and that it couldn't possibly do any harm. During Mr. Morton's testimony Chairman Fly requested that the various television experimenters present to the FCC figures on expenditure for television development up to date.

Thomas F. Joyce, vice president and member of the Managers Committee of RCA Manufacturing Company, testified that RCA had sold 650 television sets in and around New York and Los Angeles, and that about 100 more were out on loan. Mr. Joyce said that the RCA television dealers were asked what was needed to promote television and their answers fell into five general classifications. Namely, (1) More and better programs were needed. (2) More stations are needed. (3) There should be a substantial lowering of the price of television receivers. (4) Time payments were necessary, and (5) A larger trade discount should be allowed. Mr. Joyce stated that on a basis of a production of 35,000 sets he thought that there could be a substantial reduction in the cost of television receivers, something on the order of 35 per cent. Mr. Joyce thought that the industry could sell in 1940 a minimum of 25,000 television sets if more program services were made available and if limited commercialization were allowed. When asked what the effect would be of adding a second television service in New York City, Mr. Joyce said that he thought that probably 40,000 sets could be sold within a year.

Elmer W. Engstrom presented technical material for RCA. It was his opinion that a field frequency of 48 or better was required for flickerless pictures. It was also his opinion that persistency screens were impractical in eliminating flicker with a lower field frequency. Mr. Engstrom was of the opinion that a driven synchronization impulse was more susceptible to noise than was a loose coupled one. It was his opinion that horizontally polarized waves were slightly better than vertically polarized waves for television. He was of the opinion that the present pictures can be improved at least 100 per cent without going outside of the RMA standards.

At this time Mr. Wozencraft stated that RCA did not ask the FCC to freeze on the RMA standards, but that anyone who could show a good set of standards should be allowed to go ahead with those standards. He said that RCA believes that the RMA standards are the best that can be arrived at at this time and that RCA asks to be allowed to go ahead under those standards. Mr. Engstrom gave his opinion that the additional expense in a receiver in order to receive from two stations using two different synchronizing impluses would be on the order of 10 to 15 dollars on $400.00 receivers and that if a station using a third type of synchronizing impulse was to be accommodated by the receiver it would probably add $10.00 more to the price of the set. Mr. Engstrom did not think that television would ever become a complete substitute for the present sound broadcasting. Mr. Engstrom closed his testimony with a statement that if we were allowed to have limited commercialization and the use of RMA standards that progress would be greatest.

The next witness to be called was Otto Schairer, vice president in charge of patent department of RCA. Mr. Schairer discussed the patent situation and said that probably between 20 and 25 RCA basic patents were needed in order to manufacture a good receiving set for sound broadcasting, and that it would probably be necessary to take out an RCA patent license in order to manufacture receivers under the RMA standards. Mr. Schairer said that the source of RCA's patents was as follows: (1) Outright purchase of patents from others. (2) Patents developed in their own laboratories. (3) Rights under A. T. and T., G. E., Westinghouse, Hazentine, Farnsworth and foreign companies. Mr. Schairer said that Farnsworth and RCA hold fundamental television patents which are necessary in order to manufacture television equipment under RMA standards.

Mr. Philo T. Farnsworth, vice president in charge of research of Farnsworth Television Company, testified that acceptance of the RMA standards would aid his research. He stated that decreasing the picture rate was undesirable, and believes that retention screens will not help any in eliminating flicker when decreasing the number of picture frames in order to increase the number of lines. Mr. Farnsworth said that television is now ready for the public and he thinks that the RMA standards are the best that can be arrived at at this time.

Major Edwin Armstrong asked that the FCC delay freezing television channels until after the Frequency Modulation hearing on February 28. Major Armstrong suggested that one television channel be taken for Frequency Modulation.

Chairman Fly suggested that a Manufacturers Committee be formed, in order to review the RMA standards. Chairman Fly also indicated that the FCC Commissioners would make an inspection trip about the first part of February to view recent developments in television.

The hearing was concluded on Tuesday, January 23.

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Most witnesses saw no threat of television replacing sound broadcasting but rather that it would be an additional service.

Opinions differed widely as to the merits of the RMA standards in spite of the fact that they were presented to the FCC as representing the opinion of the television industry. The differences of opinion mainly concerned the method of synchronizing, the number of lines per frame and the number of frames per second.

There was some divergence of opinion as to whether television had progressed far enough so that a set of engineering standards could be put into effect without hindering television technical development and without running too big a risk that, with partial commercialization and the encouragement of the public to buy sets, a large number of people would have their sets obsoleted over night by a change in standards later.

Practically all the witnesses were in favor of partial commercialization and some were in favor of allowing all television licensees to experiment in program production and charge for it. Some opinion was expressed for permission to charge for more than the program production.

Figures presented indicated that the ultimate television receiver ownership would fall probably around 30 per cent as against approximately 85 per cent family ownership of sound broadcast receivers today and that the average daily hours spent looking-in would be around 2 as against something between 4 and 5 hours of listening at present.

Due to the divergent opinions expressed on certain important factors, Chairman Fly of the FCC asked that arrangements be made for the FCC commissioners to view the work of the various television experimenters and he suggested that a Television Manufacturers Committee be formed by the industry to study the RMA standards. It is probable that there will be some delay before the FCC passes on the proposed television rules.

## COLUMBUS ENGINEERING CONFERENCE

The Ohio State Broadcast Engineering Conference was first held in 1938 and was such a success that it has become an annual affair. Professor W. L. Everitt, author of "Communication Engineering", is a recognized leader in communication engineering education and his splendid efforts along this line were expanded into national importance in 1938 when he sponsored the first Broadcast Engineering Conference.

The conference this year will be held between February 12 and 23 at Ohio State University in Columbus, Ohio. This annual conference gives the broadcast engineers an opportunity to keep up to date under classroom conditions. The past and presently scheduled speakers reads almost like a who's-who in radio engineering.

The speakers and lecturers of the third annual conference will be:

Major Edwin H. Armstrong, Professor of Electrical Engineering, Columbus University, Subject: Frequency Modulation. Mr. Laurence B. Arguimbau, General Radio Company and Massachusetts Institute of Technology, Subject: Audio-Frequency Testing by Means of Square Waves. Mr. A. B. Chamberlain, Columbia Broadcasting System, Inc., Subject: CBS Broadcasts from Europe. Mr. William F. Cotter, Stromberg Carlson Telephone Manufacturing Company, Subject: Round Table on Receivers. Mr. Paul Alva de Mars, The Yankee Network, Subject: Yankee Network Experience with Frequency Modulation. Mr. R. A. Lynn, Engineer, National Broadcasting Company, Subject: Transcription Recording and Reproduction. Mr. Robert N. Marshall, Communication Engineer, Bell Telephone Laboratories, Inc., Subject: Microphones —Theory and Practice. Mr. Robert M. Morris, Engineer, National Broadcasting Company, Subject: The W2XBS Television Service of N.B.C. Mr. Harold O. Peterson, R.C.A. Communications, Inc., Subject: Ultra-High-Frequency Propagation. Mr. Andrew D. Ring, Engineer, Federal Communications Commission, Subject: General Discussion and Question Box. Mr. John H. DeWitt, Jr., Chief Engineer, Radio Station WSM, Subject: Studies of Noise. Mr. T. L. Gottier, Research Engineer, RCA Manufacturing Company. Mr. Gerald C. Gross, Chief, International Division, Federal Communications Commission, Subject: Foreign Relations in Broadcasting. Mr. Raymond F. Guy, National Broadcasting Company, Subject: The W2XBS Television Service of N.B.C. and Some Engineering Aspects of International Broadcasting. Mr. Dorman D. Israel, Chief Engineer, Emerson Radio and Phonograph Corporation, Subject: Round Table on Receivers. Mr. Arthur W. Scharfeld, Attorney, Loucks and Scharfeld, Subject: The Lawyer and the Engineer. Mr. H. J. Schrader, Engineer, R.C.A. Manufacturing Company, Subject: Broadcast Station Measurements and Measurement Methods. Mr. R. F. Shea, Engineer, General Electric Company, Subject: Frequency Modulation Receivers. Mr. Henry P. Thomas, Radio Transmitter Department, General Electric Company, Subject: General Electric Experience with Frequency Modulation, and Mr. I. R. Weir, Radio Transmitter Department, General Electric Company, Subject: General Electric Experience with Frequency Modulation. The conference will be under the direction of Professor W. L. Everitt, Professor of Electrical Engineering of Ohio State, with Raymond M. Wilmotte, consulting engineer to NAB, and Lynne C. Smeby, Director of Engineering of NAB assisting Dr. Everitt in conducting the meetings.

The conference this year assumes greater importance to NAB because NAB is officially cooperating in the conference. There will be held during the conference, a meeting of the NAB Engineering Committee and a meeting of the NAB Executive Engineering Committee.

The growth of the conference is illustrated by the following figures:

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| Attendance— | |
| 1938 | 96 |
| 1939 | 146 |
| Number of directors and lecturers— | |
| 1938 | 9 |
| 1939 | 16 |
| 1940 | 20 |
| Number of subjects treated— | |
| 1938 | 12 |
| 1939 | 13 |
| 1940 | 18 |

Probably the subject of widest interest to broadcast engineers at present is Frequency Modulation. There will be four FM conference periods, the first entitled "Frequency Modulation" conducted by E. H. Armstrong, the second "Yankee Network Experience with FM" by Paul deMars of the Yankee Network, the third "General Electric Experience with FM" by H. P. Thomas and I. R. Weir, and the fourth "FM Receivers" by R. F. Shea of the General Electric Co.

Another highlight of the conference will be a General Discussion and Question Box conducted by Mr. Andrew D. Ring, assistant Chief Engineer of the FCC. Topics of general interest will be discussed, and anyone who wishes to suggest topics is urged to submit them to the Director of the conference, Professor Everitt.

Another outstanding feature of the conference will be an inspection trip to station WHAS at Louisville, Kentucky.

The recreational facilities of the University will be extended to the conference.

Full details on the conference can be secured by writing to Director of the conference, Dr. W. L. Everitt, The Ohio State University, Columbus, Ohio.

## MOVIE MANAGERS COMPLAIN ABOUT POT OF GOLD

Cooperative Theatres of Michigan, Inc., Detroit, a group of 100 independent movie theatres, on January 17 complained to Representative Tenerowicz (D-Mich.) that the Pot of Gold program is causing people to stay away from theatres to the extent of $1,000,000 a week. They have filed formal protest with the FCC, pointing out the alleged lack of "public convenience and necessity" in the program, as well as alleged lottery features, and asking that the program be banned. The matter is said to be still pending before the Commission. (Congressional Record, Jan. 23, p. 989.)

## CONNERY AND WIGGLESWORTH ATTACK RADIO

Representative Connery (D-Mass.) has charged that there is need for an immediate Congressional investigation of the entire subject of radio. He bases this particularly on "the apparent inability of the members of this Commission (FCC) to protect the public and to eliminate or set aside the present radio monopoly." (Congressional Record, Jan. 17, p. 661.)

Representative Wigglesworth (R.-Mass.) echoed these sentiments in his remarks on the appropriation for the FCC. Speaking on the question of censorship, he stated:

> "We are still confronted by the threat of censorship. A year ago complaint was made against the regulation imposed upon licensees for international broadcasting limiting broadcasts to those 'reflecting the culture of the country and promoting international good will, understanding, and cooperation.' That regulation was withdrawn under pressure of public opinion. Today, however, we are confronted by the Code of the National Association of Broadcasters, apparently having the implied blessing of the Commission, as a result of which it is impossible to discuss any controversial issue on the air in time purchased for the purpose. Discussion is possible only on free time and the use of free time is of course in the absolute control and discretion of the broadcasting station. The danger of abuse of this discretion, in the hands of broadcasting stations, is self-evident." (Congressional Record, Jan. 24, p. 1041)

Both representatives are perennial critics of the industry.

## State Legislation

New York:

A 470 (Goldstein) LOTTERIES—Permits the state to operate and conduct lotteries, net proceeds of which shall be devoted to carrying out long-range health program to safeguard health of people and distribute public medicines. Referred to Judiciary Committee.

A 584 (Recommended by Law Revision Commission) LIBEL—Same as S. 421. Clarifies provisions relating to libel, renumbers sections for more logical arrangement and eliminates overlapping and conflicting provisions. Referred to Judiciary Committee. Joint hearing 1-23-40.

A 612 (Dwyer) DISCRIMINATION—PRESS AND RADIO—Same as S. 198. Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship by means of book, speech, photograph, radio, flag or emblem. Referred to Judiciary Committee.

A 621 (Ostertag) EMPLOYMENT AGENCIES—Provides for licensing or private fee-charging employment agencies by local authorities. Referred to Judiciary Committee.

A 720 (Hill) RADIO TECHNICIAN—VILLAGES—Permits village trustee to appoint a radio technician to perform duties of radio operator in manner imposed by the trustees. Referred to Villages Committee. Same as S. 551.

S. 421 (Feinberg) LIBEL—Same as A. 584. Clarifies provisions relating to libel, renumbers sections for more logical arrangement, and eliminates overlapping and conflicting provisions. Referred to Judiciary Committee.

S. 445 (Perry) RADIO—RECORDINGS—Prohibits the recording or offering for sale a recording of any radio broadcast without consent of performer or the person broadcasting same, violation being made larceny. Referred to Codes Committee.

S. 551 (Williamson) RADIO TECHNICIAN—VILLAGES—Permits village trustee to appoint a radio technician to perform duties of radio operator in manner imposed by the trustees. Referred to Villages Committee.

## KUMA LICENSE REVOCATION MADE FINAL

The FCC made final its order of revocation in the case of radio station KUMA at Yuma, Arizona, after allowing Albert H. Schermann, licensee, to withdraw application for hearing. The revocation order is effective February 1, 1940.

Revocation proceedings were instituted February 20, 1939. The matter came up for hearing December 1 last at Phoenix, Arizona. The evidence shows that Schermann violated the law in that he failed to operate his station in accordance with the terms of the license, having transferred station control to E. B. Sturdivant. Schermann was shown to have visited Yuma but three times in five years.

KUMA operates on 1420 kilocycles, 100 watts, specified hours.

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDERS

The Federal Communications Commission has adopted a final order granting the application of the Union Broadcasting Company to establish a new station at **Scranton, Pennsylvania,** to operate on **1370 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

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The application of Clarence H. Frey and Robert O. Greever to establish a new broadcast station at **Logan, West Virginia,** has been granted by the Commission in a final order. The application was for a frequency of **1200 kilocycles** with 100 watts, daytime only, on the express condition that the permittees file an application for modification of the construction permit specifying the exact transmitter location and antenna system.

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### PROPOSED FINDING

The Commission has tentatively adopted a proposed finding of fact proposing to grant the application of the Presque Isle Broadcasting Company for a construction permit to erect a new station at **Erie, Pennsylvania,** to operate unlimited time on **1500 kilocycles,** 100 watts night, 250 watts LS.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases during the week beginning Monday, January 29. They are subject to change.

### Monday, January 29

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., **830 kc.**, 5 KW, unlimited time (DA night). Present assignment: **830 kc.**, 1 KW, daytime (KOA).

### Tuesday, January 30

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts, unlimited time.

### Thursday, February 1

Oral Argument Before the Commission

WRTD—Times-Dispatch Radio Corp., Richmond, Va.—C. P., **590 kc.,** 1 KW night, 1 KW day, unlimited (DA night).

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### February 19

NEW—Lookout Mountain Co. of Ga., Lookout Mountain, Ga.—C. P., **1370 kc.,** 250 watts night, 250 watts LS, unlimited time.

### March 4

WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, **1180 kc.,** 1 KW, limited time (KEX and KOB).

### March 6

KXL—KXL Broadcasters, Portland, Ore.—C. P., **1420 kc.,** 250 watts LS, unlimited time, directional antenna.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—C. P., **740 kc.,** 1 KW night, 1 KW LS, limited to WSB, Atlanta, Ga.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted construction permit to move studio and transmitter sites from 39 Congress St., Portsmouth, N. H., and Bean's Hill, Newington, N. H., to U. S. Highway No. 1, Portsmouth, N. H., respectively; install new equipment and vertical radiator, and increase power from 250 watts daytime to 1 KW daytime; frequency **740 kc.**

KFVD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Granted modification of construction permit to increase night power from 100 watts to 250 watts (original permit and modification thereof authorized erection of new station in Fort Dodge, Iowa, to operate on **1370 kc.,** 100 watts night, 250 watts day, specified hours).

KXOX—Sweetwater Rado, Inc., Sweetwater, Tex.—Granted modification of license to change hours of operation from daytime to unlimited, frequency **1210 kc.,** power 250 watts.

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special experimental authority to transmit facsimile signals experimentally over the regular broadcast transmitter of station WLW between 12 midnight and 6 a. m., EST, for the period February 1, 1940, to February 1, 1941.

WGN—WGN, Inc., Chicago, Ill.—Granted extension of special experimental authority to transmit facsimile signals experimentally over the regular broadcast transmitter of station WGN between the hours of 1 a. m. and 6 a. m., CST, for the period February 1, 1940, to February 1, 1941.

Symons Broadcasting Co., Spokane, Wash.—Granted construction permit for new facsimile broadcast station to operate on **25150 kc.,** 100 watts, unlimited time.

W1XPW—WDRC, Inc., Meriden, Conn.—Granted modification of license of high frequency broadcast station W1XPW to include permanent authority under its experimental license to rebroadcast high frequency broadcast station W2XMN; **43400 kc.,** 1000 watts, unlimited time, in accordance with Section 4.4.

Columbia Broadcasting System, Inc., New York, N. Y.—Granted authority to transmit from Detroit and Dearborn, Mich., through KTSA, San Antonio, Tex., to stations in Mexico, the Ford Sunday Evening Hour program, for a period of one year beginning January 14, 1940.

KROD—Dorrence D. Roderick, El Paso, Tex.—Granted modification of construction permit to change authorized transmitter site and increase power from 100 watts to 250 watts, install new transmitter, increase authorized height of antenna, and change studio location locally; frequency **1500 kc.**

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Granted extension of special experimental authority to transmit facsimile signals on an experimental basis between the hours 12 midnight and 6 a. m., PST, for the period February 1, 1940, to February 1, 1941.

General Electric Company, New Scotland, N. Y.—Granted construction permit for new television broadcast station to be used for relay purposes in conjunction with television broadcast station W2XB; and to operate on **156000-162000 kc.,** 100 watts power, unlimited, in accordance with Section 4.4.

KPLT—A. G. Mayse, Paris, Tex.—Granted authority to transfer control of the North Texas Broadcasting Company, licensee of station KPLT, from A. C. Mayse to Mary Joe Mayse; **1500 kc.,** 250 watts, unlimited time.

WADC—Allen T. Symmons, Akron, Ohio.—Granted construction permit to install directional antenna for day and night use; increase power from 1 KW night, 5 KW day, to 5 KW unlimited time; and move studio and transmitter sites from Cuyahoga Falls Road, Village of Tallmadge, Ohio, to State Road No. 8, R.F.D., North of Akron, Ohio; frequency **1320 kc.**

## DESIGNATED FOR HEARING

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Application for extension of special experimental authority to operate a synchronous station in Lawrence, Mass., to operate synchronously with station WLLH, Lowell, Mass., on **1370 kc.,** with variable power of 10 to 100 watts, for the period ending December 1, 1940. (Present assignment: **1370 kc.,** 100 watts night, 250 watts day, unlimited time.)

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Application for modification of license to move studio from New Albany, Ind., to Louisville, Ky. (Present assignment: **1370 kc.,** 250 watts, unlimited time.)

## RENEWAL OF LICENSES

Licenses for the following stations were granted on a temporary basis only, and for the period ending in no event longer than February 1, 1941, said temporary licenses are to contain the following clause: "This license is granted on the express condition that it be on a temporary basis only and subject to such action as the Commission may take upon the licensee's pending application for renewal of license. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station is or will be in the public interest beyond the express terms hereof."

KIEV, Glendale, Calif.; WJAG, Norfolk, Nebr.

License for the following station was granted on a temporary basis only, and for the period ending in no event later than February 1, 1941, said temporary license is to contain the following clause: "This license is granted on the express condition that it be on a temporary basis only and subject to the right of the Commission to make effective any changes or modifications herein which may be necessary in order to comply with any decision of the Commission which may be entered after hearing in any proceeding of which licensee was duly notified or in which licensee participated. Nothing contained herein shall be construed as a finding that the operation of the station is or will be in the public interest beyond the express terms hereof."

KWJJ, Portland, Ore.

WSAL—Frank M. Stearns, Salisbury, Md.—Present license extended to not later than October 1, 1940, on a temporary basis only in conformity with and subject to all the terms and conditions of the separate order of revocation entered October 24, 1939, and, further, subject to the final determination of the Commission on said order.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted renewal of license for the period ending April 1, 1940.

## MISCELLANEOUS

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to the conclusion of basketball games described in letter dated January 11, 1940, on January 23, February 2, 3, 9, 10, 12, 13, 16, 17, 19, and 20, 1940, in order to broadcast basketball games only.

WEJJ—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast station WEJJ as a sound channel in conjunction with experimental television station W3XAD, for the period beginning January 19, 1940, and ending in no event later than February 17, 1940.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to the conclusion of the Montana University v. Washington State College basketball game on January 22, 1940, in order to broadcast basketball game only.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted special temporary authority to operate from 9 a. m. to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday, and Sunday mornings, for a period not to exceed thirty days or until the Saginaw Broadcasting Company is in a position to use said time, in order to broadcast special non-commercial educational programs.

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit for new equipment, new antenna, and move of transmitter and studio, for authority to install new transmitter.

A. Bruce Fahnestock, Director, Fahnestock South Sea Expedition, Portable-Mobile (area of Fahnestock South Sea Expedition).—Granted construction permit for new special relay broadcast station (portable-mobile), frequencies **4797.5, 6425, 9135, 12862.5, 17310** and **23100 kc.,** power 1000 watts, unlimited hours of operation, in accordance with Sections 4.04 and 4.24, to be operated as a relay broadcast station on an experimental basis.

KLAH—Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/b as Carlsbad Broadcasting Co., Carlsbad, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KASA—E. M. Woody, Elk City, Okla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WHOP—Paducah Broadcasting Co., Inc., Hopkinsville, Ky.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54. Also granted license to cover construction permit for new broadcast station, frequency **1200 kc.,** 250 watts, unlimited time.

Edward J. Doyle, Rochester, N. Y.—Granted motion to accept amendment to application for construction permit for new station to change frequency from **1270 kc.** to **1340 kc.,** power from 500 watts to 1 KW, and time of operation from daytime to unlimited.

Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.—Granted petition for leave to amend application for construction permit for new station to change frequency from **1500 kc.** to **1270 kc.,** and power from 100 watts to 1 KW.

WUTK, Inc., Utica, N. Y.—Granted motion to dismiss without prejudice application for construction permit for new station to operate on **1420 kc.,** 100 watts night, 250 watts day, unlimited time.

Metropolitan Broadcasting Corp., New York City.—Granted motion to continue hearing for at least 30 days on application for voluntary assignment of license of Hearst Radio, Inc. (WINS), to Metropolitan Broadcasting Corp. (Hearing was scheduled for January 29th.)

WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Granted motion for continuance to February 13, 1940, for all parties to extend time to file proposed findings of fact and conclusions in re applications of WWRL, WMBQ, WCNW, Lillian E. Kiefer and Paul J. Gollhofer, Brooklyn.

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to eliminate the half hour station identification, as required by Rule 3.92, during a Presidential Birthday Infantile Paralysis broadcast from 11 to 12 midnight, EST, on January 20, 1940.

W3XAD—RCA Manufacturing Co., Inc., New York, N. Y.—Granted special temporary authority to operate transmitter of television broadcast (experimental) station W3XAD on television bands 18 and 19, frequency **282** and **294 mc.**, for the period January 19, 1940, to not later than February 17, 1940.

Edwin H. Armstrong, New York, N. Y.—Granted extension of special temporary authority to operate a 1 KW frequency modulated transmitter on **43 mc.** at the site of the transmitter of station W2XMN, Alpine, N. J., to be operated simultaneously with station W2XMN (40 KW on **42.8 mc.**), in order to secure data on adjacent channel operations in preparation for the February 28, 1940, hearing on frequency modulation, for the period January 28, 1940, to not later than February 26, 1940.

Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to locate, maintain, and/or use studios or apparatus at Dearborn and Detroit, Mich., owned by or under the control of Columbia Broadcasting System, Inc., and Ford Motor Co., for the purpose of obtaining or producing programs consisting of program of the Ford Sunday Evening Hour, to be transmitted by electrical energy by means of regular CBS network facilities to station KTSA, San Antonio, Tex.; from there to Mexican border by wire (American Telephone and Telegraph Co.); from Mexican border by means of wire line facilities furnished by LaCompania Telefonica y Telegrafica Mexicana, S.A., except to station KEME, Merida, which will rebroadcast the program to stations identified and located in foreign country as follows: To transmit programs to stations XEQ, XEQQ, XET, XETT, XECZ, XES, XED, XEDD, XEU, and XEME (stations in Mexico), on January 21, 1940.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 6:30 p. m. to 8 p. m., EST, February 12, 1940, in order to broadcast proceedings of Boy Scout annual dinner, and to operate from 8 p. m. to the conclusion of a patriotic pageant of Finnish and Polish music sponsored by the Lawrence County Chapter of the American Red Cross for the purpose of building up a relief fund, on February 12, 1940.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 10:45 p. m., CST, on February 6 and 13, 1940, in order to broadcast basketball games only.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m., and from 7:45 p. m. to 10 p. m., CST, on January 27, 1940, in order to broadcast the Tippecanoe County Basketball Tournament games only.

Columbia Broadcasting System, Inc., National Broadcasting Co., Inc., Mutual Broadcasting System.—Granted special temporary authority to eliminate the half hour station identification, as required by Rule 3.92, during a Presidential Birthday Infantile Paralysis broadcast from 11 p. m. to 12 midnight, EST, on January 20, 1940.

KIEV—Cannon System, Ltd., Los Angeles, Calif.—Granted extension of time to February 5, 1940, in which to file proposed findings of fact in re application for renewal of license (Docket No. 5786).

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Denied petition to reconsider and grant without hearing the application for renewal of license. Station operates on **1200 kc.**, 100 watts, unlimited.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted motion requesting permission to withdraw the written application for hearing on the Order of Revocation of station license entered by the Commission on February 20, 1939, effective April 1, 1939, said Order of Revocation being made final, effective February 1, 1940.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WSYR-WSYU—Central New York Broadcasting Corporation, Syracuse, N. Y.—Construction permit to install new transmitter, make changes in directional antenna (use day and night), and increase power from 1 to 5 KW.

### 600 Kilocycles

WCAO—Monumental Radio Co., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power (main transmitter).

WCAO—Monumental Radio Co., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power (auxiliary transmitter).

### 710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Authority to determine operating power by direct measurement of antenna power.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—License to cover construction permit (B5-P-2388) as modified for increase in power, change in hours of operation and new transmitter and antenna, and move of transmitter (use transmitter, antenna and former site of KECA).

### 760 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—Modification of construction permit (B5-P-1702) as modified for increase in power, move of transmitter, changes in equipment, new antenna, further requesting an extension of completion date from 2-20-40 to 5-20-40.

### 780 Kilocycles

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Construction permit to install directional antenna for night use, increase power from 1 KW, 5 KW day, to 5 KW day and night.

### 940 Kilocycles

WAAT—Bremer Broadcasting Corporation, Jersey City, N. J.—Construction permit to install transmitter and directional antenna for night use; change hours of operation from daytime to 6 p. m., to unlimited time; increase power from 500 watts to 1 KW day and night; and move transmitter from 26 Journal Square, Jersey City, N. J., to Kearney, N. J.

### 1120 Kilocycles

KTBC—State Capital Broadcasting Association, Inc., Austin, Tex.—Authority to transfer control of corporation from R. B. Anderson, R. A. Stuart, and A. W. Walker, Jr., to J. M. West, J. Marion West, and P. M. Stevenson, 250 shares common stock.

### 1200 Kilocycles

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—License to cover C. P. (B5-P-2621) for new equipment and increase in power.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Authority to determine operating power by direct measurement of antenna power.

KWBD—W. B. Dennis, Plainview, Tex.—Modification of construction permit (B3-P-2381) as modified for new station, requesting new transmitter and frequency monitor, and extend commencement date one day after grant and completion date 60 days thereafter.

### 1310 Kilocycles

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Authority to determine operating power by direct measurement of antenna power.

KFH—Radio Station KFH Co., Wichita, Kans.—Construction permit to increase power from 1 KW, 5 KW day, to 5 KW day and night; install directional antenna for night use. Amended to make changes in antenna system, and move transmitter 1.6 miles northwest of present site.

NEW—Capital Broadcasting Co., Washington, D. C.—Construction permit for a new station to be operated on **1420 kc.**, 250 watts power, unlimited time. Amended to request frequency of **1310 kc.**

KBND—The Bend Bulletin, Bend, Ore.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—Construction permit to install new transmitter and increase power from 1 to 5 KW.

### 1370 Kilocycles

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Construction permit to make changes in equipment and in antenna system; change frequency from **1370 kc.** to **930 kc.**; increase in power from 100 watts, 250 watts day, to 1 KW day and night, and hours of operation from shares with KONO to unlimited time. Amended to give transmitter site as 200 Fig St., San Antonio, Tex.; and install directional antenna for day and night use.

KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 1410 Kilocycles

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Construction permit to install new transmitter, make changes in antenna, and increase power from 500 watts, 1 KW day, to 1 KW, 5 KW day.

### 1420 Kilocycles

NEW—Utica Observer-Dispatch, Inc., Utica, N. Y.—Construction permit for a new broadcast station on **1420 kc.**, 250 watts, unlimited time.

WPAR—Ohio Valley Broadcasting Corporation, Parkersburg, W. Va.—Construction permit to install new transmitter and increase power from 100 to 250 watts.

### 1430 Kilocycles

KGNF—Great Plains Broadcasting Company (a corporation), North Platte, Nebr.—Construction permit to make changes in equipment.

### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Authority to transfer control of corporation from Norman K. Winston to James M. Cox, Jr., 150 shares common stock and 600 shares preferred stock.

### 1480 Kilocycles

KOMA—KOMA, Inc., Oklahoma City, Okla.—Construction permit to install new transmitter, and directional antenna for night use; increase power from 5 to 50 KW; move transmitter from 7½ miles northeast of Oklahoma City, Okla., on U. S. Highway No. 66, to Deer Creek Township, Okla.

### 1490 Kilocycles

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Authority to transfer control of corporation from George L. Hill (75 shares common stock), and from C. D. Seiler (125 shares common stock) to L. B. Wilson.

### 1500 Kilocycles

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Authority to determine operating power by direct measurement of antenna power.

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

WGTC—J. J. White, d/b as Greenville Broadcasting Company, Greenville, N. C.—Modification of construction permit (B3-P-2053) for a new station, requesting change in type of transmitter, approval of antenna and approval of studio site at Falkland Highway, Greenville, N. C., and transmitter site on Falkland Highway, 1½ miles west of town, near Greenville, N. C.

NEW—MSB Broadcast Co., Omaha, Nebr.—Construction permit to erect a new station on **1500 kc.**, 250 watts power, unlimited time.

### MISCELLANEOUS

W2XWE—WOKO, Inc., Albany, N. Y.—License to cover construction permit (B1-PFB-14) as modified for new facsimile station.

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of license to change frequency assignment from **42000-56000** and **60000-86000 kc.** to **50000-56000 kc.** (Channel 2, Group A).

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be located at 2nd and West Grand Blvds., Fisher Building, Detroit, Mich., to be operated on **42800 kc.**, 1 KW power, unlimited time, special emission.

WENN—WPTF Radio Co., area of Raleigh, N. C.—License to cover construction permit (B3-PRE-298) for changes in equipment.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of construction permit (B4-PHB-67) as modified, requesting changes in equipment.

KEHR—Donald C. Treloar, Kalispell, Mont.—License to cover construction permit (B5-PRE-235) as modified for a new relay broadcast station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Lake Shore Seed Company**—Charging misrepresentation in the sale of vegetable seed, a complaint has been issued against David S. Wright, trading as Lake Shore Seed Company, Dunkirk, N. Y.

Representations allegedly were made in violation of the Federal Trade Commission Act, having a tendency to deceive buyers into the belief that the respondent's seed will germinate in the percentages represented by him in certain designations attached to packages, and that such seed has a higher percentage of germination than its actual germination under recognized tests and within recognized tolerance or allowances.

The complaint points out that in some of the States in which the respondent sells his seed, the law requires that vegetable seed must contain a statement on the package as to the approximate percentage of germination and the month and year of the test on which the percentage is based, unless the germination percentage is equal to or higher than the percentage established for that particular variety of seed by the State authorities.

It is alleged that the respondent caused to be stamped upon or attached to certain packages of seed distributed by him statements which in fact represented that the seed would meet or exceed the published standard percentage of germination permitted by the respective States for a particular year, and it is charged that many packages of the respondent's product so sold did not possess the percentage of germination stated but contained seed of a much lower percentage of germination. (3994)

**Zeen Chemical Company**—Alleging misleading representations in the sale of "Zeen Dry Cleaner," a complaint has been issued against David H. Goldman, trading as Zeen Chemical Company, 1311 West 11th St., Cleveland.

In advertising matter the respondent allegedly represented that his product "will moth-proof or de-moth woolen materials in upholstery or rugs with one operation." The complaint charges that the product does not, when used as directed, reach deep-seated infestations of moths and will not render fabrics moth-proof, but that, after a short period, due to evaporation, it loses any moth-repellant properties it may have.

The complaint alleges that the respondent also advertised that "Zean Dry Cleaner" cleans and removes dirt, spots and stains from all fabrics, is non-explosive and "is used exclusively by leading furniture and department stores everywhere." These representations are alleged to have been misleading, in that the product will not remove certain types of spots and stains from fabrics, and that it is made of petroleum distillates which vaporize and mix with the air to form an explosive gas, potentially capable of causing an explosion. The complaint also alleges that the claim of exclusive use of the product by leading furniture and department stores everywhere is misleading, because the respondent sells his preparation in not more than 5 or 6 States. (3995)

## CEASE AND DESIST ORDERS

The following cease and desist orders have been issued during the week:

**M. L. Clein & Company**—See Mentho-Mulsion, Inc.

**Mentho-Mulsion Incorporated,** Atlanta, and Max L. and Sadie B. Clein, its president and vice president, respectively, have been ordered to discontinue certain misleading representations in the sale of "Mentho-Mulsion," advertised as a remedy for coughs, and "Malco Cold Tablets." The respondent corporation was formerly known as M. L. Clein & Co.

The order directs that the respondents cease disseminating advertisements which represent, directly or through implication, that their product "Mentho-Mulsion" is a cure or remedy for coughs, or that it will stop cough spasms or have any therapeutic value in the treatment of coughs due to physical disorders of a systemic character, or that it has any therapeutic value in the treatment of coughs in excess of providing temporary relief in cases of coughs due to common colds.

In advertising their "Malco Cold Tablets," the respondents are ordered to cease representing that this preparation will drive common colds out of the system or that it constitutes a cure or remedy for colds or has any therapeutic value in their treatment in excess of providing a palliative relief from some of the symptoms commonly encountered in colds. (3674)

**National Pen Company**—An order prohibiting misleading representations in the sale of fountain pens, pencils, necklaces and rings or other products, has been issued against Louis G. Meyers, trading as National Pen Company and Phoenix Sales Company, Birmingham, Ala.

Among typical representations found to have been made by the respondent in newspaper and other periodical advertising, were: " * * * This certificate and 59¢ entitles the bearer to one of our Genuine Indestructible $5.00 Vacuum Filler Sackless Fountain Pens. A lifetime guarantee with each pen. * * * " "Manufacturer's Introductory Offer. This coupon worth $4.41 Toward This Ring Purchase. * * * " "These facsimile diamonds have practically the same blue-white color, the same perfect cutting, the same dazzling brilliance as genuine diamonds costing 100 times as much. * * * are not merely imitations but represent the utmost skill of modern science."

The order directs that the respondent cease representing as the customary or regular prices or values for any of his products, prices and values fictitious and greatly in excess of the customary prices; that he desist from advertising that articles customarily sold through use of purported certificates or coupons have any value in excess of the actual money price required to be paid; that any certificate, coupon or similar device has any monetary value in the purchase of an article regularly sold at a given price with or without the device, and that the respondent is conducting a special or introductory advertising offer or that the price he charges, in addition to the coupon, is only to cover cost of advertising and sales expense.

Other representations to be discontinued are that any of the products sold by the respondent are different from and superior to other similar products of comparable price; that the number of the respondent's articles which may be purchased by any customer is limited or that they may be purchased for a limited time only; that fountain pens he sells will last a lifetime, are unbreakable, will never need repair, or have greater ink capacity than ordinary fountain pens, and that the respondent's rings or necklaces are set with diamonds or facsimile diamonds or possess color or brilliance in any way comparable to diamonds, or that they can be worn a lifetime or any appreciable period of time and remain free from tarnish, loss of brilliancy or loss of stones. (3796)

**Phoenix Sales Company**—See National Pen Company.

## STIPULATIONS

During the week the Commission entered into the following stipulations:

**California Luggage and Leather Coat Company, Inc.,** agrees to discontinue employing the words "Genuine Leather" or "Genuine Cowhide" as a mark, stamp, brand or label for products not manufactured from the top or grain cut of the leather; and to desist from use of the word "Leather" or the word "Cowhide", alone or in connection with other words, so as to imply that the products so designated are made from the top or grain cut of the leather, when such is not a fact. The stipulation provides that if the products are composed of leather made from the inner or flesh cut of the hide and either of the words "Leather" or "Cowhide" is used as descriptive thereof, such word shall be immediately accompanied by some other word, as "Split", printed in equally conspicuous type so as to indicate clearly that the products are not composed of leather made from the top or grain cut or layer of the cowhide. (2653)

**Exchange Publishing Company**—J. E. Hershner, trading as Exchange Publishing Company, Kansas City, Mo., in the sale of lists of names, memberships and information in operating a matrimonial agency, will desist from representing, directly or by implication, that his facilities for placing persons in correspondence or bringing about marriages are greater or better than those of any other matrimonial bureau or offer any better chances of success; that any offer is "special" unless it is less in price than the usual or regular price charged and is limited in time, and that his statements relating to the financial or other standing, education, character, occupation or profession of those whose names appear on such lists are other than the mere statements of those persons themselves, in the absence of some reasonable investigation into the truth or falsity of such statements. (02495)

**Frostilla Company, Inc.,** Elmira, N. Y., agrees to desist from representing, directly or by implication, that the ingredients in "Frostilla Fragrant Lotion" are definitely known to be more costly than those employed in competitive lotions generally, when such is not, in fact, definitely known; that competitive lotions in general leave a sticky or gummy residue, and that "Frostilla Fragrant Lotion" or any similar preparation sold under that or any other name, excels other hand lotions in general, prevents the nail cuticle from becoming rough or ragged, is effective for every case of parched skin or reddened hands, tones or stimulates the skin or does more than aid in conditioning it, and that it is "the" perfect hand lotion or is most always preferred where hand lotions are tested side by side. (02494)

**Hain Pure Food Company**—Harold Hain, trading as Hain Pure Food Company, Los Angeles, Calif., agrees to discontinue representing that "Hain Col-Lax" is a laxative food or a natural laxative; will effect a change in intestinal flora, or is efficacious or harmless in all cases of intestinal disorders. He further agrees to cease representing that "Hain Col-Lax" will do more than relieve constipation; that the use of "Hain Colon Food" will completely eliminate putrefaction or clear the blood stream of toxic wastes, and regulate the entire system. He further stipulates that he will cease designating in any way that his lactose dextrin product is a colon food. (02498)

**National Apartment House & Hotel Schools**—Alvin Lovingood, operating under the names National Apartment House & Hotel Schools or National School of Instruction in Apartment House Management, is president of Los Angeles National Apartment & Hotel School, Inc. The respondents conducted residence and correspondence courses, Lovingood also selling textbooks and so-called franchises to various persons authorizing them to operate similar schools in different localities under the name National Apartment House & Hotel School. In their stipulation, the respondents agree to cease using representations, either printed or oral, the effect of which may tend to convey the impression to students or prospective students that Lovingood or the corporation will undertake to obtain employment for graduates and that any services rendered by Lovingood or the corporation in obtaining such employment is "free" when in fact an extra charge is required.

The respondents also stipulate that they will cease representing that they conduct an employment bureau, unless such is a fact, or representing any existent reciprocal service with other schools, unless such representation be accompanied by a clear, unequivocal statement indicating the nature of such service, and the cost or price of it, if there is any. The stipulation relates that letterheads of the Los Angeles National Apartment & Hotel School, Inc., bore the names of a dozen American cities and the statement, "Reciprocal privileges at all our schools", when in fact no such schools, granting reciprocal privileges one to the other, were in operation in a majority of the cities named during substantially the entire period such stationery was in use by the corporation. (2652)

**Quality Ink & Carbon Company**—See Quality Ink & Manifold Company.

**Quality Ink & Manifold Company**—Sol Neelman, who formerly conducted business as Quality Ink & Manifold Company, but now trades as Quality Ink & Carbon Company, Chicago, Ill., agrees to cease employing the word "Manufacturers" in advertising matter with the effect or tendency to convey the impression that he manufactures a designated product, when such is not a fact. Neelman, the stipulation points out, did not manufacture the carbon paper he sold, although he circulated printed matter advertising such product and indicating that he was a manufacturer. (2654)

**Sampson Medicine Company**—A. C. and W. F. Stonestreet, trading as Sampson Medicine Company, Winston-Salem, N. C., agree to cease representing that "Cook's C. C. C.," or any medicinal preparation containing substantially the same ingredients, is of therapeutic value in cases of kidney trouble, diarrhea, flux, ague, female weakness, phthisic, or cuts and burns, or in any condition where the skin is lacerated, or is of any therapeutic value for any condition unless expressly limited to temporary symptomatic relief and then only where the symptoms may be relieved by use of a counter-irritant for external conditions or a carminative for internal conditions. (02496)

**B. Frank Senseman,** Philadelphia, Pa., agrees to cease representing that a medicinal preparation designated "Dr. Senseman's Calf Scours Remedy" and "Dr. Senseman's Calf Scour Powder" is an effective treatment or competent remedy for the disease known as white scours, or restores to normal the intestines of calves afflicted with that disease. (02497)

**Service Extension Institute**—Wilbur O. Boren, sole trader as Service Extension Institute, Linton, Ind., in the sale of home study correspondence courses, agrees to discontinue use of the word "Extension" or the word "Institute", either together or independently, in the trade name of his business or to describe his school, and to cease representing, directly or by reasonable inference, either in his advertising matter or by statements made by himself or by his salesmen, that either he or his correspondence school has any connection with the United States Civil Service Commission or other Governmental agency, or that he or any of his employees are employed by or represent any Governmental agency or are charged with the responsibility of obtaining or selecting employees for the Government; that his students or graduates will receive preferential treatment in Civil Service examinations or appointments, and that his school has been in existence for a longer period of time than is actually the fact. Other representations to be discontinued are exaggerations of the number of Civil Service employees in the Government; the assertion that educational advantages are not needed by applicants for Civil Service positions and incorrect or misleading statements as to the nature of any Civil Service examination or as to eligibility of an applicant therefor. The respondent also agrees to cease using, directly or indirectly, any so-called "money-back" agreement or similar guarantee with the effect of misleading students or prospective students by reason of concealment of pertinent facts or of other circumstances or conditions of its use. (2655)

**Superior Feed Mills**—K. Eddie, B. D. Eddie, Bedar Eddie and Pauline Eddie, trading as Superior Feed Mills, Oklahoma City, Okla., stipulate that they will cease representing, directly or by implication, that "Superior Chick-to-Pullet All-in-One Mash" or any other feed preparation containing substantially the same ingredients or the same properties, will guard against all common chick troubles, is the only feed of its type, and will insure profits or the lives of chicks. The respondents also agree to cease advertising that "Superior Egg Mash" will produce more eggs or more eggs cheaply than any other feed; that it can be relied upon to double the egg production of the average flock, and that, through its cod liver oil content or otherwise, it supplies all the benefits of sunshine. The respondents agree to cease representing that one bag of "Superior Pig and Hog Meal" is equal in feeding value to 12 bushels of corn, or excels every other feed in promoting the growth and development of swine; that Superior feeds give the best and cheapest results and are always the first with new feeds. (02493)

## FTC CLOSES CASE

The Federal Trade Commission has ordered its case closed against Charles E. Herchenroeder, trading as Premium Sales Service, Chicago, a dealer in electric dry shavers, who had been charged in a Commission complaint with misleading representation through unauthorized use of a well known trade name.

The respondent had moved from his last known address and could not be located after a thorough inquiry. The Commission closed the case without prejudice to its right to reopen it, should future facts so warrant.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 5, February 2, 1940

## Broadcast Music, Inc., Passes Million Mark

Neville Miller made the following statement Thursday about the progress of Broadcast Music, Inc.:

"The Board of Directors of Broadcast Music met in New York on Tuesday, January 30. The response from the stations had been so encouraging that we decided to make a special effort to secure contracts from the remaining stations and start operation at the earliest possible date. Therefore, the Board will meet again the middle of next week and it is hoped that by then we shall have received sufficient additional checks and contracts to justify immediately declaring Broadcast Music, Inc., a going concern.

"We have passed the million dollar mark and are on our way to the million and a half mark. With the money in sight, it is extremely important that we save all the time possible and get under way at once. It would be a tremendous help if those who have not sent in their checks and contracts would do so now. It would certainly be a grand feeling to lay down a big bunch of contracts and checks before the Board at the meeting next week and to announce in the Bulletin next week that Broadcast Music, Inc., was in operation."

## JOHNSON INTRODUCES NEW LIQUOR BILL—WORSE THAN FIRST

Senator Johnson (D.-Colo.) on Monday introduced an amendment in the nature of a substitute intended to be proposed to the bill (S. 517) to prohibit the advertising of alcoholic beverages by radio. The proposed bill is much more drastic than the bill reported by the Committee on Interstate Commerce in its effect on broadcasters. Its language in subsections (a) and (b) broadens the prohibition on broadcasters and advertisers of the Committee's bill and further prohibits "any advertisement of, or information concerning, . . . any person engaged in the business of manufacturing or selling any alcoholic beverages, if the purpose of such advertisement or information is to induce the purchase or use of any alcoholic beverage." Subsection (d) would make station licenses conditioned upon compliance with the provisions of subsection (a); it provides that if the FCC "finds that any licensee has wilfully violated any provision under subsection (a), the Commission shall have the same power to revoke such license as it has to revoke licenses for violation of, or failure to observe any of the restrictions and conditions imposed by the Communications Act of 1934 as amended."

S. 517 is on the Senate calendar and might come up at any time. Doubtless, Senator Johnson will move his proposed amendment when the bill is called up for consideration. We print below S. 517 as reported by the Committee followed by the amendment intended to be proposed:

S. 517

(Report No. 338)

To amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316 of the Communications Act of 1934, as amended, is amended to read as follows:

"Sec. 316. (a) No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person operating any such station shall knowingly permit the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

"(b) No person shall broadcast or directly or indirectly induce any other person to broadcast by means of any radio station for which a license is required by any law of the United States, and no person operating any such station shall permit the broadcasting of, any advertisement of or information concerning any alcoholic beverage if such advertisement or information is broadcast with the intent of inducing the purchase or use of any alcoholic beverage.

"(c) Any person violating any provision of subsection (a) or subsection (b) of this section shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

"(d) All basic permits heretofore or hereafter issued under the provisions of the Federal Alcoholic Administration Act, as amended, shall be deemed to be conditioned upon compliance with the provisions of subsection (b) of this section. If the Administrator of the Federal Alcoholic Administration finds that any person who holds any such basic permit has willfully violated any provision of subsection (b) of this section, the Administrator shall by order, after due notice and opportunity for hearing to such person, revoke such permit or suspend such permit for such period as he may deem appropriate, provided that for a first

(Continued on page 4000)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## JOHNSON INTRODUCES NEW LIQUOR BILL—WORSE THAN FIRST

*(Continued from page 3999)*

violation of the conditions thereof the permit shall be subject to suspension only. Subsections (f), (h), and (i) of section 4 of such Act, as amended, shall apply to any proceeding under this subsection."

S. 517

Amendment

*(in the nature of a substitute)*

That (a) no radio station for which a license is required by any law of the United States, and no person managing or operating any such radio station or financially interested therein, shall directly or indirectly charge to or receive from, or attempt to charge to or receive from, any person any money or other valuable consideration in full or part payment for the service of broadcasting by radio any advertisement of, or information concerning, any alcoholic beverage or any person engaged in the business of manufacturing or selling any alcoholic beverage, if the purpose of such advertisement or information is to induce the purchase or use of any alcoholic beverage.

(b) No person shall directly or indirectly contribute or pay to, or offer to contribute or pay to, any person or any radio station for which a license is required by any law of the United States any money or other valuable consideration in full or part payment for the service of broadcasting by radio any advertisement of, or information concerning, any alcoholic beverage, or any person engaged in the business of manufacturing or selling any alcoholic beverage, if the purpose of such advertisement or information is to induce the purchase or use of any alcoholic beverage.

(c) Any person violating any provision of subsection (a) or subsection (b) shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

(d) All radio-station licenses heretofore or hereafter issued or continued in force under the provisions of the Communications Act of 1934, as amended, shall be deemed to be conditioned upon compliance with the provisions of subsection (a) of this section. If the Federal Communications Commission finds that any holder of any such license has willfully violated any provision of subsection (a) of this section, the Commission shall have the same power to revoke such license as it has to revoke licenses for violation of, or failure to observe, any of the restrictions and conditions imposed by the Communications Act of 1934, as amended.

(e) All basic permits heretofore or hereafter issued under the provisions of the Federal Alcohol Administration Act, as amended, shall be deemed to be conditioned upon compliance with the provisions of subsection (b) of this section. If the Administrator of the Federal Alcohol Administration finds that any holder of any such basic permit has willfully violated any provision of subsection (b) of this section, the Administrator shall by order, after due notice and opportunity for hearing to such holder, revoke such permit or suspend such permit for such period as he may deem appropriate: Provided, That for a first violation of the conditions thereof the permit shall be subject to suspension only. Subsections (f), (h), and (i) of section 4 of such Act, as amended, shall apply to any proceeding under this subsection.

(f) As used in this Act, the term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

## FCC Record Rules

**Section 3.93 (e) of the FCC rules, dealing with recorded and transcribed programs, says:**

**"The identifying announcement shall accurately describe the type of mechanical record used, i.e., where a transcription is used it shall be announced as a 'transcription' or an 'electrical transcription,' and where a phonograph record is used it shall be announced as a 'record.'"**

**The FCC informed the NAB this week that the rule means just what it says.**

**This must be construed to mean that only the words used in the rule are permissible. "Transcribed" and "recorded" are out. When a transcription is used it must be announced as "a transcription." The same goes for records.**

**Last week the NAB was erroneously informed that the present custom of the industry could be continued.**

**It would be advisable at this time for broadcasters to review the record and transcription rules printed in the NAB REPORTS of January 12, 1940 (p. 3953).**

## RADIO COMPETITION ESSENTIAL, FCC ARGUES IN COURT

"The Federal Communications Commission is under no duty to protect licensees of existing radio broadcasting stations from competition, in passing upon an application for a permit for a new station," asserts the FCC in a brief filed with the United States Supreme Court contesting judgment of the United States Court of Appeals for the District of Columbia in the case of Sanders Brothers radio station WKBB, Dubuque, Iowa, v. FCC.

"The basic theory upon which broadcast licenses have always been allocated is that competition is essential to the maintenance of high-quality programs," avers the Commission, explaining: "This is because competition among stations for advertisers means competition among stations for listeners and this in turn means rivalry to present the highest quality programs. Thus the character of radio presentations, and therefore the public interest, is largely dependent on competition."

The Commission points out that this view was stressed by the former Federal Radio Commission in an early report to Congress and more recently was expressed in the case of the Spartanburg Advertising Company when the Commission declared that "neither the license now enjoyed by petitioner nor any provision of the Communications Act of 1934 confers upon petitioner a monopoly of the radio-broadcast facilities in the community which it is now serving."

Quoting the brief:

> "There is nothing in the nature of the license held by an existing station which confers, expressly or by implication, a right to protection from competition. Such a license is an authorization to operate radio-transmitting equipment and is in no sense a franchise to engage in any type of business. The rights conferred by the license are neither absolute nor exclusive. The maximum term of a standard broadcast license under the Act is three years, but the Commission by regulation has fixed the term at one year. The license confers no property right in the frequency authorized to be used.
>
> "Section 309 (b) (1) expressly provides that a 'station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein.' Section 301 declares that the purpose of the Act, among other things, is to provide for the use of the channels of interstate and foreign radio transmission, but not the ownership thereof, for limited periods of time under licenses granted by the Commission. The license may not be transferred or assigned without the written consent of the Commission. The license may be modified by the Commission on its own motion if such action will promote the public interest, convenience, and necessity. And applicants for licenses under the Act are required to sign a 'waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.'
>
> "It is clear, therefore, that the rights which are granted by the license are restricted solely to the use of the facilities licensed for operation. There is no difference between the rights conferred by a license to operate a radio broadcast station and the rights conferred by a license to operate any other of the 38 or more types of radio stations."

Sanders Brothers contested the right of the Commission to authorize the Dubuque Telegraph Herald to establish a rival radio station. On January 23, 1939, the Court of Appeals reversed and remanded the case to the Commission upon the following grounds: (1) that an "issue of 'economic injury to an existing station through the establishment of an additional station' . . . is sufficient to furnish proper grounds for an appeal"; and (2) that the Commission erred in failing to make findings on the issue.

As to the first consideration, the Commission contends in part:

> "As a licensee authorized to use radio transmitting equipment, respondent has the right only to the use of the frequency assigned to it; its license confers on it no franchise to carry on any business, much less to be protected from competition in the conduct of its business. Consequently, the mere fact that respondent, in connection with its business, operates radio-transmitting equipment under license from the Commission gives it no legal right or interest which it does not otherwise possess to question the validity of competition by the Telegraph Herald. And clearly, as a person engaged in the advertising business, respondent has no such legal right or interest. No person engaged in furnishing an advertising medium, whether it be through the sale of newspaper or periodical space or of radio time, may question a competitor's right to engage in that business. The legality of the permit issued to the Telegraph Herald to operate transmitting equipment may no more be questioned by respondent as a competitor in the advertising business than a power company could question the legality of a loan to competing companies, essential to enable them to engage in the electric power business.
>
> "The fundamental consideration which the court below disregarded is that the status of respondent as a licensee authorized to use radio transmitting facilities is not changed because it is also engaged in the advertising business. In the conduct of its advertising business, it clearly has no right to freedom from competition from anyone else furnishing an advertising medium, whether it be a newspaper, a magazine, or another broadcast station. For example, insofar as this business is concerned, respondent has no more right to be protected from competition by the Telegraph Herald as a radio station that Telegraph Herald, as a newspaper, has a right to be protected from competition by the respondent either as a radio station or if it should propose to enter the newspaper field. As a licensee authorized to use radio transmitting facilities, respondent has a right to protection from undue interference in the operation of its equipment. But the important fact is that the injury with which respondent claims to be threatened here is loss of its advertising revenues and not invasion of its right to use its transmitting facilities. This is injury with which, under the Act, the Commission is not required to concern itself."

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In denying the assumption that detailed findings of fact are required, the brief says:

> "Neither the Commission nor its predecessor, the Federal Radio Commission, has ever assumed, in acting upon an application for a new license or for the renewal or modification of an existing license that any detailed findings of fact were required. Hundreds of thousands of such applications have been granted without any detailed findings having been made, only an entry on the Commission's minute book evidencing the action taken. If the Commission were obligated to make detailed findings with respect to every application made for a new license or for the renewal or modification of a license, an almost intolerable burden would be placed on it. This practical consideration is doubtless the reason why Congress did not write into the Act any requirement for dedetailed findings, and was certainly a determining factor in molding the consistent administrative practice."

## MILLER ENDORSES RELIGIOUS TOLERANCE CAMPAIGN

Declaring that "anti-sectarianism and anti-racial propaganda weakens both religion and the liberties of our country by divisive tactics of propagandists attempting to arouse Americans against themselves," Neville Miller this week pledged the cooperation of the radio industry in a nation-wide campaign with the Federal Council of the Churches of Christ in America, wherein local ministers will use local radio stations "for the purpose of creating a better understanding between the various races and religious groups."

In a letter sent to all radio stations in the United States, Mr. Miller further declared: "There is no greater public service a station can render than to give its facilities to bring its listeners closer together in the bonds of understanding, based upon truth and fact. This, to me, is one of the root-principles of the American system of broadcasting."

Mr. Miller pointed out that from its knowledge of past history, the Federal Council of Churches, representing some 143,000 individual Protestant congregations in the United States, "knows that the germs of intolerance cannot easily be controlled, once let loose," and that "the time is at hand for a constructive campaign of tolerance and understanding."

In a statement by the Federal Council of Churches, the aims of the campaign were detailed as follows:

> "The primary aim of this radio campaign is to lay essential facts before the American public, in order that, through an educated public opinion, we, as a people, may profit from the example of many less fortunate European peoples living in countries where democracy has been destroyed by tactics that included the fomenting of racial and religious hatred and oppression.
>
> "Leading Christian clergymen in hundreds of American cities, over their own local radio stations, are being asked by the Federal Council of Churches, to "lead the way" in this radio campaign in the common interest of all racial and religious groups in America and for due recognition of the contributions of minorities in the life of society as a whole.
>
> "The Christian church is showing a great awareness of the issues presented. It is interested in healing, conciliation, understanding, mutual aid and peace. The clergymen will present information and discuss the contributions which all interested citizens can make to the American democracy."

Mr. Miller's letter to the broadcasters follows:

> "The Federal Council of the Churches of Christ in America is sending one of its local contacts to your station, with the sincere request that facilities be granted to a local minister, for the purpose of creating a better understanding between the various races and religious groups who comprise your listening audience.
>
> "The Federal Council of Churches, representing approximately 143,000 churches in the United States, feels that the time is at hand for a constructive campaign of tolerance and understanding, lest the spread of intolerance by hate-mongers, both at home and abroad, sweep over the country as it has elsewhere.
>
> "From its knowledge of past history, this national church body knows that the germs of intolerance cannot easily be controlled once let loose; that anti-sectarianism and anti-racial propaganda weakens both religion and the liberties of our country by divisive tactics of propagandists attempting to arouse Americans against themselves.
>
> "We have had the opportunity of examining the material upon which the Council's new effort for tolerance will be made. It is factual and impartial. It is informative and it is "good" radio. It is material which men of good will in all faiths will welcome. And it is vitally important that this message, educational in scope and patriotic in purpose, be gotten across now.
>
> "The Federal Council of Churches has again turned to radio to do this job. It feels that no other medium of communication can reach the minds and hearts of men so effectively. I feel sure that all stations will wish to take part in this important, worthwhile project. Its spokesmen will no doubt be outstanding clergymen in each city. Certainly there is no greater public service a station can render than to give its facilities to bring its listeners closer together in the bonds of understanding, based upon truth and fact. This, to me, is one of the root-principles of the American system of broadcasting."

## GROSS REVENUE FOR 1939

The gross time-sale revenue of the industry for 1939 is estimated by Dr. Herman S. Hettinger for Broadcasting Magazine at $171,113,813. This represents an increase of 14 percent over 1938.

Broadcasting increased its lead over national magazine advertising as reported by Publishers' Information Bureau. Magazines grossed $151,484,530 for the year, an increase of 7.1 percent over 1938.

Newspaper lineage reported by Media Records for the year 1939 is 1.5 percent above the figure for 1938. Applying this increase to their estimated 1938 figure, newspaper gross revenue would be $552,000,000.

National farm paper revenue for 1939 was estimated at $10,085,880, an increase over 1938 of 2.6 percent.

The January 26th issue of *Printers Ink* carries an article titled "1939 Advertisers" in which is given a comparison of gross revenue of magazines, major network radio and farm papers for those advertisers spending more than $100,000 during 1939 in all three of these media. It should be borne in mind in reviewing this analysis that the advertisers listed are not credited with any national spot advertising they have placed. The comparison is confined to the business carried by the three major networks, Columbia Broadcasting System, Mutual Broadcasting System and National Broadcasting Company. Gross revenue to stations from national spot business for the 342 advertisers is not available from any source.

The figures are presented here because of the superior gains of radio in the rising advertising market during the year.

Here is how $100,000 Advertisers spent their money:

| | Totals | Magazines | Radio | Farm |
|---|---|---|---|---|
| 342 Advertisers for 1939 | $204,361,906 | $112,779,665 | $82,055,797 | $9,526,444 |
| Same Advertisers for 1938 | 180,064,904 | 101,938,159 | 68,999,406 | 9,127,339 |
| Amount of Change | 24,297,002 | 10,841,506 | 13,056,391 | 399.105 |
| Percent of Change | 13.5 | 10.7 | 18.9 | 4.4 |

Radio's increase of 18.9 percent indicates that it is continuing its progress to close the gap in competition.

Radio has arrived in competition with magazines in the matter of $1,000,000 advertisers in the three media, magazines, radio and farm papers, as is indicated in the following table.

Here is how the $1,000,000 Advertisers spent their money:

| | Totals | Magazines | Radio | Farm |
|---|---|---|---|---|
| 41 Advertisers for 1939 | $116,388,067 | $51,558,450 | $59,903,312 | $4,926,305 |
| Same Advertisers for 1938 | 101,389,948 | 46,971,270 | 49,762,573 | 4.656,105 |
| Amount of Change | 14,998,119 | 4,587,180 | 10,140,739 | 270.200 |
| Percent of Change | 14.8 | 9.8 | 20.4 | 5.8 |

It is significant also that of the first 10 in amount spent for advertising in the three media, 8 devoted more to network radio advertising than to other media. In 1938, 6 devoted their major expenditure to radio. Of last year's list of 10 leaders, one of those, which in 1938 spent most of its appropriation in magazines, in 1939 placed most of its advertising in network radio.

## Labor

### WAGE AND HOUR LAW

The NAB has asked the Wage and Hour Administration further to clarify its definition of "executive."

Under the Wage and Hour law, bona fide executives are exempt from the provision limiting the work week to 42 hours unless time and one half is paid for overtime.

When the law went into effect, the Administration defined an executive as an employee who made $30 or more a week; who had the power to hire and fire, or was influential in hiring and firing; who directed the work of others; and *who did no substantial amount of work of the same character as that performed by those under him.*

What amount of work was a *substantial* amount of work? Did *regularity* play any part in the picture?

These are questions that have arisen, especially about chief engineers. In small and medium sized stations, the chief engineer often relieves one of his operators daily during lunch hour, or takes one regular trick each week at the controls or transmitter.

Discussion of this question with Wage and Hour officials has indicated that a chief engineer who *regularly* does the work of a subordinate is not a "bona fide executive."

However, the Administration's reply to a formal request for an opinion should be enlightening.

A small, midwestern station has agreed with the Wage and Hour Administration to give its employees $384 due for overtime. This amount was distributed among nine employees.

### I. B. E. W. STRIKES IN SEATTLE

Four Seattle stations now have contracts with the International Brotherhood of Electrical Workers (A. F. of L.) covering their technicians.

The union called a strike at one of these (KIRO) before the agreement was signed, and a strike was still in progress at a fifth station (KOL) on January 26.

The union moved into Seattle last October. Negotiations were begun with KRSC almost immediately, and a closed shop contract resulted. The closed shop was the principal issue in subsequent negotiations with four other stations. On January 18, the union called a strike at KIRO and KOL. Both stations were off the air less than half an hour. Negotiations with the union were resumed at KIRO and the union technicians went back to work. The strike continued at KOL, although the station went back on the air 20 minutes after the walk-out. Union musicians refused to go through the picket line.

On January 25, KOMO-KJR signed a contract calling for a preferential union shop.

An I. B. E. W. strike at KFSD, San Diego, Calif., was still in progress on January 24. It started last fall. A closed shop was the principal issue. Negotiations are being continued. The station is on the air.

### WGXR ELECTION

The Labor Relations Board has certified Local No. 913, Radio Broadcast Technicians & Engineers Union, International Brotherhood of Electrical Workers (A. F. of L.), as the sole collective bargaining agency selected by a majority of the radio broadcasting operators, engineers, and technicians of the Interstate Broadcasting Company, Inc. (WQXR), New York City, upon the basis of a secret ballot election held January 8, 1940, resulting in a count of three votes for Local No. 913; no votes for the American Communications Association (CIO); and two votes in favor of neither organization.

## Engineering

### FCC TO WITNESS TELEVISION DEMONSTRATIONS THIS WEEK

Having heard oral argument on the proposed tentative television standards, members of the FCC will spend the period of February 1 to 5 witnessing television demonstrations by various firms interested.

On February 1 the Commissioners will visit Albany and Schenectady, N. Y., to view General Electric Company rebroadcast of television signals originating in New York City. That evening, in the Poughkeepsie-Newburgh area, the Radio Corporation of America will show home reception of a telecast from the Empire State Building.

On February 2 there will be National Broadcasting Company studio and reception television demonstrations in New York City.

On February 3, also in New York, the Commissioners will see operation of Cath-Ray Electronic Laboratories receivers and, that afternoon or evening, witness demonstration of flexible system of transmission by the Allen B. DuMont Laboratories, Passaic, N. J.

On February 5 the Commissioners will visit the RCA plant at Camden, N. J., to witness a new large screen projection and other television developments. That afternoon, in Philadelphia, there will be demonstration by Philco Radio and Television Corporation of polarization mitigation of interference.

Because the Don Lee Broadcasting System is located at Los Angeles, the Commission has designated its local inspector-in-charge to view a demonstration there.

## RCA SAYS TELEVISION RADIO RELAY TECHNICALLY READY

Development of the radio relay method of transmitting television signals between cities has been advanced by RCA Laboratories to the point where it is technically ready for the first step of application in a public service, the Radio Corporation of America announced this week.

"This new development, different from any other system so far devsied, makes possible the establishment of inter-city television networks similar in effect to the wire networks of sound broadcasting," said an RCA statement. It is feasible, according to RCA engineers, to set up a radio relay system for television linking New York City, for example, with the nation's capital, Washington, D. C., and with Boston, Mass., and other intermediate cities. Similar radio relay networks could be established in other sections of the country.

"Even such a limited network could make television programs immediately available to approximately 20,000,000 persons, or, roughly, one-sixth of the nation's population. Programs could originate as well as be received at any city which is part of the radio relay system. . . .

"The new RCA television relay system is regarded by engineers as one of the most remarkable advances in the development of radio transmission in many years, because of the success achieved in dealing with frequency channels of extreme width. It differs from other methods of radio relay in that it makes use of specially designed relay stations operating on frequencies many times higher than those used by regular television broadcasting stations.

"RCA has had an experimental radio relay system in test operation for nearly a year between the National Broadcasting Company's Empire State Building transmitter and Riverhead, Long Island. The rely points are located at Hauppague, 45 miles from the Empire State Building, and at Rocky Point, 15 miles from Hauppague. The Rocky Point station boosts the signal another 15 miles to Riverhead.

"Each relay station contains both receiving and transmitting devices, and is mounted on a 100-foot steel tower. The antennas are of the parabolic type necessary for the highly directional, or beam-like, transmission, which the system uses. The power required for operation is 10 watts or less. The distance between each relay point, in practical operation, would vary according to the terrain. The average distance would probably work out at approximately 30 miles.

"The station operates unattended. The receiver is on at all times, and when a control signal is transmitted from a terminal point the relay receiver picks it up and delivers it to the companion transmitter. This action is repeated at each relay point until the circuit is in full operation. The frequency used is approximately 500,000 kilocycles. In the case of NBC's Empire State Building transmissions, the signal starts out on a frequency of 45,250 kilocycles and is changed to 500,000 k.c. at Hauppague, the first relay point, remaining at approximately the latter frequency throughout the relay system. When another terminal station receives the signal it is reconverted to a lower broadcasting frequency.

"The new system is the product of years of research in the R.C.A. Communications, Inc., division of RCA Laboratories. Work in the 500,000 k.c. section of the radio wave spectrum began more than ten years ago. An experimental television relay system using a much lower frequency, was set up between New York and Camden, N. J., about seven years ago, and pictures of low-definition were successfully transmitted over it. The relay station was located at Mt. Arney, N. J., 64 miles from New York. It boosted the signal another 23 miles to Camden.

"Four years ago, a radio relay for the transmission of telegraph, teletype, and experimental facsimile was installed by the RCA between New York and Philadelphia. Operating on frequencies ranging from 85,000 to 105,000 kilocycles, this system was incapable of carrying high-definition television images; however, much was learned from its operation. It became apparent that if high-definition television were to be relayed, new-type reception and transmission tubes must be developed. Starting more than three years ago, the work of developing the new tubes progressed rapidly and, by early 1939, it became possible to use them in the building of the experimental New York-Riverhead system. Operation of the system for nearly a year in all sorts of weather and atmospheric conditions has proved its effectiveness."

## NEW TOWER LIGHT RULES

The Civil Aeronautics Authority has issued a new bulletin entitled "Aeronautical Lights and Obstruction Marking Manual."

Heretofore the CAA has not specified standards for the type of lighting on towers of over 300 feet. However, the new recommended standards include towers up to 800 feet in height. One of the most interesting recommended standards is that on towers from four to six hundred feet an electric code beacon is specified for the top and the middle of the tower, and for towers of six hundred to eight hundred feet, an electric code beacon is specified at the one third, two thirds levels, and the top of the tower.

The recommendations and specifications set forth in the manual have been prepared as a general guide for the marking and lighting of obstructions to air commerce. Specific recommendations for each particular problem will be given upon request directed to any Regional Office or the Washington Office of the Civil Aeronautics Authority.

The section of the Manual of the most interest to broadcasters reads as follows:

### *Radio Obstruction Markers*

Where a serious hazard to air commerce is presented by a structure located on or near a civil airway, the installation and operation of an effective radio marker of a type approved by the Authority may be necessary for the proper protection of air commerce.

### *Night Marking (Lighting)*

### *General*

The purpose of night marking a structure which presents a hazard to air commerce is to warn airmen during the hours of darkness of the presence of such a structure. To accomplish this objective, it is necessary to provide on such a structure adequate obstruction lighting in a manner to insure visibility of such lighting from aircraft at any angle of approach. No standards for night marking, however, can be given more than general application as a structure of any height which is so located as to present a serious hazard to air commerce may require special or additional marking. (See structures requiring special study on page 17.) On the other hand, such a structure may be removed from the general flow of air traffic to make obstruction lighting unnecessary, or it may be so located in reference to other structures or to the contour of the ground that the hereinafter described standards should be applied to the upper part of the structure only.

### *Temporary Warning Lights*

Where a hazard to air commerce is presented by a structure during its period of construction, red warning lights should be displayed on top of the structure from sunset to sunrise until permanent obstruction lights are installed and in operation.

### *Operation of Obstruction Lighting*

In areas of poor visibility, it is recommended that obstruction lighting be controlled by a light sensitive control device adjusted so that the lights will be turned on at a north sky light intensity level of 20-foot candles and turned off at a north sky light intensity level of 40-foot candles. Where obstruction lighting is accomplished by lights which are not equipped with spare lamps and automatic lamp changers, and it is extremely difficult to service such lights, consideration should be given to the installation of adequate auxiliary lights and automatic relays for instant switchover to these auxiliary lights in the event of lamp failure in the main obstruction lighting.

### *Obstruction Lighting by Lights Not Described*

Obstruction lighting installations may be produced by gaseous tubes such as neon tubes or by any method other than the conventional incandescent lights, provided such lighting installations offer equal or greater range intensity, afford equal dependability of operation and possess characteristics similar to those hereinafter specified or described in the recommended standards for obstruction lighting.

### *Towers and Poles*

Towers and poles which present a hazard to air commerce should be lighted nightly from sunset to sunrise in accordance with the following specifications:

*Specification "A"*. Where the overall height of such structures does not exceed 200 feet, there should be installed at the top of each such structure two 100-watt lamps enclosed in aviation red prismatic obstruction light globes. If only one lamp is operated, the circuit should be equipped with a relay for instant automatic switchover to the other lamp in case of lamp failure. (See typical obstruction light fittings on page 22.)

On levels at approximately two-thirds and one-third of the overall height of such structure, there should be installed two 100-watt lamps enclosed in aviation red prismatic obstruction light globes. Each light should be placed on diagonally, or diametrically, opposite positions of the structure at each level. (See typical arrangement on page 25.)

In the case of a triangular shaped tower, the lights at the two-thirds and one-third levels should be mounted so as to insure visibility of at least one light on each level from aircraft at any angle of approach.

*Specification "B"*. Where the overall height of such structure exceeds 200 feet but does not exceed 400 feet, there should be installed at the top of such structure a 300m/m electric code beacon equipped with two 500-watt lamps (both lamps to burn simultaneously) and aviation red color shades. This type of beacon is shown on page 23.

The 300m/m electric code beacon should be equipped with a flashing mechanism producing not more than 40 flashes per minute with a luminous period of one second and a period of darkness of one-half second, but not less than 20 flashes per minute with a luminous period of two seconds and a period of darkness of one second. In the event the beacon is not readily accessible for periodic inspections of the lamps, a tell-tale light circuit should be installed to indicate failure of either lamp.

On levels at approximately two-thirds and one-third of the overall height of such structure, there should be installed two 100-watt lamps enclosed in aviation red prismatic obstruction light globes. Each light should be placed on diagonally, or diametrically, opposite positions of the structure at each level. (See typical arrangement on page 25.)

In the case of a triangular shaped tower, the lights at the two-thirds and one-third levels should be mounted so as to insure visibility of at least one light on each level from aircraft at any angle of approach. If it is necessary to locate the flashing mechanism, described in a preceding paragraph, in such a manner on the towers or poles as to cause the lights at the two-thirds and one-third levels to be affected thereby, such lights may flash.

*Specification "C"*. Where the overall height of such towers exceeds 400 feet but does not exceed 600 feet there should be installed at the top of each such tower a 300m/m electric code beacon equipped with two 500-watt lamps (both lamps to burn simultaneously) and aviation red color shades. This type of beacon is shown on page 23.

On a level at approximately three-fourths of the overall height of such tower, a 100-watt lamp enclosed in an aviation red prismatic obstruction light globe should be installed on each outside corner of the tower at such level.

At approximately one-half of the overall height of such tower, a 300m/m electric code beacon, as previously described, should be installed in such a position within the tower proper that the structural members will not impair visibility of this beacon from aircraft at any angle of approach. In lieu of this electric code beacon, 100-watt lamps enclosed in aviation red prismatic obstruction light globes should be installed on each outside corner of the tower on a level at approximtaely one-half of the overall height of the tower, provided a 24-inch rotating beacon, equipped with an automatic lamp changer and at least a 1000-watt lamp or a 500-watt lamp and an auxiliary reflector, is installed about 50 feet above the ground on a suitable structure and is located within 500 feet of the subject tower. The beam adjustment of this rotating beacon should be approximately 10 degrees above the horizon.

On a level at approximately one-fourth of the overall height of such tower, a 100-watt lamp enclosed in an aviation red prismatic obstruction light globe should be installed on each outside corner of the tower at such level. The 300m/m electric code beacon should be equipped with a flashing mechanism producing not more than 40 flashes per minute with a luminous period of one second and a period of darkness of one-half second, but not less than 20 flashes per minute with a luminous period of two seconds and a period of darkness of one second. In the event these beacons are not readily accessible for periodic inspection of the lamps, a tell-tale light circuit should be installed at each beacon to indicate failure of either lamp.

If it is necessary to locate the flashing mechanism, described in the preceding paragraph, in such a manner on the tower as to cause the lights at the three-fourths and one-fourth levels to be affected thereby, such lights may flash.

*Specification "D"*. Where the overall height of such towers exceeds 600 feet but does not exceed 800 feet, there should be installed at the top of each such tower a 300m/m electric code beacon equipped with two 500-watt lamps (both lamps to burn simultaneously) and aviation red color shades. This type of beacon is shown on page 23.

On a level at approximately five-sixths of the overall height of such tower, a 100-watt lamp enclosed in an aviation red prismatic obstruction light globe should be installed on each outside corner of the tower at such level.

At approximately two-thirds of the overall height of such tower, a 300m/m electric code beacon, as previously described, should be installed in such a position within the tower proper that the structural members will not impair visibility of this beacon from aircraft at any angle of approach.*

On a level at approximately one-half of the overall height of such tower, a 100-watt lamp enclosed in an aviation red prismatic obstruction globe should be installed on each outside corner of the tower at such level.

At approximately one-third of the overall height of such tower, a 300 m/m electric code beacon, as previously described, should be installed in such a position within the tower proper that the structural members will not impair visibility of this beacon from aircraft at any angle of approach.*

On a level at approximately one-sixth of the overall height of such tower, a 100-watt lamp enclosed in an aviation red prismatic obstruction light globe should be installed on each outside corner of the tower at such level. The 300m/m electric code beacon should be equipped with a flashing mechanism producing not more than 40 flashes per minute with a luminous period of one second and a period of darkness of one-half second, but not less than 20 flashes per minute with a luminous period of two seconds and a period of darkness of one second. In the event these beacons are not readily accesible for periodic inspection of the lamps, a tell-tale light circuit should be installed at each beacon to indicate failure of either lamp.

If it is necessary to locate the flashing machanism, described in the preceding paragraph, in such a manner on the tower as to cause the lights at the five-sixths, one half and one-sixth levels to be affected thereby, such lights may flash.

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* *Note:* In lieu of these electric code beacons, 100-watt lamps enclosed in aviation red prismatic obstruction light globes should be installed on each outside corner of the tower on levels at approximately two-thirds and one-third of the overall height of the tower, provided a 24-inch rotating beacon, equipped with an automatic lamp changer and at least a 1000-watt lamp or a 500-watt lamp and an auxiliary reflector, is installed about 50 feet above the ground on a suitable structure and is located within 500 feet of the subject tower. The beam adjustment of this rotating beacon should be approximately 10 degrees above the horizon.

The manual deals comprehensively with the subject of aeronautical lighting and the recommended standards for lighting other hazards to air commerce have been expanded. Copies of the 26-page manual may be secured by writing to Mr. William J. MacKenzie, Civil Aeronautics Authority, Washington, D. C.

## OHIO UNIVERSITY CONFERENCE

One of the important subjects of discussion at the Ohio State Broadcast Engineering Conference, to be held between February 12 and 23 at Ohio State University, Columbus, Ohio, will be "General Discussion and Question Box," conducted by Mr. Andrew D. Ring, Assistant

Chief Engineer of the FCC. Mr. Raymond M. Wilmotte, consulting engineer for NAB, will be chairman of this discussion group. Mr. Wilmotte is compiling a list of questions to be discussed during this meeting and he asks that those who have questions which they would like to have considered, write him at 730 Fifth Avenue, New York City.

## FCC MODIFIES LICENSES FOR HAVANA REALLOCATION

As a preliminary to reallocating channels assigned to broadcast stations within the standard broadcast band of the United States to conform to the now ratified North American Regional Broadcast Agreement, the Federal Communications Commission has definitely suspended the rule fixing the broadcast license period at one year and providing for a staggered system of license renewing; and has modified all outstanding licenses whose expiration date falls beyond August 1, 1940, by ordering that all such licenses terminate as of that date.

It now appears to the Commission that such reallocation of facilities as may be required to carry out the Agreement can be effectuated by August 1.

In addition, and upon suspension of this rule, the Commission granted the applications for renewal pending before it to expire next August 1, for the following stations:

KFBI, Abilene, Kans.; KFBK, Sacramento, Cal.; KFEQ, St. Joseph, Mo.; KFVD, Los Angeles; KGDM, Stockton, Cal.; KGU, Honolulu; KIRO, Seattle, Wash.; KJBS, San Francisco, Cal.; KMMJ, Grand Island, Neb.; KMPC, Beverly Hills, Cal.; KNX, Los Angeles; KOAM, Pittsburgh, Kans.; KOB, Albuquerque, N. Mex.; KOMA, Oklahoma City, Okla.; KOWH, Omaha, Neb.; KPO, San Francisco; KRLD, Dallas, Tex.; KSL, Salt Lake City; KSTP and auxiliary, St. Paul, Minn.; KTRB, Modesto, Cal.; KVOO, Tulsa, Okla.; KWKH, Shreveport, La.; KXA, Seattle; KYOS, Merced, Cal.; KMOX, St. Louis, Mo.; WABC-WBOQ, New York City; WBAL, Baltimore; WBAP, Fort Worth, Tex.; WBBM, Chicago; WBT, Charlotte, N. C.; WCAL, Northfield, Minn.; WCAU and auxiliary, Philadelphia; WCAZ, Carthage, Ill.; WCBD, Chicago; WCCO, Minneapolis; WCFL, Chicago; WCKY, Cincinnati; WDGY, Minneapolis; WDZ, Tuscola, Ill.; WEAU, Eau Claire, Wis.; WEEU, Reading, Pa.; WEW, St. Louis, Mo.; WFAA, Dallas; WGAN, Portland, Me.; WGN, Chicago; WHAM and auxiliary, Rochester, N. Y.; WHAS, Louisville, Ky.; WHB, Kansas City, Mo.; WHDH and auxiliary, Boston; WHEB, Portsmouth, N. H.; WHKC, Columbus, Ohio; WIBC, Indianapolis, Ind.; WIBG, Glenside, Pa.; WINS, New York City; WJJD, Chicago; WJR and auxiliary, Detroit; WJSV, Washington, D. C.; WKAR, E. Lansing, Mich.; WLAC, Nashville, Tenn.; WLAW, Lawrence, Mass.; WLS, Chicago; WMAZ and auxiliary, Macon, Ga.; WMBI, Chicago; WNYC and auxiliary, New York City; WOAI and auxiliary, San Antonio, Tex.; WOI, Ames, Ia.; WOR and auxiliary, Newark, N. J.; WPTF and auxiliary, Raleigh, N. C.; WRUF, Gainesville, Fla.; WRVA, Richmond, Va.; WSAZ, Huntington, W. Va.; WSM, Nashville, Tenn.; WSPR, Springfield, Mass.; WSM auxiliary, Nashville; WTAM, Cleveland, Ohio; WTBO, Cumberland, Md.; WTIC, Hartford, Conn.; WWVA and auxiliary, Wheeling, W. Va.; WMFR, High Point, N. C.; WSOC, Charlotte, N. C.; WTOL, Toledo, Ohio; KGFI, Brownsville, Tex.; KTEM, Temple, Tex.; WFOR, Hattiesburg, Miss.; WLLH, Lowell, Mass.; WSVS, Buffalo, N. Y.; WGIL, Galesburg, Ill.; KCRJ, Jerome, Ariz.; KRE, Berkeley, Cal.; WMSD, Muscle Shoals City, Ala.; WPRP, Ponce, P. R.; WTMC, Ocala, Fla.; KSOO, Sioux Falls, S. Dak.; WMAQ, Chicago; WENR, Chicago; WEAF, New York City; WJZ, New York City; WLW, Cincinnati; KFAB, Lincoln, Neb.; WOWO, Fort Wayne, Ind.; WHIP, Hammond, Ind.; WKBW, Buffalo, N. Y.; KFI, Los Angeles; KFI, auxiliary; KJR and auxiliary, Seattle; KGA, Spokane, Wash; KOA, Denver, Colo.; KGO and auxiliary, San Francisco; KEX, Portland, Ore.; WEAF, auxiliary; WJZ, auxiliary.

Licenses for the following stations were extended upon a temporary basis only until March 1, 1940, pending receipt of and determination upon application for renewals:

WSB and auxiliary, Atlanta, Ga.; KGKY, Scottsbluff, Neb.

Licenses for the following stations were extended on a temporary basis for the period ending March 1, 1940, pending determination upon applications for renewal:

KTHS, Hot Springs National Park, Ark.; WCFL, auxiliary, Chicago; WHO, Des Moines, Ia.; WLB, Minneapolis; WMFJ, Daytona Beach, Fla.; KGBU, Ketchikan, Alaska; WKAT, Miami Beach, Fla.

KSUB—Leland M. Perry, Cedar City, Utah.—Special temporary authorization to Leland M. Perry, surviving partner of Johnson & Perry, a partnership, to operate station KSUB, was extended upon a temporary basis only to March 1, 1940, subject to whatever action may be taken upon formal application for regular authorization that may be submitted with respect to station KSUB.

WSM—National Life & Accident Ins. Co., Nashville, Tenn.—Special temporary experimental authority to operate regular broadcast transmitter for transmission of facsimile signals 12 midnight to 6 a. m., using 50 KW, was extended for a period of 1 month from February 1 to March 1, 1940.

WHO—Central Broadcasting Co., Des Moines, Ia.—Special temporary experimental authority to operate regular broadcast transmitter for transmission of facsimile signals 12 midnight to 6 a. m., using 50 KW, was extended for a period of 1 month from February 1 to March 1, 1940.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Special temporary experimental authority to operate regular broadcast transmitter for transmission of facsimile signals 12 midnight to 6 a. m., using 50 KW, was extended for a period of 1 month from February 1 to March 1, 1940.

The following applications for renewal of television broadcast station licenses were renewed for the regular period:

W2XAB, New York City; W2XVT, Passaic, N. J.; W2XH, Schenectady, N. Y.; W6XAO, Los Angeles; W2XBS, New York City; W2XBT, New York City; W3XAE, Philadelphia; W3XP, Philadelphia, and W9XZV, Chicago.

Licenses for the following television stations were extended upon a temporary basis only, for the period ending March 1, 1940:

W9XAL, Kansas City, Mo.; W1XG, Boston; W9XG, W. Lafayette, Ind.; W2XDR, Long Island City; W3XAD, Portable (Camden, N. J.); W3XEP, Camden, N. J.; W9XK, Iowa City, Ia.; W9XUI, Iowa City, Ia.

## FM BROADCASTERS ELECT SHEPARD PRESIDENT

The Board of Directors of FM Broadcasters, Inc., met in New York on Monday, January 29, to perfect the organization of the FM Broadcasters and to make plans for the FM hearing on February 28. At the meeting John Shepard, 3d, Yankee Network, was elected President, John V. L. Hogan, WQXR, Vice President, and Robert Bartley, Yankee Network, Secretary-Treasurer. The Board adopted by-laws, approved for membership applications from about 25 organizations, and instructed Philip G. Loucks, Washington attorney for the group, to file an appearance for the February 28 High Frequency Hearing before the FCC. Plans for correlating and presenting the available information on FM were discussed. Paul de Mars, engineer for the Yankee Network, was appointed engineering counsel for the group and he has opened headquarters at the Willard Hotel in Washington in order to prepare the engineering testimony.

The Executive Engineering Committee of the FM Broadcasters also met on Monday to perfect plans for the technical presentation. The members of the Executive Engineering Committee are: Paul de Mars, Yankee Network; S. L. Bailey, Jansky & Bailey; Professor Daniel E. Nobel, Connecticut State College; I. R. Weir, General Electric; Jack Poppele, WOR; and John De Witt, WSM.

## COMMISSION TO INQUIRE INTO MANAGEMENT CONTRACTS

To determine whether broadcast licensees are themselves discharging the rights, duties, and obligations under their licenses or whether, on the other hand, such rights have been turned over to and are being exercised by outside operating companies under so-called management contracts, the FCC has ordered hearing on certain pending applications for renewal of radio station licenses, and for other and similar renewal applications as they come before it.

Those stations already designated for hearing under this move, at a date to be set later, are Westinghouse Electric & Manufacturing Company, licenses for WBZ and WBZA, both at Boston; KYW, Philadelphia, and KDKA, Pittsburgh; WGY, General Electric Company, Schenectady, N. Y.; WESG, Cornell University, Elmira, N. Y.; WWL, Loyola University, New Orleans; and WAPI, Alabama Polytechnic Institute and University of Alabama, Birmingham, Ala.

## FCC SUSTAINED IN TWO COURT CASES

In two decisions handed down Monday—FCC vs. Pottsville Broadcasting Co. and Fly vs. Heitmeyer—the Supreme Court reversed the Court of Appeals for the District of Columbia and sustained the FCC's contention that under the Communications Act of 1934 as amended, the Commission was vested with power to decide on the merits of competing applications for licenses irrespective of priority of filing and intervening judicial determination of questions of law. In the Heitmeyer case the court further held, according to the principles enunciated in the Pottsville case, that the Commission was empowered to reopen the record and take new evidence on the comparative ability of all the rival applicants to satisfy "public convenience, interest, or necessity" after previous erroneous denial of license to one of them.

The decisions are of far-reaching importance in delineating the proper spheres of activity of administrative commissions and the courts. They emphasize the large measure of administrative discretion vested by Congress in the FCC. To quote from the opinion:

"The present case makes timely the reminder that 'legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.' . . . Congress which creates and sustains these agencies must be trusted to correct whatever defects experience may reveal."

The opinions of the court follow:

### SUPREME COURT OF THE UNITED STATES

### OCTOBER TERM, 1939

No. 265

Federal Communications Commission, *Petitioner*,
*vs.*
The Pottsville Broadcasting Company

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia

(January 29, 1940)

Mr. Justice Frankfurter delivered the opinion of the Court.

The court below issued a write of mandamus against the Federal Communications Commission, and, because important issues of administrative law are involved, we brought the case here. 308 U. S. ——. We are called upon to ascertain and enforce the spheres of authority which Congress has given to the Commission and the courts, respectively, through its scheme for the regulation of radio broadcasting in the Communications Act of 1934, c. 652, 48 Stat. 1064, as amended by the Act of May 20, 1937, c. 229, 50 Stat. 189; 47 U. S. C. Sec. 151.

Adequate appreciation of the facts presently to be summarized requires that they be set in their legislative framework. In its essentials the Communications Act of 1934 derives from the Federal Radio Act of 1927, c. 169, 44 Stat. 1162, as amended, 46 Stat. 844. By this Act Congress, in order to protect the national interest involved in the new and far-reaching science of broadcasting, formulated a unified comprehensive regulatory system for the industry.[1] The common factors in the administration of the various statutes by which Congress had supervised the different modes of communication led to the creation, in the Act of 1934, of the Communications Commission. But the objectives of the legislation have remained substantially unaltered since 1927.

Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field. To avoid this Congress provided for a system of permits and licenses. Licenses were not to be granted for longer than three years. Communications Act of 1934, Title iii, Sec. 307(d). No license was to be "construed to create any right, beyond the terms, conditions, and periods of the license." *Ibid.* Sec. 301. In granting or withholding permits for the construction of stations, and in granting, denying, modifying or revoking licenses for the operation of stations, "public convenience, interest, or necessity" was the touchstone for the exercise of the Commission's authority. While this criterion is as concrete as the complicated factors for judgment in such a field of delegated authority permit, it serves as a supple instrument for the exercise of discretion by the expert body which Congress has charged to carry out its legislative policy. Necessarily, therefore, the subordinate questions of procedure in ascertaining the public interest, when the Commission's licensing authority is invoked—the scope of the inquiry, whether applications should be heard contemporaneously or successively, whether parties should be allowed to intervene in one another's proceedings, and similar questions—

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[1] For the legislative history of the Act of 1927, see H. Rep. No. 464, S. Rep. No. 772, 69th Cong., 1st Sess.; 67 Cong., Rec. 5473-5504, 5555-86; 5645-47; 12335-59; 12480, 12497-12508; 12614-18; 68 Cong., Rec. 2556-80, 2750-51, 2869-82, 3025-39, 3117-34, 3257-62, 3329-36, 3569-71, 4109-55. A summary of the operation of previous regulatory laws may be found in Herring and Gross, Telecommunications, pp. 239-45.

were explicitly and by implication left to the Commission's own devising, so long, of course, as it observes the basic requirements designed for the protection of private as well as public interest. *Ibid.*, Title I, Sec. 4(j). Underlying the whole law is recognition of the rapidly fluctuating factors characteristic of the evolution of broadcasting and of the corresponding requirement that the administrative process possess sufficient flexibility to adjust itself to these factors. Thus, it is highly significant that although investment in broadcasting stations may be large, a license may not be issued for more than three years; and in deciding whether to renew the license, just as in deciding whether to issue it in the first place, the Commission must judge by the standard of "public convenience, interest, or necessity." The Communications Act is not designed primarily as a new code for the adjustment of conflicting private rights through adjudication. Rather it expresses a desire on the part of Congress to maintain, through appropriate administrative control, a grip on the dynamic aspects of radio transmission.[2]

Against this background the facts of the present case fall into proper perspective. In May, 1936, The Pottsville Broadcasting Company, respondent here, sought from the Commission a permit under Sec. 319 *Ibid.*, Title iii, for the construction of a broadcasting station at Pottsville, Pennsylvania. The Commission denied this application on two grounds: (1) that the respondent was financially disqualified; and (2) that the applicant did not sufficiently represent local interests in the community which the proposed station was to serve. From this denial of its application respondent appealed to the court below. That tribunal withheld judgment on the second ground of the Commission's decision, for it did not deem this to have controlled the Commission's judgment. But, finding the Commission's conclusion regarding the respondent's lack of financial qualification to have been based on an erroneous understanding of Pennsylvania law, the Court of Appeals reversed the decision and ordered the "cause . . . remanded to the . . . Communications Commission for reconsideration in accordance with the views expressed." *Pottsville Broadcasting Co. v. Federal Communications Commission,* 98 F. (2d) 288.

Following this remand, respondent petitioned the Commission to grant its original application. Instead of doing so, the Commission set for argument respondent's application along with two rival applications for the same facilities. The latter applications had been filed subsequently to that of respondent and hearings had been held on them by the Commission in a consolidated proceeding, but they were still undisposed of when the respondent's case returned to the Commission. With three applications for the same facilities thus before it, and the facts regarding each having therefore been explored by appropriate procedure, the Commission directed that all three be set down for argument before it to determine which, "on a comparative basis" "in the judgment of the Commission will best serve public interest." At this stage of the proceedings, respondents sought and obtained from the Court of Appeals the writ of mandamus now under review. That writ commanded the Commission to set aside its order designating respondent's application "for hearing on a comparative basis" with the other two, and "to hear and reconsider the application" of The Pottsville Broadcasting Company" on the basis of the record as originally made and in accordance with the opinions" of the Court of Appeals in the original review (98 F. (2d) 288), and in the mandamus proceedings. *Pottsville Broadcasting Co. v. Federal Communications Commission,* 105 F. (2d) 36.

The Court of Appeals invoked against the Commission the familiar doctrine that a lower court is bound to respect the mandate of an appellate tribunal and cannot reconsider questions which the mandate has laid at rest. See *In Re Sanford Fork & Tool Co., Petitioner,* 160 U. S. 247, 255-56. That proposition is indisputable, but it does not tell us which issues are laid at rest. Cf. *Sprague v. Ticonic Bank,* 307 U. S. 161. Nor is a court's interpretation of the scope of its own mandate necessarily conclusive. To be sure the court that issues a mandate is normally the best judge of its content, on the general theory that the author of a document is ordinarily the authoritative interpreter of its purposes. But it is not even true that a lower court's interpretation of its mandate is controlling here. Cf. *United States v. Morgan,* 307 U. S. 183. Therefore, we would not be foreclosed by the interpretation which the Court of Appeals gave to its mandate, even if it had been directed to a lower court.

A much deeper issue, however, is here involved. This was not a mandate from court to court but from a court to an administrative agency. What is in issue is not the relationship of federal courts *inter se*—a relationship defined largely by the courts themselves—but the due observance by courts of the distribution of authority made by Congress as between its power to regulate commerce and the reviewing power which it has conferred upon the courts under Article III of the Constitution. A review by a federal court of the action of a lower court is only one phase of a single unified process. But to the extent that a federal court is authorized to review an administrative act, there is superimposed upon the enforcement of legislative policy through administrative control a different process from that out of which the administrative action under review ensued. The technical rules derived from the interrelationship of judicial tribunals forming a hierarchical system are taken out of their environment when mechanically applied to determine the extent to which Congressional power, exercised through a delegated agency, can be controlled within the limited scope of "judicial power" conferred by Congress under the Constitution.

Courts, like other organisms, represent an interplay of form and function. The history of Anglo-American courts and the more or less narrowly defined range of their staple business have determined the basic characteristics of trial procedure, the rules of evidence, and the general principles of appellate review. Modern administrative tribunals are the outgrowth of conditions far different from those.[3] To a large degree they have been a response to the felt need of governmental supervision over economic enterprise—a supervision which could affectively be exercised neither directly through self-executing legislation nor by the judicial process. That this movement was natural and its extension inevitable was a quarter century ago the opinion of eminent spokesmen of the law[4] Perhaps the most striking characteristic of this movement has been the investiture of administrative agencies with power far exceeding and different from the conventional judicial modes for adjusting conflicting claims—modes whereby interested litigants define the scope of injury and determine the data on which the judicial judgment is ultimately based. Administrative agencies have power themselves to initiate inquiry, or, when their authority is invoked, to control the range of investigation in ascertaining what is to satisfy the requirements of the public interest in relation to the needs of vast regions and sometimes the whole nation in the enjoyment of facilities for transportation, communication and other essential public services.[5] These differences in origin and function preclude wholesale transplantation of the rules of procedure, trial and review, which have evolved from the history and experience of courts. Thus, this Court has recognized that bodies like the Interstate Commerce Commission, into whose mould Congress has cast more recent administrative agencies, "should not be too narrowly constrained by technical rules as to the admissibility of proof," *Interstate Commerce Commission v. Baird,* 194 U. S. 25, 44, should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties.[6] Compare *New England Divisions Case,*

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[2] Since the beginning of regulation under the Act of 1927 comparative considerations have governed the application of standards of "public convenience, interest, or necessity" laid down by the law. . . ." . . . the commission desires to point out that the test—'public interest, convenience, or necessity'—becomes a matter of a comparative and not an absolute standard when applied to broadcasting stations. Since the number of channels is limited and the number of persons desiring to broadcast is far greater than can be accommodated. the commission must determine from among the applicants before it which of them will, if licensed, best serve the public. In a measure, perhaps, all of them give more or less service. Those who give the least, however, must be sacrificed for those who give the most. The emphasis must be first and foremost on the interest. the convenience, and the necessity of the listening public, and not on the interest, convenience, or necessity of the individual broadcaster or the advertiser." Second Annual Report, Federal Radio Commission, 1928, pp. 169-70.

[3] See Maitland, the Constitutional History of England, pp. 415-18; Landis, The Administrative Process, *passim*.

[4] See, for instance, the address of Elihu Root as President of the American Bar Association;

"There is one special field of law development which has manifestly become inevitable. We are entering upon the creation of a body of administrative law quite different in its machinery, its remedies, and its necessary safeguards from the old methods of regulation by specific statutes enforced by the courts. . . . There will be no withdrawal from these experiments. . . . We shall go on; we shall expand them, whether we approve theoretically or not, because such agencies furnish protection to rights and obstacles to wrong doing which under our new social and industrial conditions cannot be practically accomplished by the old and simple procedure of legislatures and courts as in the last generation." 41 A. B. A. Rep. 355, 368-69.

[5] See United States v. Lowden, *ante*, p. — decided Dec. 4, 1939; Herring Public Administration and the Public Interest, *passim*.

[6] The Communications Commission's Rules of Practice, Rule 106.4, provided that "the Commission will, so far as practicable, endeavor to fix the same date . . . for hearing on all applications which . . . present conflicting claims . . . excepting, however, applications filed after any such application has been designated for hearing." Respondent contends, and the court below seemed to believe that this rule bound the Commission to give respondent a non-comparative consideration because its application had been set down for hearing before the later and rival applications were filed. The Commission interprets this rule simply as governing the order in which applications shall be heard, and not touching upon the order in which they shall be acted upon or the manner in which they shall be considered. That interpretation is binding upon the courts. A. T. & T. Co. v. United States. 299 U. S. 232.

261 U. S. 184. To be sure, the laws under which these agencies operate prescribe the fundamentals of fair play. They require that interested parties be afforded an opportunity for hearing and that judgment must express a reasoned conclusion. But to assimilate the relation of these administrative bodies and the courts to the relationship between lower and upper courts is to disregard the origin and purposes of the movement for administrative regulation and at the same time to disregard the traditional scope, however far-reaching, of the judicial process. Unless these vital differentiations between the functions of judicial and administrative tribunals are observed, courts will stray outside their province and read the laws of Congress through the distorting lenses of inapplicable legal doctrine.

Under the Radio Act of 1927 as originally passed, the Court of Appeals was authorized in reviewing action of the Radio Commission to "alter or revise the decision appealed from and enter such judgment as to it may seem just." Sec. 16 of the Radio Act of 1927, 44 Stat. 1169. Thereby the Court of Appeals was constituted "a superior and revising agency in the same field" as that in which the Radio Commission acted. *Radio Comm. v. General Electric Co.*, 281 U. S. 464, 467. Since the power thus given was administrative rather than judicial, the appellate jurisdiction of this Court could not be invoked. *Radio Comm. v. General Electric Co., supra.* To lay the basis for review here, Congress amended Sec. 16 so as to terminate the administrative oversight of the Court of Appeals. c. 788, 46 Stat. 844. In "sharp contrast with the previous grant of authority" the court was restricted to a purely judicial review. "Whether the Commission applies the legislative standards validly set up, whether it acts within the authority conferred or goes beyond it, whether its proceedings satisfy the pertinent demands of due process, whether, in short, there is compliance with the legal requirements which fix the province of the Commission and govern its action, are appropriate questions for judicial decision." *Radio Comm'n v. Nelson Bros. Co.*, 289 U. S. 266, 276.

On review the court may thus correct errors of law and on remand the Commission is bound to act upon the correction. *Fed. Power Comm'n v. Pacific Co.*, 307 U. S. 156. But an administrative determination in which is imbedded a legal question open to judicial review does not impliedly foreclose the administrative agency, after its error has been corrected, from enforcing the legislative policy committed to its charge. Cf. *Ford Motor Co. v. Labor Board,* 305 U. S. 364.

The Commission's responsibility at all times is to measure applications by the standard of "public convenience, interest, or necessity." The Commission originally found respondent's application inconsistent with the public interest because of an erroneous view regarding the law of Pennsylvania. The Court of Appeals laid bare that error, and in compelling obedience to its correction, exhausted the only power which Congress gave it. At this point the Commission was again charged with the duty of judging the application in the light of "public convenience, interest, or necessity." The fact that in its first disposition the Commission had committed a legal error did not create rights of priority in the respondent, as against the later applicants, which it would not have otherwise possessed. Only Congress could confer such a priority. It has not done so. The Court of Appeals cannot write the principle of priority into the statute as an indirect result of its power to scrutinize legal errors in the first of an allowable series of administrative actions. Such an implication from the curtailed review allowed by the Communications Act is at war with the basic policy underlying the statute. It would mean that for practical purposes the contingencies of judicial review and of litigation, rather than the public interest, would be decisive factors in determining which of several pending applications was to be granted.

It is, however, urged upon us that if all matters of administrative discretion remain open for determination or remand after reversal, a succession of single determinations upon single legal issues is possible with resulting delay and hardship to the applicant. It is always easy to conjure up extreme and even oppressive possibilities in the exertion of authority. But courts are not charged with general guardianship against all potential mischief in complicated tasks of government. The present case makes timely the reminder that "legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts." *Missouri, Kansas & Texas Ry. Co. v. May,* 194 U. S. 267, 270. Congress which creates and sustains these agencies must be trusted to correct whatever defects experience may reveal. Interference by the courts is not conducive to the development of habits of responsibility in administrative agencies. Anglo-American courts as we now know them are themselves in no small measure the product of a historic process.

The judgment is reversed, with directions to dissolve the writ of mandamus and to dismiss respondent's petition.

*Reversed.*

Mr. Justice McReynolds concurs in the result.

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## SUPREME COURT OF THE UNITED STATES

### OCTOBER TERM, 1939

No. 316

J. Lawrence Fly, et al., Petitioners
*vs.*
Paul R. Heitmeyer

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia

(January 29, 1940)

Mr. Justice Frankfurter delivered the opinion of the Court.

On March 25, 1935, Heitmeyer, respondent here, applied for a permit from the Federal Communications Commission under Sec. 319 of the Communications Act of 1934, c. 652, 48 Stat. 1089, 47 U.S.C. 319, to construct a broadcasting station at Cheyenne, Wyoming. His application and a competing one were heard by an examiner. The Commission, on May 1, 1936, denied respondent's application on the sole ground that he was financially disqualified. He appealed to the United States Court of Appeals for the District of Columbia and the Commission's decision was reversed. *Heitmeyer v. Federal Communications Commission,* 95 F. (2d) 91. To proceed in conformity with this opinion, the case was remanded to the Commission.

After Heitmeyer's appeal two other applications for the same facilities were filed with the Commission. Following intermediate litigation, needless here to recount, the Commission directed that respondent's case be reopened in conjunction with the pending rival applications. Before this hearing could be had, respondent obtained from the Court of Appeals a writ of mandamus directing the Commission to restrict consideration of his application to the record originally before it. *McNinch v. Heitmeyer,* 105 F. (2d) 41. Because important questions of administrative law were involved, we granted certiorari. 308 U. S. ——.

This case is controlled by our decision No. 265, *Federal Communications Commission v. Pottsville Broadcasting Co.,* decided this day.

The only relevant difference between the two cases is that here the Commission proposed on remand not only to reconsider respondent's application on oral argument with subsequently filed rival applications, but to reopen the record and take new evidence on the comparative ability of the various applicants to satisfy "public convenience, interest, or necessity." But the Commission's duty was to apply the statutory standard in deciding which of the applicants was to receive a permit after it fell into legal error as well as before. If, in the Commission's judgment, new evidence was necessary to discharge its duty, the fact of a previously erroneous denial should not, according to the principles enunciated in the *Pottsville* case, *ante,* bar it from access to the necessary evidence for correct judgment.

The judgment is reversed, with directions to dissolve the writ of mandamus and to dismiss respondent's petition.

*Reversed.*

Mr. Justice McReynolds concurs in the result.

## FCC APPROPRIATION CUT

Senate Committee on Appropriations this week cut $40,000 from the Federal Communications Commission appropriation. The $40,000 was for the establishment of a radio monitoring station at Anchorage, Alaska.

The Commission's total appropriation as it passed the House was for $2,116,340 and as reported by the Senate Committee is $2,076,340.

## NAB THANKS STATIONS, SPONSORS, FOR "MARCH OF DIMES" SUPPORT

The NAB through Neville Miller desires to extend its heartfelt thanks to stations, networks, sponsors, and radio artists who so generously gave of their time and talent to move along the March of Dimes, in celebration of the President's birthday, so that the scourge of infantile paralysis may be wiped from the homes of the nation.

Mr. Miller's statement:

"Again, American radio was the backbone of the March of Dimes. Again, American radio gave the March of Dimes tempo, scope, results. Again, American radio reached into the hearts of its millions of listeners for a contribution so that those who dance may help others to walk.

"The results are more than a tribute to radio. They are a tribute to the responsive heart of the American people, who have never yet failed to answer a radio call for neighborly help."

## SESAC ADDITION

SESAC has notified its licensees that it has added the catalogue of Leopoldo Orduña, Barcelona, Spain.

## CARTER—JACK TAYLOR

The NAB would like to know the whereabouts of Eddie Carter, piano marathon king, who has been broadcasting on the Pacific Coast. Anyone knowing his whereabouts, please advise headquarters.

The whereabouts of Jack Taylor and his Rail Splitters, a hillbilly radio show, is requested. Anyone knowing the location of this troupe should communicate with WJHL, Johnson City, Tennessee, or headquarters office.

### FEDERAL LEGISLATION

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Amendment (in the nature of a substitute) to the committee amendment to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Ordered to lie on the table and to be printed.

### STATE LEGISLATION

KENTUCKY:

S. 73 (Keenon) LOTTERY—An act to amend and re-enact section 2573 of the statutes relating to lottery. Referred to Ways and Means Committee.

MISSISSIPPI:

H. 43 (Woodliff) OPTOMETRY—To completely revise Chapter 140 "Optometry" of the Code of 1930 by combining certain pertinent features of the act as it now exists into new sections; by revising old sections to meet present conditions and problems; by eliminating duplicate provisions. Being an act defining optometry; providing for the licensing of persons to practice Optometry and the issuance of branch office licenses. Referred to Public Health and Quarantine Committee.

NEW YORK:

A. 786 (Goldstein) RADIO ADVERTISEMENTS—Makes it a misdemeanor to broadcast over a radio station, untrue and misleading advertisements and requires the advertiser to file with owner or operator of a station, his true name and name under which business is transacted. Referred to Codes Committee.

NEW YORK:

S. 802 (Williamson) POLICE RADIO CARS—Authorizes village trustees to appoint radio technician who shall keep in repair all police radio cars and equipment owned and operated by the village and perform such other duties as may be imposed. Referred to Villages Committee.

## FCC ASSIGNMENTS

The FCC announces that the work, business and functions of the Commission for the month of February have been assigned as follows:

| | |
|---|---|
| Commissioner Case | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations. |
| Commissioner Brown | Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings. |

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, February 5. They are subject to change.

### Monday, February 5

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—C. P., **780 kc.,** 1 KW, daytime. Present assignment: **780 kc.,** 250 watts, daytime.

### Wednesday, February 7

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Renewal of license, **1390 kc.,** 1 KW, daytime.

### Thursday, February 8

Further Hearing

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

### Thursday, February 8

Oral Argument Before the Commission

WRTD—The Times Dispatch Radio Corp., Richmond, Va.—C. P., **590 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1500 kc.,** 100 watts, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

#### March 5

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Renewal of license, **1200 kc.,** 100 watts, unlimited time.

#### March 6

KXL—KXL Broadcasters, Portland, Ore.—C. P., **740 kc.,** 10 KW, 10 KW LS, limited time (DA day and night). Present assignment: **1420 kc.,** 250 watts, shares KBPS.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—C. P., **740 kc.,** 1 KW, 1 KW LS, limited to WSB, Atlanta, Ga. Present assignment: **740 kc.,** 250 watts, daytime.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WCKY—L. B. Wilson, Inc., Licensee George L. Hill & C. D. Seiler, Cincinnati, Ohio.—Granted authority to transfer control of station WCKY, from George L. Hill and C. D. Seiler, to L. B. Wilson. Station operates on **1490 kc.,** with 50 KW, unlimited time.

KADA—C. C. Morris, Ada, Okla.—Granted construction permit for changes in equipment and increase in power from 100 to 250 watts on **1200 kc.**

### DESIGNATED FOR HEARING

Guy S. Cornish (Cincinnati, Ohio), Portable-Mobile.—Application for construction permit for new public address relay station to operate on frequency **310,000 kc.;** emission A3, power 1 watt; unlimited time in accordance with Sections 5.15 and 5.18. The proposed station would provide a voice circuit between the announcer and the public address amplifying equipment under conditions where wire facilities are not available or are impractical to install.

Miami Broadcasting Co., Miami, Fla.—Application for construction permit for new broadcast station to operate on **1420 kc.,** 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

West Virginia Newspaper Publishing Co., Morgantown, W. Va.—Application for construction permit for a new broadcast station to operate on **1200 kc.,** 250 watts, unlimited time. Exact studio and transmitter site and type of antenna to be determined with Commission's approval.

### MISCELLANEOUS

WEAN-WAAB-WNAC-WICC—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to pick up and rebroadcast programs being broadcast by FM Stations W1XOJ, W1XPW, W2XMN, W2XAG, or High Frequency Broadcast Station W1XER, for a period not to exceed 30 days, in order to secure information for the high frequency hearing on February 28, 1940.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted special temporary authority to operate from 7:30 p. m., CST, to the conclusion of basketball games on February 26, and March 2, 1940, and from 7:15 p. m., CST, to the conclusion of a basketball game on March 4, 1940, in order to broadcast basketball games only using 250 watts power.

M. C. Reese, Phoenix, Arizona.—Adopted final order, effective January 26, 1940, granting the application for a new station to operate on **1200 kc.,** 100 watts night, 250 watts local sunset, subject to approval of transmitter and antenna system.

WRTD—The Times Dispatch Radio Corp., Richmond, Va.—Postponed oral argument on application for construction permit to change frequency and install new equipment, now scheduled for February 1, to February 8.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted license to cover construction permit for new high frequency station; frequency **42600 kc.,** power 100 watts, granted on experimental basis only, conditionally.

WSPB—WSPB, Inc., Sarasota, Fla.—Granted authority to determine operating power by direct measurement of antenna input.

Lookout Mountain Co. of Georgia, Lookout Mountain, Ga.—Granted motion for order to take depositions in re its application for construction permit for new station to operate on **1370 kc.,** 250 watts night, 250 watts LS, unlimited time.

KGMB—Hawaiian Broadcasting System, Inc., Honolulu, Hawaii.—Granted modification of construction permit for change in frequency, increase in power, and new transmitter and antenna and move of transmitter, for extension of completion date from February 20, 1940, to August 20, 1940.

KVGB—Helen Townsley, Great Bend, Kansas.—Granted license to cover construction permit for changes in transmitting equipment and increase in power to **1370 kc.;** power 250 watts, unlimited time.

KVGB—Helen Townsley, Great Bend, Kansas.—Granted authority to determine operating power by direct measurement of antenna input.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF, with reduced power of 250 watts, from 7:30 p. m. to 9:00 p. m., CST, on January 24, 1940, in order to permit WGBF to broadcast proceedings at Farmers Business Men Banquet, Vincennes, Indiana.

WGBF—Evansville on the Air, Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU as above in order to broadcast proceedings at Farmers Business Mens Banquet, Vincennes, Indiana.

KFAH—A Bruce Fahnestock, Fahnestock South Sea Expedition, Portable mobile, aboard *Director II* (area of Fahnestock South Sea Expedition).—Granted license to cover construction permit for new special relay broadcast station; frequencies **4797.5, 6425, 9135, 12862.5, 17310** and **23100 kc.;** power 1000 watts; granted on an experimental basis only, conditionally.

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Designated for hearing application for construction permit to erect a new station to operate on **1370 kc.,** 250 watts, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval.

WMIP—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft station KHDIW on **2790 kc.,** January 27, 1940, in order to relay broadcast program material in connection with Winter Carnival of Twin Cities, Minnesota to Radio Station WMIN.

WJNP—Jack R. Butler, Palm Beach, Fla.—Granted special temporary authority to operate the radio transmitter aboard the Motor Yacht *Dutchess II,* bearing call letters WPYW, as a relay broadcast station utilizing the frequency **2790 kc.,** from 5:15 p. m. to 5:30 p. m., EST, for the period ending not later than February 4, 1940, in order to relay broadcast the Sailfish Derby programs to radio station WJNO.

Metropolitan Broadcasting Corp., New York, N. Y.—Granted request to withdraw without prejudice the application for voluntary assignment of license of station WINS from Hearst Radio, Inc., assignor, to Metropolitan Broadcasting Corp., assignee. Hearing scheduled for March 4 cancelled.

Radiomarine Corp. of America.—Granted motions to take depositions in Buffalo, N. Y., February 14; Cleveland, Ohio, February 16; Detroit, Mich., February 17; and New York, N. Y., February 19; in re applications for Radiomarine Corp. of America for construction permit for coastal harbor stations WCY and WBL.

WHBY—WHBY, Inc., Appleton, Wis.—Granted license to cover construction permit as modified for installation of new transmitter and antenna and move of transmitter and studio; **1200 kc.,** 250 watts, unlimited time.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Granted license to cover construction permit for changes in transmitting equipment and increase in power to 250 watts; frequency **1200 kc.,** unlimited.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Granted authority to determine operating power by direct measurement of antenna input.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted license to cover construction permit as modified for installation of new transmitter; move transmitter 500 feet; change frequency; change hours of operation, and install directional antenna for night use; frequency **1220 kc.,** power 500 watts, unlimited time; also granted authority to determine operating power by direct measurement of antenna input.

KTOL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted authority to determine operating power by direct measurement of antenna input.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Granted license to cover construction permit as modified for new broadcast station, **1370 kc.,** 100 watts night, 250 watts daytime, unlimited time; also granted authority to determine operating power by direct measurement of antenna input.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted authority to determine operating power by direct measurement of antenna input.

KLSM—Harold M. Finlay and Mrs. Eloise Finlay, LaGrande, Ore. —Granted construction permit to make changes in equipment.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted license to cover construction permit for changes in equipment and increase in power to 1 KW; frequency **1120 kc.,** unlimited time.

Woodmen of the World Life Insurance Society, Portable-Mobile (area of Omaha, Nebr.).—Granted construction permit for new relay (low frequency) broadcast station to be used with applicant's standard broadcast station WOW, Omaha, Nebr.; frequencies **1622, 2058, 2150** and **2790 kc.,** power 10 watts.

Albert S. and Robert Drohlich, d/b as Drohlich Brothers, Portable-Mobile (area of Sedalia, Mo.).—Granted construction permit for new relay (high frequency) broadcast station to be used with applicant's standard broadcast station KDRO; frequencies **30820, 33740, 35820, 37980 kc.,** power 25 watts.

National Broadcasting Co., Inc., Portable-Mobile (area of Washington, D. C.).—Granted construction permit for new high frequency relay broadcast station to be used with applicant's standard broadcast stations WRC and WMAL; frequencies **31220, 35620, 37020** and **39260 kc.,** power 25 watts.

National Broadcasting Co., Inc., Portable-Mobile (area of Chicago, Ill.).—Granted construction permit for new high frequency relay broadcast station to be used with applicant's standard broadcast stations WENR and WMAQ; frequencies **31220, 35620, 37020, 39260 kc.,** power 25 watts.

National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.).—Granted construction permit for new high frequency relay broadcast station to be used with applicant's standard broadcast stations KGO and KPO; frequencies **31220, 35620, 37020, 39260 kc.,** power 25 watts.

National Broadcasting Co., Inc., Portable-Mobile (area of Cleveland, Ohio).—Granted construction permit for new high frequency relay broadcast station to be used with applicant's standard broadcast station WTAM; frequencies **31220, 35620, 37020, 39260 kc.,** power 0.25 watt.

National Broadcasting Co., Inc., Portable-Mobile (area of Chicago, Ill.).—Granted construction permit for new high frequency relay broadcast station to be used with applicant's standard broadcast stations WENR and WMAQ; frequencies **31220, 35620, 37020, 39260 kc.,** power 0.25 watt.

National Broadcasting Co., Inc., Portable-Mobile (area of Chicago, Ill.).—Granted construction permit for new high frequency relay broadcast station to be used with applicant's standard broadcast stations WENR and WMAQ; frequencies **31220, 35620, 37020, 39260 kc.,** power 2 watts.

National Broadcasting Co., Inc., Portable-Mobile (area of Denver, Colo.).—Granted construction permit for new high frequency relay broadcast station to be used with applicant's standard broadcast station KOA; frequencies **31220, 35620, 37020, 39260 kc.,** power 25 watts.

National Broadcasting Co., Inc., Portable-Mobile (area of Cleveland, Ohio).—Granted construction permit for a new high frequency relay broadcast station to be used with applicant's standard broadcast station WTAM; frequencies **31220, 35620, 37020, 39260 kc.,** power 25 watts.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted license to use old W.E. 106-B transmitter which is located at 5057 Woodward Ave., Detroit, Mich., as auxiliary transmitter for emergency use only, with power of 1 KW; **1240 kc.**

Springfield Radio Service, Inc., Springfield, Ohio.—Continued without date the hearing now scheduled for February 5, 1940, in re application for new broadcast station.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9:00 a. m. to 11:00 a. m., and from 2:00 p. m. to 6:00 p. m., AST, on February 4, 11, 18, 22 and 25, 1940, in order to broadcast baseball games only; to operate from 10:00 p. m. to 12:00 p. m., AST, on February 22, 1940, in order to broadcast festivities pertaining to Washington's Birthday.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 7:00 p. m. to 9:00 p. m., EST, on February 16 and 23, 1940, in order to broadcast basketball games only.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts from 8:00 p. m. to 9:30 p. m., CST, on February 10, 12, 13, 17, 19, and 24, 1940, for broadcasts of University of Kentucky basketball games only.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 9:00 p. m., January 30, 1940 to 1:00 a. m., EST, January 31, 1940, in order to broadcast program in connection with the "Fight Infantile Paralysis Campaign".

WKAQ—Radio Corp. of Porto Rico, San Juan, Puerto Rico.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International broadcast stations WCBX and WCAB over WKAQ, on non-commercial basis only, from January 29, 1940, pending consideration and reply to Commission's letter of January 19, 1940, but not beyond February 27, 1940.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y. (and four other Brooklyn stations.)—Extended effective date of Provision (3) of the Commission's order of December 5, 1938, for a period of 30 days from January 30, 1940, in re applications involving the operating time previously utilized by station WMBQ.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Denied petition for reconsideration, reopening of proceeding, and setting for hearing the application of Portorican American Broadcasting Co., Inc., for a new station to operate on **1340 kc.,** with power of 1 KW, unlimited time, which was granted by the Commission on December 12, 1939.

WPRP—Julio M. Conesa, Ponce, P. R.—Denied protest and request to vacate Commission's action of December 12th and set application of Portorican American Broadcasting Co., Inc., for hearing.

Samuel M. Emison, Vincennes, Ind.—Denied petition for rehearing in re application of Vincennes Newspapers, Inc., Vincennes, Ind., for a construction permit to erect a new station to operate on frequency **1420 kc.,** 100 watts, unlimited time, which was granted by the Commission on November 22, 1939.

WNYC—City of New York, Municipal Broadcasting System, New York City.—The application of WNYC requesting authority to increase time of operation from daytime, local sunset at WCCO, Minneapolis, to specified hours (6 a. m. to 11 p. m., EST), on frequency **810 kc.,** which has been designated for hearing, will be heard on the following issues at a date to be set: (1) To determine whether or not the Commission's rules governing standard broadcast stations, particularly Secs. 3.22 and 3.25 (Part III), properly applied, preclude the granting of the application; (2) to determine the nature, extent, and effect of any interference which would result should the applicant's proposed station operate simultaneously with WCCO and WGY; (3) to determine the nature, extent, and effect of any interference which would result should applicant's proposed station operate simultaneously with WGY, operating as proposed in its pending application, or with WHAS, operating as proposed in its pending application; and (4) to determine whether the DA system will comply in all respects with Sec. 3.45 of Standard Broadcast Rules and requirements of good engineering practice.

Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.).—Granted construction permit for new relay broadcast station to operate on frequencies **33380, 35020, 37620, 39820 kc.,** power 1 watt.

Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.).—Granted license to cover construction permit for above relay broadcast station.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 8 p. m. to 10:30 p. m., EST, on February 8, 16, 22, 27 and March 1, 1940, in order to broadcast basketball games only.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 7:00 p. m. to 8:00 p. m., EST, on February 14 and 15, 1940, in order to broadcast special events of the Caribou Winter Carnival.

KUMA—A. H. Schermann, Yuma, Ariz.—Denied authority to continue operation of Station KUMA until the new station which has been authorized to be constructed at Yuma is ready for operation.

W2XVT—Allen B. DuMont Laboratories, Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast station W2XVT from 9:00 a. m. to 7:00 p. m., EST, (provided W2XBS remains silent) for the period beginning January 29, 1940 to not later than February 3, 1940, in order to permit necessary adjustments for demonstration to be given to the Commission.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simulatneously with Stations WIBW and WCHS, with power of 1,000 watts, from 7:25 p. m. to 9:25 p. m., CST, on February 3, 10, 12, 17, 19, 24, and 26, 1940, in order to broadcast University of Illinois basketball games only.

KWJJ—KWJJ Broadcast Company, Inc., Portland, Ore.—Granted special temporary authority to operate simultaneously with stations WTIC and KRLD on **1040 kc.,** from 7:25 p. m. to 9 p. m., PST, on February 3, 9, 10, 12, 13, 17, 23, 27, and 28, 1940, in order to broadcast basketball games only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7:00 p. m. to 10:30 p. m., CST, on February 2, 3, 9, 12, 16, 17, 23, 28, 29, 1940, in order to broadcast basketball games only, and from 7:00 p. m. to 10:30 p. m., CST, on February 20, 1940, in order to broadcast proceedings of civic dinner sponsored by the Rotary Culb of the City of Aurora; using 100 watts only.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m., CST, on February 2, 9, 16, 21, and 23, 1940, in order to broadcast basketball games only.

WAOG—New York State Conservation Dept., Albany, N. Y.—Granted extension of special temporary authority to operate portable radiophone forestry station WRAI on frequencies **31620, 35260, 37340** and **39620 kc.,** for the period February 5, 1940, to not later than March 5, 1940, as a relay broadcast station to relay programs from the Olympic Bobsled Run to Standard Broadcast Station WNBZ.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:00 p. m. to 9:30 p. m., EST, on February 6, 1940, in order to broadcast a special dinner meeting with U. S. Senator Millard E. Tydings as the principal speaker.

Mutual Broadcasting System, Washington, D. C.—Granted special temporary authority to eliminate station identification as required by Sec. 3.92 of the Rules and Regulations from 11:15 p. m. to 12:15 p. m., EST, on January 30, 1940, during the President's Birthday Ball Program broadcast.

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to eliminate station identification as required by Sec. 3.92 of the Rules and Regulations from 11:15 p. m. to 12:15 p. m., EST, on January 30, 1940, during the President's Birthday Ball Program broadcast.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to eliminate station identification as required by Sec. 3.92 of the Rules and Regulations from 11:15 p. m. to 12:15 p. m., EST, on January 30, 1940, during the President's Birthday Ball program.

### APPLICATIONS FILED AT FCC

#### 610 Kilocycles

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (B5-P-335) for increase in power, further requesting authority to use present licensed site and antenna.

#### 630 Kilocycles

NEW—R. E. Troxler, High Point, N. C.—Construction permit for a new station to be operated on **630 kc.,** 500 watts, daytime operation.

#### 680 Kilocycles

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Construction permit to install new transmitter and directional antenna, for night use, increase power from 1 to 5 KW, change hours of operation from daytime to unlimited time.

#### 1120 Kilocycles

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Construction permit to install directional antenna for night use, change hours of operation from daytime to unlimited time, using 500 watts power.

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas.—Construction permit to install new vertical antenna and move transmitter from E. E. Bldg., College Station, Texas, to College Station, Texas.

#### 1200 Kilocycles

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Modification of construction permit (B2-P-2423) for a new station, for approval of antenna, new transmitter, studio site at Sault Ste. Marie, Mich., and transmitter located at South of town, Sault Ste. Marie, Mich. Amended: Re: antenna and studio site as 107 W. Portage St., Sault Ste. Marie, Mich.

NEW—The Peninsula Broadcasting Co., Salisbury, Md.—Construction permit to erect a new broadcast station to be operated on **1200 kc.,** 250 watts, unlimited time. Requesting facilities of station WSAL.

#### 1270 Kilocycles

NEW—Edward J. Doyle, Rochester, N. Y.—Construction permit to erect a new broadcast station to be operated on **1270 kc.,** 500 watts, daytime. Amended: To request **1340 kc.,** 1 KW power, unlimited time, install directional antenna for day and night use, make changes in equipment, give studio site as site to be determined, Rochester, N. Y., and transmitter site as Clinton Ave. & Henrietta, Town Line Road, near Ridgeland, N. Y.

NEW—Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 100 watts, daytime operation. Amended: To request **1270 kc.,** 1 KW power, and make changes in equipment.

#### 1310 Kilocycles

KSUB—Harold Johnson & Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—Voluntary assignment of license from Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, to Southern Utah Broadcasting Co.

WSAV—WSAV, Inc., Savannah, Ga.—Modification of license to increase power from 100 watts to 250 watts.

#### 1340 Kilocycles

WFNC—W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Modification of construction permit (B3-P-1926) as modified, for a new station, requesting extension of completion date from 2-20-40 to 5-20-40.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit to install new transmitting equipment.

#### 1370 Kilocycles

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—License to cover construction permit (B4-P-2042) as modified, for new broadcast station.

KVFD—Northwest Broadcasting Co., Ft. Dodge, Iowa.—Authority to determine operating power by direct measurement of antenna power.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Authority to transfer control of corporation from Sam H. Mann, McKinney Barton & Dorothy Line, to Nelson P. Poynter, 50 shares common stock.

#### 1420 Kilocycles

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Construction permit to install new transmitter, and directional antenna, for night use, change frequency from **1420** to **590 kc.,** and increase power from 250 watts to 1 KW.

### 1430 Kilocycles

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Modification of license to change hours of operation from daytime to unlimited time, using 1 KW power day and night.

### 1500 Kilocycles

NEW—E. W. Williams, Corbin, Ky.—Construction permit for a new broadcasting station to be operated on **1500 kc.,** 100 watts power, unlimited time. Amended: Re: antenna, and to specify transmitter and studio site as on U. S. Highway 25-E, Corbin, Ky.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Authority to determine operating power by direct measurement of antenna power.

KNEL—G. L. Burns, Brady, Texas.—Authority to determine operating power by direct measurement of antenna power.

## MISCELLANEOUS

NEW—Cherry & Webb Broadcasting Company, Providence, R. I.—Construction permit for a new high frequency broadcast station to be located in or near Providence, R. I., to be operated on **42800 kc.,** 1 KW power, unlimited time, special emission.

WEKD—Onondaga Radio Broadcasting Corporation, Portable-Mobile.—License to cover construction permit (B1-PRE-254) to install new equipment and increase power.

NEW—The Cincinnati Times-Star Company, Cincinnati, Ohio.—Construction permit for new high frequency broadcast station to be located between Highland Avenue and Reading Road and Dorchester St., Cincinnati, Ohio, to be operated on **43400 kc.,** 1 KW power, unlimited time, special emission.

NEW—A. Bruce Fahnestock, Director, Fahnstock South Sea Expedition, Portable-Mobile.—License to cover construction permit (B-PRE-335) for new special relay broadcast station.

W2XQR—John V. L. Hogan, New York, N. Y.—Modification of license to add A4 emission.

WBAR—Bamberger Broadcasting Service, Inc., Newark, N. J.—License to cover construction permit (B1-PRE-319) for new relay broadcast station.

WBAS—Bamberger Broadcasting Service, Inc., Newark, N. J.—License to cover construction permit (B1-PRE-320) for new relay broadcast station.

NEW—Peoria Broadcasting Co., Peoria, Ill.—Construction permit for a new high frequency broadcast station to be located at 200 Alliance Life Bldg., Peoria, Ill., to be operated on **43400 kc.,** 1 KW, unliimted time, special emission.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Best Gardens**—See Middle West Supply Company.

**Davidson Enamel Company,** Clyde, Ohio, is charged, in a complaint with misrepresentation in the sale and distribution of its products. The respondent manufactures and distributes an interior wall covering described in advertisements in magazines and newspapers as "tile" and "porcelain tile."

The complaint charges that the word "tile" is generally understood in the trade and by the general public as meaning a hard, homogeneous clay product which has been baked in kilns and, in its final form, shaped into comparatively small sized units; and that "porcelain" is similarly understood to mean a fine, baked, homogeneous earthenware product. The respondent's product, the complaint continues, is a vitreous or glassy enamel applied to a steel base. Respondent's product is not "tile" as that word, unaccompanied by other descriptive words, is generally understood in various trades and by the general public, nor is it a "porcelain tile." (4001)

**F. W. Fitch Company**—See Thomsen-King & Company, Inc.

**Joseph Hagn Company,** Chicago, Ill., in the sale of jewelry, clocks, wearing apparel, knives and other articles, is alleged to have sold to dealers assortments of merchandise so packed and assembled as to involve the use of a gift enterprise or lottery scheme when the articles were distributed to ultimate consumers. It is alleged that clocks were sold by means of a punchboard device, pocket knives by means of a push card and other articles by means of pull cards. (3997)

**Ladies Aid Company**—See Progressive Medical Company.

**Middle West Supply Company**—Charles T., Elbert C., and Ernest C. Pike, trading as Middle West Supply Company and The Best Gardens, are alleged to have advertised and distributed so-called "free" offers of merchandise in a manner misleading buyers into accepting them and purchasing the respondents' products by paying the full value in the belief that such payment was merely the cost of mailing and packing.

Allegedly the respondents addressed postal cards to individuals in various States stating that "This card was addressed to you by your friend so that you can also receive a $1.00 box of our new 'Velve-Ritz' Face Powder FREE. * * * Just tell us what shade you use and enclose 6 postal cards each addressed to friends of yours who use powder * * * together with a dime for postage, packing and handling * * *." When such offers were accepted by recipients of the cards, the complaint continues, the respondents duplicated the same offer on the backs of the 6 postal cards sent with each dime and mailed them to the addressees, thus establishing an endless chain of prospective customers.

The complaint charges that in a large number of cases no face powder was sent to customers on receipt of their dimes and that in instances where powder actually was sent, it was not reasonably worth $1.00 or more than the 10 cents paid by the customer. In cases where the powder actually was sent, the complaint continues, and the customer was entitled to a "promptness" prize for sending in the postal cards, the respondents did not send such prize with the powder, but made a further offer of other so-called "free" merchandise. The respondents allegedly made additional similar offers involving either cosmetics, flowers or flower seed, including a proposition for customers to earn money by addressing cards. (3996)

**Progressive Medical Company**—Blanche Kaplan, trading as Progressive Medical Company and as Ladies Aid Company, 3944 Pine Grove Ave., Chicago, engaged in the sale and distribution of medicinal preparations consisting of two formulae known as "Ladies' Aid No. 2, Ordinary Strength," and "Ladies' Aid No. 3, Extra Strength," is charged, in a complaint issued, with the dissemination of false advertisements concerning the preparations.

The complaint charges that the respondent represents her medicinal preparations as cures or remedies for delayed menstruation, and as being non-irritating, mild, efficient and specific treatments.

It is alleged in the complaint that the preparations do not constitute such treatments; will not accomplish the results claimed by the respondent, and that they are not safe and harmless, but contain powdered aloes, powdered extract cotton root bark, iron sulphate dried, powdered extract black hellebore, ergotin, and oil Savin, and that the drugs are present in the preparations in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under conditions that are customary or usual.

In the United States District Court for the Northern District of Illinois, Eastern Division, a restraining order was granted last month on petition of the Federal Trade Commission, restraining Blanche Kaplan and all other persons participating with her having notice, from disseminating any advertisements for the purpose of inducing the purchase of the preparations. The restraining order prohibits further dissemination of such advertising pending the issuance of a complaint by the Federal Trade Commission under its regular procedure, and until such complaint is dismissed, set aside by United States Courts on review, or until the order of the Commission to cease and desist has become final. The Court ruled that the advertisements failed to reveal that the preparations, when taken under conditions prescribed by the advertisements or conditions that are customary and usual, may result in serious or irreparable injury to health. (4002)

**Sheffield Silver Company**—A complaint has been issued against The Sheffield Silver Company, Jersey City, N. J., charging misrepresentation.

The complaint charges that the respondent, by use of its corporate name "The Sheffield Silver Company" on its letterheads, invoices, labels and other printed matter in the sale of its ware, represents and implies that it is engaged in the sale of silver plated ware manufactured and fabricated in Sheffield, England, and that its product had its origin in that city and is fabricated by skilled artisans located there.

In fact, the complaint continues, all its ware offered for sale is manufactured by the respondent at its place of business in New Jersey.

The name "Sheffield", the complaint alleges, employed in the designation of silver plated hollow ware, has been used for a long period of time to refer to such ware manufactured in Sheffield, England, where, nearly two hundred years ago, a type of silver plated ware designated "Sheffield" plate was originated. Sheffield, England, has been the seat of manufacture of silver plated ware as well as of cutlery of various kinds. Its artisans in these lines of production have achieved a reputation for skill wherever such ware and cutlery are sold. The name "Sheffield", when used in connection with such products, immediately suggests the City of Sheffield, England, to a substantial part of the purchasing public and use by the respondent of the word "Sheffield" allegedly has a tendency to mislead and deceive purchasers. (4000)

**Thomsen-King & Company, Inc.**—A complaint has been issued charging three cosmetic corporations and 44 individuals with violation of the Federal Trade Commission Act in the conduct of a series of prize contests to promote the sale of cosmetics.

The corporate respondents are Thomsen-King & Co., Inc., 710 South Plymouth Court, Chicago, and the Winship Corporation, 112-114 West Eleventh St., Des Moines, both engaged in the sale of cosmetics, and F. W. Fitch Company, 304 Fifteenth St., Des Moines, cosmetics manufacturer.

Preliminary injunctions against Thomsen-King & Co., Inc., and George Thomsen and Merrold Johnson and the Winship Corporation and Don Parmelee were obtained by the Commission January 11 and 19 in United States District Courts of Northern Illinois and Southern Iowa, respectively. Both concerns and the individuals named were restrained from further dissemination of false advertising in connection with prize contests for promoting the sale of cosmetics pending issuance of and final action on a complaint to be issued by the Federal Trade Commission.

In the Commission's complaint now issued the respondents are charged with (1) entering into unlawful agreements and conspiracies to render ineffectual the orders and other processes of the Federal Trade Commission and (2) dissemination of false advertisements with respect to prize contests and the effectiveness of the use of their various cosmetics. (3998)

**Tone Company**—Michael S. Chiolak, trading as Tone Company, 64 West Randolph St., Chicago, engaged in the sale and distribution of medicinal preparations designated "Silver Label Formula No. 6," and "Gold Label Formula No. 8," both of which are also known as "Tone Periodic Compound," is charged, in a complaint with the dissemination of false advertising.

In advertisements in periodicals, circulars and other printed matter, the complaint charges, the respondent represented that the preparations distributed by him are cures or remedies for delayed menstruation, and that the preparations are safe and harmless. Among such advertisements were: "Take one capsule every 4 hours. Continue Persistently until desired results are obtained. The important thing to remember is to keep up the treatment without a break or lapse until desired results are evident. * * * "

It is alleged in the complaint that the preparations contain ergotin, aloes, extract black hellebore, and extract cotton root bark. These drugs are present in the preparations, the complaint charges, in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual. Gastro-intestinal disturbances such as catharsis, nausea and vomiting may result, and their use, when used to interfere with the normal course of pregnancy, may result in uterine infection and in the condition known as septicemia or blood poisoning. (4003)

**Winship Corporation**—See Thomsen-King & Company, Inc.

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders during the past week:

**Frye Company**—Prohibiting certain misleading representations in the sale of a medicinal preparation designated "Pancreobismuth," "Pancreo Bismuth," or "Pancreobismuth and Pepsin," an order has been issued against the Frye Company, distributor, 36 Pleasant St., Watertown, Mass.

Findings are that in newspaper, periodical and circular advertising matter the respondent company, by using the name it gives to its preparation, tended to mislead prospective purchasers into believing that they would obtain some physiological effect from the presence of pancreatin and pepsin, when in fact these substances are only minor ingredients which are rendered physiologically inert when taken internally in the respondent's preparation, the active ingredients being bismuth subnitrate, sodium bicarbonate and ginger.

The findings continue that while the respondent's preparation possesses the therapeutic value of a simule antacid and carminative, which tends temporarily to neutralize excess acid and to relieve the symptoms of distress from gastric hyperacidity, it has no effect on the causative factors of gastric hyperacidity or the systemic causes of excess acid in the system.

In the sale of its preparation, the respondent company is directed to cease and desist from representing that it has therapeutic value in the treatment of upset stomach, or in the relief of indigestion due to acid stomach, or in the neutralization of excess acid and allaying of irritation, over and above being a simple antacid and carminative tending to give temporary relief from distress caused by such symptoms.

Other representations to be discontinued are that the preparation is beneficial in aiding the digestion of, or in relieving distress caused by, starchy foods, and that it possesses physiological or therapeutic value due to the presence of pancreatin or pepsin, when such ingredients are not present in such amounts and such form as to be active ingredients.

The order prohibits use of the trade names "Pancreobismuth," "Pancreo-Bismuth," or "Pancreobismuth and Pepsin," or other trade names containing the words "Pancreatin" or "Pepsin," or any other adaptation of such words, to describe or refer to the respondent's present product or any similar preparation which does not possess pancreatin and pepsin in such amounts and in such form as to be active ingredients.

Under the order, the respondent company is to cease disseminating advertisements which represent, directly or through implication, by use of the trade name "Pancreobismuth" or any other trade name containing the word "Pancreatin," or any adaptation thereof, that the preparation contains pancreatin as an active ingredient. (3741)

**Southern Art Stone Company**—Prohibiting certain misleading representations in the sale of imitation marble and granite tombstones and memorials, an order to cease and desist has been issued against Roy D. Burnsed, trading as Southern Art Stone Company, 1927 Piedmont Road, N. E., Atlanta.

In the sale of his products designated "Marbletexture" and "Granitexture," which were found to have been produced from a mixture of crushed marble or granite, cement and other ingredients, and known as cast stone, the respondent was directed to cease representing them as being natural marble or granite, as being capable of retaining as high a polish as marble or granite, or as being superior to or lasting longer than natural marble or granite.

The respondent was ordered to desist from the representation that his products will not crack, crumble or disintegrate from natural causes or that they are everlasting. He was also directed to discontinue using the term "free" to refer to merchandise regularly included in a combination offer and to cease representing that his products are from 33⅓ per cent to 50 per cent or any extent lower in price than similar products of comparable quality and weight sold by competitors, unless the prices are in fact lower to such extent, the quality and weight being considered. (3697)

## STIPULATIONS

The following stipulations have been entered into by the Commission:

**General Mills, Inc.,** trading as Sperry Flour Company, Minneapolis, agrees to cease advertising that the amount of wheat germ in a package of "Wheat Hearts" is equivalent to that in any specified quantity of wheat when the wheat germ content of such a quantity of wheat is greater than that of a package of "Wheat Hearts"; that "Wheat Hearts" has a Vitamin B 1 content greater than any other cereal; that its caloric value is directly transmissible into or is an equivalent of bodily energy or vitality, and that any amount of "Wheat Hearts" will supply a quota of Vitamin B 1, unless the amount stated is in accord with scientific determinations. (02500)

**S. H. Hamm & Son**—Misleading representation in the sale of slate used for building purposes will be discontinued under a stipulation entered into by Seba H. and John D. Hamm, trading as S. H. Hamm & Son, Bangor, Pa.

The stipulation relates that in connection with their sale of "Stoddard Albion Certificate Slate," quarried in the Pen Argyl district of Pennsylvania, the respondents disseminated to the trade a circular containing statistics purporting to be the results of tests conducted by independent testing agencies showing the respondents' Albion slate to be superior to "Genuine Bangor Certificate Slate," a competitive product quarried in the Bangor, Pa., district, both in physical strength and in resistance to moisture absorption. The stpulation continues that in fact no original reports or other data have been furnished showing a basis for the respondents' statements, which are inaccurate and contrary to the weight of scientific evidence, and misleading and deceptive insofar as they indicate superior qualities in Albion slate not actually present.

Under their stipulation, the respondents agree to desist from publishing comparative tests purporting to show that slate distributed by them is of higher quality than competitive products when, n fact, the figures given and assertions made are not warranted by the weight of scientific evidence. They also agree to cease representing in any other way that their slate has greater strength, or greater resistance against absorption of moisture, than specified competitive products, when such is not a fact, or that it possesses any other superior quality not actually present. (2656)

**H. Korach Company**—Herman Korach, trading as H. Korach Company, Chicago, Ill., stipulates that in the sale of women's coats he will cease using the word "Pony" or any other word simulating it in sound or spelling; the words "Lamed" or "Lambed" or words containing the letters "Lam" or simulating the word "Lamb"; the word "Persian" or other words imitating it; the word "Koracal" or any word simulating "Karacul" or "Caracul"; the words "Seal" or "Seal Plush" or any terms containing the word "Seal" or imitation of it; or the name of any animal, pelt or fur to designate any cloth coat or garment not made of the pelt or fur of the animal designated, unless such terms are immediately preceded by the words "Cloth Imitation of" in conspicuous type. The respondent also agrees to desist from the representation that his sales-persons purchase his coats at a price permitting them to charge a customer an excessive price and at the time have the customer believe that she is obtaining a bargain. The stipulation relates that the respondent advertised: "Even though you were to charge $45.00 for this coat that will only cost you $9.75 at wholesale prices, your customers will swear that they are buying the bargain of their lives." (02502)

**Henry D. Mack,** New York City, agrees to cease representing that the "Tasco Arithmometer" does the work of higher priced adding machines; that the "Tasco Arithmometer" is as accurate, fast or dependable as more expensive machines used for the same purpose; that the price charged for it or other articles or devices offered for sale is either "low" or "special" so long as the figure quoted is the regular price or more than the regular price for which the devices have been sold or offered for sale by him, or that the advertised offer is special or unusual, so long as no price reduction or other trade concession is made therewith. (2657)

**McAlester Fuel Company,** McAlester, Okla., agrees to cease representing that "Paranay Motor Oil" possesses qualities never before known in any oil; has the toughest film in oildom and the longest life; prevents the excessive friction and wear in the motor caused by other oils, especially while breaking in the motor, and will keep an automobile, tractor, truck or any other machine running just as smoothly, powerfully or economically the second, third or fourth year as it ran the first year. Other representations which the respondent agrees to discontinue are that the so-called "Miracle Test" is the best test ever devised for determining the lubricating qualities of motor oils; that the strength of the oil film alone on motor bearings determines the quality of lubrication obtained from any oil and the ability of any oil to prevent excessive friction, and that use of the respondent's oil will cause a motor to produce more pep, mileage, horsepower and speed than all other motor oils. (02501)

**George A. Morhard Company,** Philadelphia, agrees to cease representing that its "Kauri-Congo Varnish" contains a high percentage of Kauri-Congo gum or tung oil, unless such is a fact, or in any other way over-stating or misrepresenting the gum or tung oil content actually present in the product. The respondent also agrees to discontinue representing that the product is water-resistant or has a low acid number or that it is non-reactive to zinc oxide, and that the product can be used as an all-purpose spar varnish when such are not the facts. (2658)

**Ohio Truss Company,** 12 East Ninth St., Cincinnati, agrees to cease labeling or otherwise designating a shoulder brace or similar product offered for sale as "Long-Life Health Brace," or to cease representing in any other way that the user may expect thereby to attain health and other desirable conditions, or that such results are to be obtained through correct breathing or erect posture, in and of themselves. (2661)

**Plast-O-Dent Company**—J. D. Hagey, trading as Plast-O-Dent Company, Detroit, Mich., agrees to desist from advertising that plates can be refitted by using "Plast-O-Dent"; that this product is healing or kindly to the tissues and will perfect the fit of dental plates; that the simplicity of its application assures its success; that "Plast-O-Dent" will eliminate in every instance the discomfort and embarrassment due to loose plates, and that it is an amazing, new discovery. (02504)

**Innis, Speiden & Co.,** New York, agrees to cease representing that "Larvacide" is a safer fumigant than other similar products, unless conspicuous notice is given with every claim for safety that all fumigants are a deadly poison but that "Larvacide", by its capacity to produce tears, warns persons to get away from it. The respondent also stipulates that it will cease advertising that "Larvacide" provides complete control of pests; that, when used on lumber or other forest products, it will effect a permanent or continued freedom from insect life; that it is the most powerful fumigant yet developed; that it penetrates every berry in every bushel of wheat, and that one fumigation a year with "Larvacide" will provide protection from moths, unless it is clearly stated in direct connection with such representation that usually general spot treatment is needed. (02503)

**Sperry Flour Company**—See General Mills, Inc.

**E. H. Tate Company,** 251 Causeway St., Boston, dealers in merchandise including upholstery nails or tacks, agrees to cease employing the words "Boston, Massachusetts" or the letters "U. S. A." or such words and letters in connection to indicate that the products so marked are of domestic manufacture, when such is not a fact; and to discontinue causing the brands or marks on imported products, which indicate their foreign origin or manufacture, to be omitted, erased or concealed so as to mislead or deceive purchasers with respect to the foreign origin or manufacture of the products. The stipulation relates that the respondent packed certain of its products in cartons on which appeared the wording: "Bull Dog Thumb Tacks—50—E. H. Tate Co., Boston, Mass., U. S. A.," when in fact such products were not of domestic manufacture but were made in Germany. The original cartons in which the products were imported were marked to indicate the country of origin but this did not appear on the cartons in which the products were ultimately sold to consumers in this country, according to the stipulation. (2660)

**Vadsco Sales Corporation,** New York, agrees to cease representing that "Quinlax Cold Tablets" are a competent or effective treatment to stimulate circulation or to eliminate acids through the pores, and that the preparation treats seven symptoms or phases of a cold, is a complete treatment or effective remedy for colds, a new preparation, a new method for treating colds or their symptoms, and especially suitable for children. (02499)

**Watertown Mattress Company**—Leon T. and Lawrence R. Clickner, trading under the firm name of Watertown Mattress Company, 139 Mill St., Watertown, N. Y., agree to cease supplying customers with mattresses for resale, such products being tagged or marked with fictitious or misleading prices which are in excess of the regular, customary prices. (2659)

## FTC DISMISSES COMPLAINTS

The Federal Trade Commission has dismissed complaints aganist 6 of some 14 companies which had been charged with unfair competition through sale of Philippine hardwood as "Philippine Mahogany." Dismissal was ordered as to proceedings against Sea Sled Corporation, New York; Louis Bossert & Sons, Inc., Brooklyn; Pacific Door & Sash Company, Los Angeles; Chicago Warehouse Lumber Company, Chicago; Dart Boats, Inc., Toledo; and Boyd-Martin Boat Company, Delphi, Ind.

These respondents were found to be no longer in the business of selling Philippine hardwoods under the name "Philippine Mahogany." The Commission's dismissal action was taken without prejudice to the reopening of these cases if any or all of the respondent parties should resume the practice charged.

Similar charges against 8 other companies are in process of being tried under an order reopening these cases, before a Commissioner trial examiner.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 6, February 9, 1940

# Broadcast Music, Inc., Now a "Going Concern" As Board Declares Plan Operative

Broadcast Music, Inc., was declared a "going concern" by its Board of Directors, meeting yesterday in the company's new offices at 580 Fifth Avenue, New York City.

The total amount of funds actually received or pledged was $1,140,357.50. Members of the Board expressed confidence that as other station commitments are received the figure will exceed the $1,500,000.

Stock certificates and license agreements will be issued in the very near future. It was also announced that the selection of personnel for the staff of BMI will be completed shortly. Meanwhile, Neville Miller will continue to serve as President of the corporation, and Sydney M. Kaye as Vice President and General Counsel.

Members of the Board present at yesterday's meeting were: John Elmer, Edward Klauber, Lenox R. Lohr, Samuel R. Rosenbaum, John Shepard, III, and Neville Miller, President, and Sydney Kaye, Vice President and General Counsel. Also present was Everett E. Revercomb, acting Secretary and Treasurer of the corporation.

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## FTC RULES ON COMMERCIAL COPY

Several members have recently asked NAB for information and guidance in checking advertisers' commercial copy, with particular reference to FTC rules and regulations on food, drugs and cosmetics.

There are several sources for this information, all of which may be helpful. Stations should write the FTC for a copy of their Annual Report for the fiscal year ending June 30, 1939, which was recently released. The subject is further covered in NAB Reports for December 29, 1939 and January 19, 1940. Page 3970 of January 19 issue will be of particular interest.

Each issue of NAB Reports covers current Federal Trade Commission action, including complaints, stipulations, and cease and desist orders. *Advertising & Selling* (January 1940 issue, p. 25) cites some actual cases where food and drug copy was changed to conform to FTC regulations.

## "POT O' GOLD" PROGRAM REFERRED TO JUSTICE DEPT. BY FCC

The Federal Communications Commission has transmitted to the Department of Justice the facts concerning the Tums "Pot o' Gold" program, broadcast over the National Broadcasting Company network, and a program advertising Mead's Bakery, recently broadcast by stations KWFT and KBST at Wichita Falls and Big Springs, Texas, respectively, it was announced yesterday.

The Commission had received complaints that these programs, which involve gifts of money by chance, violate Section 316 of the Communications Act which prohibits the broadcasting of ". . . any advertisement, or information concerning any lottery, gift enterprise, or similar scheme . . ."

In turning these cases over to the Department of Justice for such action as that department deems necessary and warranted, the Commission offered "any cooperative assistance desired."

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1266 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## 5 TEXAS LICENSES ORDERED REVOKED; REASON: UNDISCLOSED OWNERSHIP

The Federal Communications Commission issued orders of revocation for licenses of five Texas radio broadcast stations—KSAM, Huntsville; KAND, Corsicana; KRBA, Lufkin; KTBC, Austin, and KNET, Palestine—effective February 24.

The order resulted from investigation instigated January 26th, of undisclosed interests of Dr. James G. Ulmer and Roy G. Terry in the stations mentioned.

In its announcement, released yesterday, the Commission said:

"It is indicated that original construction permits and licenses for these stations were issued by the Commission upon false and fraudulent statements and representations and because of the failure of the applicants to make full disclosure to the Commission concerning the financing of station construction and operation, as well as the ownership, management and control thereof, in violation of the law, and that, had the actual facts in this connection been made known to the Commission it would have been warranted in refusing to license these stations.

"KSAM is licensed by the Sam Houston Broadcasting Association, H. G. Webster, president, and operates on 1500 kilocycles with 250 watts, daytime; KAND is licensed by the Navarro Broadcasting Association, J. C. West, president, and operates on 1310 kilocycles with 100 watts, unlimited time; KRBA is licensed by the Red Lands Broadcasting Association, Ben T. Wilson, president, and operates on 1310 kilocycles with 250 watts, daytime; KTBC is licensed by the State Capitol Broadcasting Association, Inc., and operates on 1120 kilocycles with 1 KW, specified hours (D-WTAW), and KNET is licensed by John Calvin Welch, William M. Keller and Bonner Frizell as the Palestine Broadcasting Association, and operates on 1420 kilocycles with 100 watts, daytime.

"The licensees have 15 days in which to ask hearing, in which case the revocation order will be stayed pending the outcome of the hearing."

### FEDERAL LEGISLATION

H. R. 8263 (Mr. O'Brien, N. Y.) TO AMEND THE COPYRIGHT ACT—Provides that the damages for infringement of copyright of musical compositions played in hotels or restaurants when no entrance fee is charged, or cover or its equivalent charge made, shall not exceed $10 for each performance, unless greater damages are shown. Referred to the Committee on Patents.

### STATE LEGISLATION

California:

A 71-X (Meehan) LOTTERIES—Creates state managed lotteries.

New York:

A 1108 (Goldstein) LIBEL AND SLANDER—DEFINITION—Includes in definition of libel, malicious publications which expose persons to hatred, contempt or ridicule by reason of race, color, religion or manner of worship or causes them to be shunned or avoided; and defines as slander any oral announcement effecting or tending to effect same result. Referred to Codes Committee.

A 1199 (Casey) EMPLOYMENT AGENCIES—Provides that no licensed person conducting an employment agency shall divulge name or address of applicant for employment to person or firm without first investigating character of employer. Referred to Judiciary Committee.

Rhode Island:

H. 680 (Curvin *et al.*) LIBEL—Defining criminal libel and providing penalties therefor. Referred to Judiciary Committee.

## NAB Jointly Sponsors 11th Institute for Education by Radio at Ohio State University, April 29, 30, May 1

*Stations Invited Submit Recordings of Educational Programs for Awards*

In cooperation with the NAB, Ohio State University is sponsoring the eleventh in the series of Institutes of Education by Radio.

At the same time, the University will conduct an exhibition of recordings of educational broadcasts, submitted by stations and networks. Awards of national distinction in eight program classifications will be made.

Headquarters invites each member to send station representatives and program directors to Columbus to attend these important educational radio conferences.

While the full program is in process of formation this week, Ed Kirby, NAB Director of Public Relations, has arranged for a joint conference of leading educators, educational stations, representatives of government and member broadcasters during the session.

Stations desiring to make registrations at the conference or desiring to submit specimen educational broadcasts on records are asked to communicate direct with Dr. I. Keith Tyler, Ohio State University, Columbus, Ohio. The dates for the Institute are April 29, 30 and May 1. Entries of recorded educational programs close on March 15. Early registration for station representatives is urged.

A description of the educational recording exhibit follows:

PURPOSE OF EXHIBITION

The purpose of this exhibition is to further the broadcasting of valuable educational programs by calling attention to the most meritorious ones of each type.

EXHIBITORS

The Exhibitors are classified into two groups upon the basis of program resources. In general, these two major classifications are: 1. Networks, national organizations, and clear-channel stations; 2. Local and regional stations and organizations. The purpose of these two major classifications is to promote fairness in judging the programs of an organization with limited resources of budget and personnel in contrast to organizations with large budgets and personnel. Each entrant should take this into account and enter programs in the major classification which most nearly fits the conditions. The jury reserves the right to change the classification if, in its judgment, such a change will be fairer to other entries. As examples of the two major classifications, programs entered by the United States Office of Education would fall in classification 1, as a national organization. So, likewise, would a sustaining educational program entered by Station KFI, Los Angeles, a clear-channel station. Programs entered by the Detroit Public Schools, a local organization, or by Station WHA, a regional station, would be entered in classification 2. The exhibit is open to any organization or individual upon payment of an entry fee of one dollar for each program entered.

CLASSES OF PRORGAMS

In general, programs submitted must be those whose primary purpose is to educate rather than to entertain. Awards will be made for the best of each of eight different program types:

*For General Use by Adults:*

a. Lecture, talk, speech.
b. Demonstration or participation program.
c. Dialog, round-table conversation, interview, debate, question and answer.
d. All forms of dramatization.

*For General Use by Children:*

e. Any type of out-of-school children's program.

*For Use in School:*

f. By primary children (approximately Grades I-III).
g. By elementary children (approximately Grades IV-VI).
h. By junior and/or senior high-school pupils (approximately Grades VII-XII).

Each program entered in the exhibit must be entered under one of these program types, but the jury may, if it sees fit, change the class in which a program is entered.

SINGLE PROGRAM IN A SERIES

Contentants may enter as many series as are desired in the exhibit, but only a single program may be entered from any one series. This restriction has been made necessary by the large number of programs which have been entered in the three previous exhibitions. In order to keep the number of entries within the limitations of the time of the judges, only one program may be entered from any series. Exhibitors, therefore, will need to make their own selection of the program in any series which has greatest merit.

ENTRY BLANKS

The contestants who plan to enter recordings should request additional entry blanks by writing at once to I. Keith Tyler, Ohio State University. The contestants will have until March 15, 1940, for selecting and recording the programs which are to be entered in the exhibition.

EXHIBIT FEE

An exhibit fee of one dollar for each program is charged to cover the costs of the exhibition. A check or money order for the total fee for the programs entered should be sent, with the entry blanks for the programs, to I. Keith Tyler, Ohio State University, Columbus, Ohio, at the time that the recordings are shipped. Make checks payable to I. Keith Tyler, Secretary.

JUDGES' REPORTS

For each program entered, a report of the preliminary judges will be returned. This new feature enables each contestant to benefit from the exhibition by obtaining impartial evaluations of educational content and radio quality. These reports will be sent out at the close of the Institute.

ENTRY CLOSING DATE

All records must be shipped prepaid to the Institute for Education by Radio, Ohio State University, Columbus, Ohio, to arrive on or before March 15, 1940. All programs entered must have been broadcast later than March 15, 1939, and previous to March 15, 1940.

PHYSICAL SPECIFICATIONS FOR RECORDS

All programs must be recorded in entirety for the full time the program is broadcast. The programs need not be recorded directly from the air, however, but may be specially staged for recording purposes. Any type of recording will be acceptable, and the jury will endeavor to consider only the character of the program and not the quality of the recording. Records must be on disks laterally cut at 33 RPM or 78 RPM.

AWARDS AND HONORABLE MENTIONS

The Institute for Education by Radio, upon recommendation from the jury, will make "First Awards" and "Honorable Mentions" on the basis of the eight classes of programs in each of the two major classifications. In general, this provides for sixteen "First Awards" and sixteen "Honorable Mentions." However, the judges may, at their discretion, withhold awards and honorable mentions in those classes in which no programs appear worthy of this recognition. Similarly they may, in unusual circumstances, give more than one "First Award" or "Honorable Mention" in a single class when the programs entered seem to justify such recognition. Programs and organizations receiving awards or honorable mentions will be given special notice in *Education on the Air,* the proceedings of the Institute for Education by Radio, which will be published by the Ohio State University. The awards will be announced at the 1940 meeting of the Institute, and the programs given awards will be played in special sessions during the Institute.

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JUDGING COMMITTEE

The final jury on awards will consist of prominent persons selected because of their ability to judge program production, educational objectives, and audience interest.

COMMUNICATIONS

Address all communications regarding the Fourth American Exhibition of Recordings of Educational Radio Programs to I. Keith Tyler, Institute for Education by Radio, Ohio State University, Columbus, Ohio.

"EDUCATION ON THE AIR"

The proceedings of the ten previous Institutes for Education by Radio—1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, and 1939 may be obtained from the Ohio State University Bookstore at $3 a volume. Special reduced prices are made when yearbooks of more than one year are purchased in sets.

## BUREAU'S FOURTH TRADE STUDY COVERS FURNITURE STORES

The NAB Bureau of Radio Advertising has released to all members Vol. 1, No. 4 of "Results from Radio," its series of success stories covering various fields of local advertising.

The new study is on the subject of furniture stores, outlining the case history of Breslaw Brothers, Schenectady, N. Y., who have used radio for ten years with outstanding success. Mr. Jay Breslaw, president of the New York furniture chain, states, "Yes, radio sold furniture. Above all other factors, it is responsible for our tremendous growth."

Extra copies of the "Results from Radio" folders are available on request to the Bureau of Radio Advertising. Previous releases covered department stores, laundries, and miscellaneous.

Member stations who have not yet ordered their supply of the Bureau studies are urged to do so at once. Order forms for this purpose accompany the samply copy of the No. 4 trade study. NAB is anxious to have all members partake of the benefits of the Bureau's promotion efforts.

## COMING CONVENTIONS OF INTEREST TO MEMBER STATIONS

| | |
|---|---|
| *Feb. 29-March 1.* | Insurance Advertising Conference, Hotel Biltmore, New York. |
| *April 23-25.* | Annual convention, American Newspaper Publishers Association, Waldorf-Astoria Hotel, New York. |
| *May 3-4.* | Annual convention, Advertising Affiliation, Hotel Statler, Buffalo, New York. |
| *June 23-27.* | Annual convention, Advertising Federation of America, Chicago. |
| *July 7-10.* | Annual convention, Pacific Coast Advertising Clubs Association, Vancouver, B. C. |

Insofar as possible, the Bureau of Radio advertising plans to attend or have representation at the above conventions, and in every case to report to the members any developments affecting the broadcasting industry.

## ADVERTISING NOT TO BE SINGLED OUT IN FTC SURVEY

Federal Trade Commission in a pending appropriation bill has been granted $88,000 with which to make a survey of methods and costs of distribution in industry. There appeared to be some misunderstanding in connection with this survey with especial emphasis on the amount of money to be expended by the Commission for its survey of the advertising appropriation used by industry in its methods and costs of distribution.

In this connection the Commission has issued the following statement:

"From inquiries to the Commission and articles appearing in certain periodicals, there appears to be misconception concerning the character and scope of the Commission's proposed inquiry into the "Methods and Costs of Distribution."

"The purpose of the inquiry is to ascertain and assemble pertinent facts concerning the whole subject of distribution in a number of industries. This will involve examining different methods of distribution and, necessarily, the more important items of costs. Some industries will be included in which expenditures for advertising no doubt, will be unsubstantial; in others the advertising costs may be substantial. There is no purpose or intention of singling out advertising any more than any other item of the cost of distribution and no more emphasis will be placed on advertising costs in this inquiry than was done in such recent inquiries as Agricultural Income, Farm Implements and Motor Vehicles.

"In the numerous general inquiries conducted by the Commission and in the many thousands of cases in which it has made investigations and taken corrective action the Commission has never made any declaration or taken any position against advertising as such. Furthermore, no such action is contemplated. Its action with respect to this subject has been confined to the elimination of false and misleading advertising under the Federal Trade Commission Act, and of unlawful advertising allowances under the Robinson-Patman Act. Even under the latter act no attempt has been made to prevent the granting of such allowances provided that when offered they were made available on proportionally equal terms to all customers."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case during the week beginning Monday, February 12. It is subject to change.

### Monday, February 12

NEW—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—C. P., **1310 kc.,** 250 watts, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative date for oral arguments. It is subject to change.

### March 7

Oral Argument Before the Commission

Report No. B-75:

NEW—William C. Barnes and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Governor E. D. Rivers, Valdosta, Ga.—Granted construction permit to erect a new station to operate on **1420 kc.,** 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted construction permit to move transmitter site locally 14 miles (from College Point Causeway, Flushing, N. Y., to Belleville Turnpike, Kearney, N. J.), install new equipment, make changes in DA pattern, and increase day power from 1 KW to 5 KW on **570 kc.,** employing DA day and nighttime.

WKNY—Kingston Broadcasting Corp., Ulster Township, N. Y.—Granted construction permit to make changes in equipment, increase power from 100 to 250 watts, and time of operation from daytime to unlimited, on **1500 kc.**

W1XA—General Electric Co., Bridgeport, Conn.—Granted reinstatement of construction permit which expired September 16, 1939, requesting reduction in aural power of television station to 100 watts and in visual power to 175 watts.

### LICENSES REVOKED

KSAM—Sam Houston Broadcasting Assn., Huntsville, Texas; KAND—Navarro Broadcasting Assn., Corsicana, Texas; KRBA—Red Lands Broadcasting Association, Lufkin, Texas; KTBC—State Capitol Broadcasting Association, Inc., Austin, Texas; KNET—Palestine Broadcasting Association, Palestine, Texas.—Issued orders for revocation of licenses of five Texas stations, effective February 24, 1940, because of applicants' failure to make full disclosure to the Commission concerning ownership, management, financing and control of stations. Applicants may request hearing within 15 days, in which case revocation orders will be stayed pending outcome of hearing.

### MISCELLANEOUS

W2XWF—William C. H. Finch, New York, N. Y.—Granted extension of special temporary authority to change from A3 emission to special emission frequency modulation **75 kc.** swing to make comparative tests on amplitude modulation, for the period February 4, 1940, to not later than March 4, 1940, results of test to be presented at high frequency hearing.

WARM—Union Broadcasting Co., Scranton, Pa.—Granted special temporary authority to operate a 100-watt portable transmitter on **1370 kc.** during daylight hours in the vicinity of Scranton, Pa., for a period not to exceed 7 days, in order to conduct site survey in connection with construction permit.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.,** from 9 p. m. to 9:30 p. m., EST, on February 19, 1940, in order to broadcast program in connection with celebration of the fiftieth anniversary of the founding of the patent system in the United States.

WMAN—Richland, Inc., Mansfield, Ohio.—Granted special temporary authority to operate with power of 250 watts from 6 p. m., EST, to midnight on February 6, 1940, in order to broadcast primary election results.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:45 p. m. to 9:45 p. m., CST, on February 9 and 13, 1940, in order to broadcast basketball games only.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from 6:45 p. m. to 8:15 p. m., CST, on February 11, 18, 25, and March 3, 1940, in order to broadcast church services.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to test the transmitting equipment of station W1XOJ, authorized by modification of construction permit on frequency **43000 kc.,** with power in the range of 2000 and 50000 watts, for the period February 14, 1940, to not later than March 14, 1940, in order to make adjustments on equipment installed and for tuning and to make adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

WAVE—Vee Bee Corp., Portable-Mobile (area of Portsmouth, Ohio).—Granted license to cover construction permit for new relay broadcast station to operate on frequencies **1622, 2058, 2150** and **2790 kc.,** power 25 watts.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna input.

KBND—The Bend Bulletin, Bend, Ore.—Granted authority to determine operating power by direct measurement of antenna input.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Granted license to cover construction permit as modified for increase in power from 500 watts to 1 KW night, 5 KW LS, and hours of operation from limited to unlimited; install new transmitter and antenna: and move of transmitter (use former transmitter of KECA, also antenna), and move to site formerly licensed to KECA. Also granted authority to determine operating power bv direct measurement of antenna input.

KXA—American Radio Tel. Co., Seattle, Wash.—Granted modification of construction permit authorizing increase in power from 250 watts night, 500 watts day, to 1 KW day and night; move transmitter, make changes in equipment, and extend completion date to May 20, 1940.

WREC—WREC Broadcasting Service, Memphis, Tenn.—Granted license to cover construction permit to install auxiliary transmitter at present location, using 1 KW power, directional antenna day and night, for emergency use only (**600 kc.**).

WICA—WICA, Inc., Ashtabula, Ohio.—Granted license to cover construction permit as modified for installation of new transmitting equipment and increase in power from 250 watts to 500 watts on **940 kc.,** daytime only.

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Granted construction permit to make changes in equipment.

WEXH—Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.).—Granted construction permit to make changes in equipment in relay broadcast station, change frequencies to **1622, 2058, 2150, 2790 kc.;** 50 watts.

WAAB—The Mayflower Broadcasting Co. and The Yankee Network, Inc., Boston, Mass.—Upon Commission's own motion extended date for filing Proposed Findings in Docket Nos. 5618 and 5640 from February 14, 1940, to March 14, 1940.

W1XKB—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with high frequency experimental station W1XSN on **42400 kc.,** with special (F-M) emission, from 8 a. m. to 5 p. m., EST, daily for the period February 6, 1940, to not later than February 9, 1940, for the purpose of checking adjacent channel operation.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted authority to determine operating power by direct measurement of antenna input.

WCAO & (Aux.).—Monumental Radio Co., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna input.

KONO—Mission Broadcasting Co., San Antonio, Tex.—Granted authority to determine operating power by direct measurement of antenna input.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted license to cover construction permit authorizing increase in day power from 250 watts to 1 KW, on **1340 kc.**

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 7:45 p. m., EST, to midnight on February 3, 1940, in order to broadcast the Melrose Track Meet to be held at Madison Square Garden.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with Station KLX from 7:30 p. m., PST, to the conclusion of basketball games on February 17, 23, March 1, 1940, in order to broadcast basketball games only.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9:00 a. m. to 10:00 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday, and Sunday mornings, for the period beginning February 18, 1940, and ending not later than March 18, 1940, or until the Saginaw Broadcasting Company is in a position to use said time, in order to broadcast special non-commercial educational programs.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted order to take depositions in re application for renewal of license scheduled to be heard March 5, 1940.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Granted construction permit to install new antenna and move transmitter from E. Z. Bldg., College Station, to College Station, Tex.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of construction permit as modified, to make changes in equipment of high frequency broadcast station.

KNEL—G. L. Burns, Brady, Texas.—Granted authority to determine operating power by direct measurement of antenna input.

WCSC—S. C. Broadcasting Co., Inc., Charleston, S. C.—Granted authority to determine operating power by direct measurement of antenna input.

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Granted authority to determine operating power by direct measurement of antenna input.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input.

KVFD—Northwest Broadcasting Co., Ft. Dodge, Iowa.—Granted license to cover construction permit and modifications thereof authorizing a new station to operate on **1370 kc.,** 100 watts night, 250 watts day, specified hours. Also granted authority to determine operating power by direct measurement of antenna input.

KVCV—Golden Empire Broadcasting Co., Redding, Cal.—Granted license to cover construction permit for new equipment, increase in power from 100 to 250 watts, unlimited time, on **1200 kc.** Also granted authority to determine operating power by direct measurement of antenna input.

WFNC—Cumberland Broadcasting Co., Fayetteville, N. C.—Granted modification of construction permit covering new station, authorizing extension of completion date to May 20, 1940.

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted modification of construction permit for new broadcast station, for approval of antenna, transmitter and studio sites at 42 S. Market St., Poughkeepsie, and change in type of transmitting equipment.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted modification of construction permit for new broadcast station, for approval of antenna, changes in equipment, and studio and transmitter sites.

WSUI—State University of Iowa, Iowa City, Iowa.—Retired to the closed files the construction permit authorizing installation of new transmitter and antenna, and move transmitter, granted May 1, 1939, since station was granted increase in power, move of transmitter etc., on November 8, 1939.

Gateway Broadcasting Co., Louisville, Ky.—Denied petition for rehearing in the matter of application for new station to operate on **880 kc.**, with 500 watts, unlimited time, which was denied by the Commission on November 30, 1939.

## APPLICATIONS FILED AT FCC

### 590 Kilocycles

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—License to cover construction permit (B1-MP-358) for increase in power from 1 KW, 5 KW day, to 5 KW day and night, and use present daytime directional antenna patterns for day and night.

### 620 Kilocycles

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Voluntary assignment of license from St. Petersburg Chamber of Commerce, to City of St. Petersburg, Florida.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Construction permit to make changes in directional antenna system, and increase power from 1 KW night, 5 KW day to 5 KW day and night.

### 650 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Construction permit for new transmitter, changes in frequency from **650** to **710 kc.**, increase power from 250 watts to 10 KW, change hours of operation from limited to unlimited, and move transmitter to site to be determined. Amended: Install directional antenna day and night use, give transmitter site as RFD, Maury Island, near Chautauqua, Washington.

### 660 Kilocycles

KOWH—World Publishing Co., Omaha, Nebr.—Construction permit to install new transmitter, and directional antenna for night use, increase power from 500 watts to 5 KW, change frequency from **660** to **890 kc.**, hours of operation from daytime to unlimited time, move transmitter from 60th & Girard Sts., Omaha, Nebr., to S. E. corner 72nd and L Sts., Omaha, Nebr. Request facilities of KUSD & KFNF.

### 710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—License to use RCA 1001-C transmitter as an auxiliary transmitter with power of 1 KW for emergency use only.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

### 890 Kilocycles

KUSD—University of South Dakota, Vermillion, S. Dak.—Construction permit to install new vertical antenna, change frequency from **890** to **660 kc.**, hours of operation from shares with KFNF to daytime. (Contingent on KOWH being granted unlimited time on **890 kc.**)

### 920 Kilocycles

WSPA—Virgil V. Evans, tr/as Voice of South Carolina, Spartanburg, S. C.—Construction permit to install auxiliary transmitter at Evanston Heights, Spartanburg, S. C., using 500 watts power.

### 950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Modification of construction permit (B1-P-1332) as modified, for a new station, requesting extension of completion date from 2-27-40 to 8-27-40.

### 1180 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit for installation of directional antenna for night use, increase power from 1 KW, 5 KW day to 5 KW day and night, change in hours of operation from limited to unlimited time.

### 1200 Kilocycles

WBAB—Press Union Publishing Co., Atlantic City, N. J.—Authority to determine operating power by direct measurement of antenna power.

WBAB—Press Union Publishing Co., Atlantic City, N. J.—License to cover construction permit (B1-P-1611) as modified for a new station; move studio from 1900 Atlantic Ave. to Convention Hall, Georgia Ave. and Boardwalk, Atlantic City, N. J.

WMOB—S. B. Quigley, Mobile, Ala.—Modification of license to increase power and change hours of operation from 100 watts daytime to 100 watts, 250 watts day, unlimited time.

### 1210 Kilocycles

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit to install new transmitter, vertical antenna; increase power from 100 watts to 500 watts, 1 KW day; change frequency from **1210 kc.** to **1440 kc.**; and move transmitter. Amended to make changes in antenna and give transmitter site as site to be determined, near Monterey, Calif.

### 1230 Kilocycles

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Construction permit to install new transmitter, antenna to be determined; change frequency from **1230 kc.** to **600 kc.**; increase power from 1 KW to 1 KW, 5 KW day; and move transmitter from west city limits, Albuquerque, N. Mex., to site to be determined, Albuquerque, N. Mex.

### 1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Construction permit to install directional antenna for night use, and increase power from 1 KW, 5 KW day, to 5 KW day and night.

### 1310 Kilocycles

WFIG—J. Samuel Brody, Sumter, S. C.—Modification of construction permit (B3-P-2171) as modified for a new station, requesting change in type of transmitting equipment, and extend commencement date 30 days after grant and completion date 90 days thereafter.

### 1320 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to install new transmitter; move transmitter from north of Des Moines, Iowa, to E. 36th and Granger Sts., Des Moines, Iowa; install new directional antenna for night use; and increase power from 1 KW, 5 KW day, to 5 KW day and night.

### 1340 Kilocycles

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Construction permit to install new transmitter and increase power from 500 watts, 1 KW day, to 5 KW day and night (directional antenna night).

### 1350 Kilocycles

WAWZ—Pillar of Fire, Zarepath, N. J.—Construction permit to make changes in transmitting equipment.

### 1370 Kilocycles

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2261) for a new station, requesting change in frequency from **1370 kc.** to **1380 kc.**; increase in power from 100 watts, 250 watts day, to 1 KW day and night; install new transmitter, and directional antenna for night use; move studio from 178 West Main St., Spartanburg, S. C., to site to be determined, Spartanburg, S. C., and transmitter site from 2½ miles north-northwest of center of Spartanburg, S. C., to U. S. Highway 176, 1.3 miles north of city limits, near Spartanburg, S. C.; extend commencement date 120 days after grant and completion date 180 days thereafter.

WMSL—The Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—License to cover construction permit (B3-P-2555) for increase in power, change in hours of operation, and changes in transmitter and antenna and move transmitter and studio locally.

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of license to move studio from R.F.D., Fort Dodge, Iowa, to Warden Bldg., Fort Dodge, Iowa.

WHUB—M. L. Medley, Cookeville, Tenn.—Voluntary assignment of construction permit (B3-P-2298) as modified (B3-MP-829) from M. L. Medley to WHUB, Inc.

### 1380 Kilocycles

WNBC—State Broadcasting Corporation, New Britain, Conn.—Construction permit to make changes in equipment; increase power from 1 KW to 1 KW, 5 KW day, using directional antenna both day and night.

WKBH—WKBH, Inc., La Crosse, Wis.—Construction permit to move transmitter from R.F.D. No. 1, La Crosse, Wis., to Highway No. 33, Shelby Twp., Wis.; install new transmitter; install directional antenna for night use; and increase power from 1 to 5 KW.

### 1420 Kilocycles

WMFJ—W. Wright Esch, Daytona Beach, Fla.—License to cover construction permit (B3-P-2580) for equipment changes, and increase in power.

### 1430 Kilocycles

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to install new transmitter; move transmitter from north of Des Moines, Iowa, to E. 36th St. and Granger St., Des Moines, Iowa; install new directional antenna for night use; and increase power from 1 KW, 5 KW day, to 5 KW day and night.

### 1440 Kilocycles

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Construction permit to install directional antenna for night use; increase power from 1 KW night, 5 KW day, to 5 KW day and night; and make changes in vertical antenna for day use.

### 1500 Kilocycles

KTOH—Garden Island Publishing Company, Ltd., Lihue, Hawaii.—Modification of construction permit (B-P-1970) as modified for a new station, requesting increase in power from 100 watts, 250 watts day, to 250 watts day and night; extend commencement date from 2-12-40 to 60 days after grant and completion date 180 days thereafter.

KROD—Dorrance D. Roderick, El Paso, Tex.—Construction permit to install new transmitter; change frequency from **1500 kc.** to **600 kc.**; increase power from 250 watts to 500 watts, 1 KW day.

### MISCELLANEOUS

NEW—WIBX, Inc., Utica, N. Y.—Construction permit for a new relay broadcast station to be operated on **1606, 2022, 2102, 2758 kc.**, 100 watts, emission A-3, unlimited time, located in area of Utica, N. Y. Amended to request frequencies **1622, 2058, 2150** and **2790 kc.**

NEW—The Ohio Broadcasting Co., Canton, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.**, 1 KW power, special emission, to be located on Lakeside Avenue, approximately 3 miles west of Canton, Ohio.

NEW—KUOA, Inc., area of Siloam Springs, Ark.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, 7.5 watts, A-3 emission, unlimited time, located in area of Siloam Springs, Ark.

NEW—Greater New York Broadcasting Corp., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43800 kc.**, 1 KW power, unlimited time, special emission, to be located in New York, New York, exact site to be determined.

NEW—The Fort Industry Co., Toledo, Ohio.—Construction permit for a new high frequency broadcast station to be located at 505 Jefferson Ave., Toledo, Ohio, to be operated in **43200 kc.**, 250 watts, unlimited time, special emission.

NEW—Jerome Raymond Popkin-Clurman, Philadelphia, Penna.—Construction permit for a new high frequency broadcast station to be located in Philadelphia, Penna. (exact site to be determined), to be operated on **43000 kc.**, 1 KW, unlimited time, special emission.

NEW—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit for a new relay broadcasting station to be operated on **1606, 2022, 2102, 2758 kc.**, 2 watts, A-3 emission, unlimited time, located in area of Miami, Florida.

NEW—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover above.

WEHK—Columbia Broadcasting System, Inc., Portable-Mobile.—License to cover construction permit (B1-PRE-334) to change equipment and increase power to 2 watts.

NEW—Marcus Loew Booking Agency, New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.**, 1 KW power, unlimited time, special emission, to be located in New York, N. Y., exact site to be determined.

NEW—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, President, area of Visalia, Calif.—Construction permit for new relay broadcast station on **1622, 2059, 2150** and **2790 kc.**, 25 watts power, unlimited time, A-3 emission. Portable-Mobile, located in area of Visalia, Calif.

NEW—The Evening News Association, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be located at 645-647 Griswold St., Detroit, Michigan, to be operated on **43000 kc.**, 1 KW, unlimited time, special emission.

NEW—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Construction permit for a new high frequency broadcast station to be located at Main and Esplanade Sts., Walton Bldg., Lexington, Ky., to be operated on **43200 kc.**, 1 KW power, unlimited time. Special emission.

NEW—WJJD, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be located at 20 North Wacker St., Chicago, Ill., to be operated on **43400 kc.**, 250 watts, unlimited time, special emission.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wisc.—Modification of construction permit (B4-PHB-75) as modified, requesting extension of completion date from 3-12-40 to 5-12-40.

W9XAO—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—License to cover construction permit (B4-PHB-79) for new high frequency broadcast station.

WDAC—University of Wisconsin, Madison, Wisc.—Modification of license to change name to State of Wisconsin, University of Wisconsin.

NEW—Nichols and Warinner, Inc., Portable-Mobile.—Construction permit to make changes in equipment. Amended: To increase power from 2 to 10 watts.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Chapman Health Products Company,** 4618 Euclid Ave., Cleveland, and John W. and Nellie C. Chapman, individually and as officers of the corporation, engaged in the sale and distribution of medicinal preparations including two formulae designated "N.A.R. Tablets" and "Faid," otherwise known as "Daintee," are charged, in a complaint with misrepresentations.

The preparation designated "N.A.R. Tablets," recommended as a treatment for rheumatism, neuritis and arthritis, and "Faid," otherwise known as "Daintee," recommended as a treatment for obesity, have been advertised in newspapers and periodicals as being safe and effective remedies for the ailments designated.

The complaint charges that "N.A.R. Tablets" is not a cure or remedy for rheumatism, neuritis or arthritis, and does not possess any therapeutic value in the treatment of these ailments except so far as the analgesic properties of the preparation may afford temporary relief.

"Faid," otherwise known as "Daintee," the complaint continues, is represented as a competent, safe and scientific treatment for obesity, and that its use will have no ill effect upon the human body.

The United States District Court for the Northern District of Ohio last month enjoined The Chapman Health Products Company, and John W. and Nellie C. Chapman, individually and as officers of the corporation, on petition of the Federal Trade Commission, from further dissemination of false advertisements concerning "Faid," other wise known as "Daintee." The Commission's bill of complaint alleged that the preparation is composed of desiccated thyroid, sodium biborate, powdered extract phytolacca berries, berberine hydrochloride and apocynoid. Use of this preparation, the bill of complaint charged, might result in injury to the heart muscle and other serious and irreparable injury to health. The defendants waived hearing and consented to the decree being entered forthwith. The decree was granted pending the issuance of a complaint charging defendants with violation of the Federal Trade Commission Act under the regular procedure of the Federal Trade Commission.

Injunctive action of the Commission was taken under authority of the Federal Trade Commission Act, as amended by the Wheeler-Lea Act, which provides such relief in cases involving an advertised drug which may be injurious to health. (4004)

**Distillers Products Corporation of Kentucky, Inc.**, with its principal office and place of business at Shively, Ky., is charged in a complaint with misrepresentation.

The complaint alleges that by use of the word "Distillers" in its corporate name, which appears on its labels, stationery, invoices and in various other ways, the respondent falsely represents itself to be a distiller of the products it offers for sale. The word "Distillers," the complaint continues, when used in connection with the liquor industry and its products, has a definite significance and meaning to the minds of members of the industry and the purchasing public, implying the manufacture of alcoholic beverages by an original and continuous distillation process from mash, wort or wash, through continuous closed pipes or vessels until the manufacture is complete.

The complaint charges that the respondent has upon its premises a still which it uses in the production of gin by a process of rectification whereby alcohol, purchased but not produced by the respondent, is distilled over juniper berries and other aromatics. Such rectification the complaint continues does not make or constitute the respondent a distiller as defined by Section 3247 of the revised statutes regulating internal revenue, nor as commonly understood by the public or the liquor industry. The respondent does not own, operate or control a place where alcoholic beverages are manufactured by a process of original and continuous distillation from mash, wort or wash. (4010)

**Erwin Feather Quilt Company**—Herbert S. and Mabel T. Erwin, individually and trading as Erwin Feather Quilt Company, 1598 East Livingston Ave., Columbus, Ohio, manufacturers and distributors of quilts, comforts, bedspreads and like products, are charged, in a complaint with misrepresentation.

In advertising folders, pamphlets, letters, and other printed matter circulated throughout the United States, the complaint charges, the respondents have solicited orders for their products, representing, among other things: "Return this card at once for our SPECIAL OFFER FOR THIS WEEK ONLY.", and "Mail this card today for complete information on this outstanding Summer Purchase Plan. One week only is the limit we must place on our special offer * * *."

Upon inquiry received from prospective purchasers procured through advertisements, the complaint continues, prices were quoted for the products which were represented to be reduced prices or special prices limited as to time and one-half the usual, customary and regular selling prices.

The complaint charges that these representations are deceptive and misleading, and that the respondents' products never had a retail sales prices greater than those quoted, and that the prices at which the products are sold are the regular, ordinary and customary sales prices therefor, are not one-half the usual price, and are not reduced or special prices.

Use by the respondents of these false and misleading statements, the complaint alleges, constitute unfair and deceptive acts and practices within the intent and meaning of the Federal Trade Commission Act. (4011)

**Indestro Manufacturing Corporation**—A complaint has been issued charged Indestro Manufacturing Corporation, 2649 North Kildare Ave., Chicago, manufacturers and distributors of automobile tools and wrenches, with misrepresentation.

The complaint alleges that the respondent issues and distributes among prospective purchasers catalogs, price lists and other advertising material. Among products so advertised are certain wrenches which are represented and described as being manufactured from "Forged Alloy Steel," "Drop Forged Alloy Steel," "Special Alloy Steel," and "Carbon Alloy Steel." The respondent also causes such descriptive terms to be stamped or embossed upon the wrenches.

The term "Alloy Steel," the complaint continues, is understood by the steel industry, the trade, and the purchasing public as denoting carbon steel to which have been added certain other elements such as nickel, tungsten, molybdenum, vanadium and chromium. Such elements are added to give the finished product certain additional properties and attributes, such as hardness and toughness.

The complaint alleges that none of these elements or similar elements is added to the steel by the respondent, and that products made from such steel cannot properly be represented as having been manufacturd from alloy steel. (4006)

**Monite Waterproof Glue Company**, Minneapolis, engaged in the manufacture and distribution of a glue product known as Monite Waterproof Glue, is charged in a complaint with misrepresentation.

In periodicals and trade journals and other advertising material, and on packages and containers in which the product is offered for sale, the respondent has placed such representations as: "Monite Waterproof Glue," and "Weatherproof" Glue. Through use of such representations, as above and in its corporate name, the complaint alleges, the respondent has represented that its product is waterproof and weatherproof and is impervious to water and the effects thereof. In truth, the complaint continues, the respondent's product, while capable of resisting or repelling water to a limited degree, is not impervious to water and is not waterproof or weatherproof in the sense in which such terms are understood by the purchasing public and can not properly be represented or designated as waterproof and weatherproof. (4013)

**National Folio Service**—George W. Haylings, trading as Natoinal Folio Service, 1071 West 30th St., Los Angeles, is charged, in a complaint with misrepresentation in the sale and distribution of books and pamphlets containing so-called treatises purporting to disclose and portray unusual business opportunities.

In advertisements in newspapers, periodicals and by means of letters and circulars, the respondent has represented, among other things: "We went to considerable trouble and expense purchasing this unusual plan from a gentlemen 6,000 miles away in Australia." . . . "Our Treatise No. 2, a workable 'business plan' that tells you How the originator earned a remakable wage 'every month' the year round, no slack seasons. And—from a heretofore 'hidden source' that will surprise, fascinate and Delight you!—there are few business worries—no long waits for money—no long hours of unpleasant working—no similar competition—no office or store overhead—and no equipment needed in such a service of this kind—a service needed badly in this modern age."

Through these respesentations and others of similar import, the complaint alleges that the respondent represents that his so-called treatises present business opportunities which possess exceptional merit and which offer prospects of high earnings and profits, with the expenditure of little or no effort; that the operation of such businesses involves no peddling or canvassing; that such plans are original, and in many cases include valuable formulas which have been acquired by the respondent at great expense and which are owned exclusively by the respondent.

The complaint charges that these representations are false and misleading; that many of the plans set forth in the treatises are without substantial merit; that many of them are neither original nor new, nor do they include formulas which have any substantial value. The earnings and profits which the respondent represents may be obtained from operation of the plans are far in excess of any amounts which have been or may be earned through them, while many of them do require peddling and house-to-house canvassing. (4008)

**Northwest Film Ad Service, Inc.**, Portland, Ore., and Frank D. Atkins, an individual, distributors of advertising films and moving picture trailers with unfair methods of competition and unfair and deceptive acts and practices.

Frank D. Atkins is president of the corporation, and formulates and directs its policies.

For the purpose of inducing the purchase of their advertising films and trailers, the complaint charges, the respondents have made false and misleading statements and representations, among which are that they are producers as well as distributors of advertising films and trailers; that their business is nation-wide in its scope and that they maintain offices in numerous cities throughout the United States; that they have contacted manufacturers or distributors of various products sold by prospective purchasers of the films and that these manufacturers and distributors have agreed to cooperate in the film advertising of their respected products and pay a portion of the costs; that the respondents have negotiated contracts with local theaters to show their films and trailers, and that the advertising films supplied by them will be of the kind and quality designated by the purchaser.

The respondents are also alleged to have represented that certain of their competitors are out of business.

The complaint charges that the respondents' business is not nation-wide in scope, but is confined largely to Oregon, Washington and California, that they have no offices other than their office in Portland, Oreg., and that other representations made by them are false and misleading. (4007)

**Paramount Institute**—D. Victor Wallace, trading as Paramount Institute, 1095 Market St., San Francisco, selling and distributing courses of instruction for civil service examinations, is charged in a complaint with misrepresentation.

Advertising folders and pamphlets distributed throughout the country contain, the complaint alleges, misleading representations concerning the respondent's course of study and also concerning the Civil Service of the Government of the United States. Among these are assertions that examinations for Civil Service are held at frequent intervals from year to year for all types of positions; that Civil Service employees are never discharged or lose their positions except for gross inefficiency or misconduct and that promotion in position and advancement in salary are the inevitable results of efficiency.

In truth, the complaint declares, Civil Service examinations are held only at infrequent intervals, many years sometimes elapsing between such examinations; many Civil Service employees are discharged for reasons other than inefficiency or misconduct, as, for example, insufficient appropriations; efficient employees are not certain to obtain promotion in position or advancement in salary, and persons passing a Civil Service examination with a high rating are not certain of obtaining a position at an early date, or at all. The complaint also charges that persons do not require special coaching of the kind offered by respondent, and the coaching is not the kind to prepare students for the positions sought and is of little value to them unless they are otherwise qualified by prior education and experience. The complaint also charges that the respondent is not constantly or otherwise in touch with the Civil Service Commission or its examiners, except as a casual correspondent, and has no advance information concerning Civil Service examinations. (4009)

**Dr. Pierre Chemical Company**—A complaint has been issued against Dr. Pierre Chemical Co., 162 North Franklin St., Chicago, engaged in the sale and distribution of medicinal preparations designated "Dr. Pierre's BORO-PHENO-FORM Vaginal Suppositories" and "Dr. Pierre's BORO-PHENO-FORM Vaginal Creme," charging the respondent company with falsely advertising its products in violation of the Federal Trade Commission Act.

In advertisements in newspapers and periodicals and in other printed matter, the complaint alleges, the respondent has represented directly or by implication that the preparations are competent and effective preventatives of conception; are effective antiseptics and germicides; possess substantial therapeutic agents which heal and soothe irritated tissues and membranes, and that the products have been approved and accepted and are recommended by a substantial number of reputable physicians.

All these representations, the complaint continues, are false and misleading. While the products possess antiseptic ingredients of a low toxicity, they are not competent or effective antiseptics or germicides, and they have not been approved or recommended by any substantial number of reputable physicians. (4005)

**Pioneer Merchandise Company, Inc.,** 928 Broadway, New York, distributor of cigarette holders and other products, is charged, in a complaint, with misrepresentation.

The complaint alleges that the respondent has offered for sale and sells as cigarette holders certain products composed of cellulose acetate, and has caused such holders to be placed on display cards on which appear the statement "Cigarette Holders for a cool and agreeable smoke", and on others the statement "Extra Fine Cigarette Holders." These cards and holders, the complaint charges, are distributed throughout the various states.

Through the similarity in appearance of the material to amber, non-burning bakelite and other materials used in the manufacture of cigarette holders, it is alleged, the purchasing and consuming public is led to believe that the holders are made from amber, non-burning bakelite or other materials suitable for use in cigarette holders, and are of superior quality. In truth, the complaint continues, the holders are composed of material which is unfitted by composition to be used in a cigarette holder and which disintegrates readily when exposed to heat, and conveys to smoke coming in contact with it an unpleasant taste or flavor.

The respondent further, the complaint charges, has distributed among purchasers in various states, circulars bearing the phrase: "Pioneer Merchandise Company, Inc., manufacturers and importers," and containing such statements as "When buying from us you buy from the manufacturer." It is alleged that the respondent does not make or manufacture the holders or other products distributed by it. (4012)

**Seaboard Paint & Varnish Company**—Samuel Swimmer, doing business as Seaboard Paint and Varnish Company, 275 Russell St., Brooklyn, is charged, in a complaint, with misrepresentation.

The complaint alleges that the paint offered for sale and sold by respondent is commonly known as "spray booth off fall" paint, which is paint that is lost in the painting of various products with spray guns. This paint is reconditioned by the respondent and sold as an outside paint.

In the course of his business the respondent is alleged to have mailed to purchasers located in various States, letters containing such representations as "In a warehouse near you we have 100 one-gallon cans, packed in cartons, of our Outside White Paint, guaranteed to be clean fresh stock in perfect condition which we will sacrifice for $1.55 per gallon, delivered, freight prepaid; original price was $2.65 per gallon. This material is superior in quality and composition to the most expensive made well known brands of Outside White and is far superior to White Lead as to whiteness and durability." These representations, the complaint continues, are false and misleading, as in truth the usual and customary price of the paint referred to in the letters is not $2.65 per gallon but $1.55, and the respondent does not have 100 gallons of paint or any other quantity at a warehouse in the vicinity of the recipients of the letters, as all his paint is warehoused at his place of business in New York, from which all shipments are made.

The complaint charges that the paint was not manufactured for use on outside or exposed surfaces, but for use in the painting of ice boxes and other articles of merchandise not exposed to the weather. The respondent's paint is not of clean, fresh stock, the complaint continues, but is made from paint lost or wasted in the painting of various products with spray guns, and does not "last practically a life time" or any other such extended period of time. (4014)

## STIPULATIONS

During the week the Commission entered into the following stipulations:

**Franklin Knitting Mills, Inc.,** New York, in connection with the distribution of its neckties, agrees to cease and desist from selling or offering for sale any silk or silk product which contains any metallic weighting, without full and nondeceptive disclosure of the presence of such metallic weighting, together with the proportion or percentage thereof, made in the labels, tags or brands attached to the merchandise, and in the invoices and all advertising matter, sales promotional descriptions or representations, however disseminated or published. (2662)

**Gruen Watch Company,** Cincinnati, in connection with the advertisement, sale and distribution of its "Gruen Curvex" wrist watches, agrees to cease and desist from use of any statement, or pictorial or other representation, the effect of which is to convey the belief to purchasers that the principle involved in the "Gruen Curvex" wrist watches is the only way ever found to put a full-sized movement in curved wrist watches, or that the Gruen method of construction is the only way to make the movement big enough to give true pocket-watch accuracy in a wrist watch. (2664)

**Lo-Well Company**—James R. Kaye, trading as Lo-Well Company, New York, agrees to discontinue use in advertising matter of representations that the pen points of his fountain pens are tipped with iridium; of the phrases "Fine Quality" or "First Quality" or any other words or phrases descriptive of his pens or pencils so as to imply that the products are of a quality higher than is actually the fact, and from pictorial or other representations of products which do not accurately and definitely depict the products offered for sale or distributed as premiums, or the effect of which representations may imply that the products are of a value greater than represented. (2663)

## CEASE AND DESIST ORDERS

The following cease and desist orders have been issued during the past week:

**Charles V. Herron Company**—An order has been issued prohibiting an Indiana buyer and two Michigan distributors from violating the brokerage paragraph of the Robinson-Patman Act in the interstate sale of beans. The respondents are Charles V. Herron, trading as Charles V. Herron Company, 101 North Governor St., Evansville, Ind., Ryon Grain Company, 428 Mutual Building, Lansing, Mich., and McLaughlin, Ward & Co., 200 East Pearl St., Jackson, Mich.

Commission findings are that the respondent Herron purchased beans outright and for his own account from the two Michigan concerns and received from them an allowance on each bag of beans in lieu of brokerage.

The respondents admitted all the other allegations of the complaint but denied the allegation that no services were rendered by the respondent Herron to the seller companies in connection with these transactions. The Commission on the basis of the facts as found, concluded as a matter of law that no services had been rendered by Herron to the two respondent companies in connection with his purchases from them. The Commission concluded that Herron, by accepting, and the two respondent companies, by granting, the allowances, had violated the act.

In connection with its conclusions the Commission refers to three cases in which its orders to cease and desist have been affirmed by the United States Circuit Courts of Appeals under the brokerage paragraph of the Robinson-Patman Act. These were the cases of the Commission against Biddle Purchasing Company, Oliver Brothers and The Great Atlantic & Pacific Tea Co., all of New York.

The Commission order directs that Charles V. Herron, trading as Charles V. Herron Company or under any other name, in connection with his purchase of beans in interstate commerce, cease and desist from receiving or accepting from Ryon Grain Company and McLaughlin, Ward & Co., any commission, brokerage or other compensation or any allowance or discount in lieu thereof upon such purchases made by him outright and for his own account, and that the two respondent companies cease and desist from making, granting or allowing such payments to the respondent Herron. (3916)

**McLaughlin, Ward & Company**—See Charles V. Herron Company.

**Ryon Grain Company**—See Charles V. Herron Company.

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 7, February 16, 1940

# 260 Stations Join Broadcast Music

There has been much activity in Broadcast Music, Inc., during the past week. A total of 260 stations have sent in their checks and signed license agreements totaling $1,159,467.50.

At present there are 115 additional stations which indicated approval of BMI at the District meeting which have yet to forward their checks and signed agreements. In many cases, the delay is due to absence from the office of the chief executive because of illness, vacations or business trips. Our total will be raised to $1,250,000 by the arrival of these checks and license agreements which we expect shortly. The response to date has been industry-wide and we believe it should convince the remaining stations that the success of BMI is definitely assured and we urge all who have not as yet forwarded their checks and license agreements to do so immediately.

A meeting of the NAB Board of Directors will be held Monday and Tuesday, February 19-20, at which time the entire subject will be discussed. We want to include your station as a subscribing station in the report to the Direcors so hope you will mail in the papers now if you have not already done so.

The office at 580 Fifth Avenue, New York City, has become a most active place. The staff is being selected. Engraved stock certificates will be mailed shortly to all stations which have sent in their checks. The signed license agreement also will be mailed in the next few days. Complete information concerning the staff, plans and various activities will be carried in an early number of the NAB BULLETIN.

The success of BMI depends to a large extent upon the support it receives from the industry. The 260 stations by subscribing for $1,159,467.50 have more than met our minimum requirements but after examining the list of stations we believe our ultimate goal of 400-odd stations subscribing $1,500,000 is easily within reach if those who have not as yet sent in their checks will do *now* what we know they plan to do eventually. Here's hoping we hear from those stations this week.

A complete list of stations from which checks and license agreements have been received follows.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1266 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

# Broadcast Music Subscribers

## DISTRICT 1

CONNECTICUT
WICC—Bridgeport
WDRC—Hartford
WTHT—
WTIC—
WNBC—New Britain
WELI—New Haven
WATR—Waterbury

MAINE
WCSH—Portland

MASSACHUSETTS
WAAB—Boston
WBZ—
WCOP—
WEEI—
WMEX—
WNAC—
WORL—
WHAI—Greenfield
WLLH—Lowell
WBRK—Pittsfield
WBZA—Springfield
WMAS—
WORC—Worcester
WTAG—

NEW HAMPSHIRE
WFEA—Manchester

RHODE ISLAND
WEAN—Providence
WJAR—

## DISTRICT 2

NEW YORK
WABY—Albany
WOKO—
WBEN—Buffalo
WGR—
WKBW—
WABC—New York City
WBNX—
WEAF—
WJZ—
WOV—
WQXR—
WHAM—Rochester
WHEC—
WGY—Schenectady
WFBL—Syracuse
WSYR—
WFAS—White Plains

## DISTRICT 3

DELAWARE
WDEL—Wilmington
WILM—

NEW JERSEY
WOR—Newark

PENNSYLVANIA
WEST—Easton
WKBO—Harrisburg
WAZL—Hazleton
WJAC—Johnstown
WGAL—Lancaster
KYW—Philadelphia
WCAU—
WDAS—
WFIL—
WHAT—
WPEN—
WDKA—Pittsburgh
WCAE—
WEEU—Reading
WRAW—
WKOK—Sunbury
WRAK—Williamsport
WORK—York

## DISTRICT 4

DISTRICT OF COLUMBIA
WJSV—Washington
WMAL—
WOL—
WRC—

MARYLAND
WCAO—Baltimore
WCBM—
WFBR—
WTBO—Cumberland

NORTH CAROLINA
WWNC—Asheville
WBT—Charlotte
WSOC—
WDNC—Durham
WBIG—Greensboro
WPTF—Raleigh
WSTP—Salisbury
WSJS—Winston-Salem

SOUTH CAROLINA
WCSC—Charleston
WIS—Columbia

VIRGINIA
WGH—Newport News
WTAR—Norfolk
WMBG—Richmond
WRNL—
WRTD—
WRVA—
WDBJ—Roanoke

WEST VIRGINIA
WJLS—Beckley
WCHS—Charleston
WBLK—Clarksburg
WMMN—Fairmont
WSAZ—Huntington
WPAR—Parkersburg
WWVA—Wheeling

## DISTRICT 5

ALABAMA
WBRC—Birmingham
WSGN—

FLORIDA
WMBR—Jacksonville
WIOD—Miami
WQAM—
WJNO—West Palm Beach

GEORGIA
WGPC—Albany
WATL—Atlanta
WGST—

WSB—
WRBL—Columbus
WMAZ—Macon
WTOC—Savannah
WPAX—Thomasville

## DISTRICT 6

Arkansas
KARK—Little Rock

Louisiana
KALB—Alexandria
WJBO—Baton Rouge
WNOE—New Orleans
WWL—
KTBS—Shreveport
KWKH—

Mississippi
WJPR—Greenville
WAML—Laurel

Tennessee
WNOX—Knoxville
WHBQ—Memphis
WMC—
WMPS—
WREC—
WSM—Nashville

## DISTRICT 7

Kentucky
WCMI—Ashland
WLAP—Lexington
WAVE—Louisville
WHAS—

Ohio
WICA—Ashtabula
WHBC—Canton
WCPO—Cincinnati
WGAR—Cleveland
WTAM—
WBNS—Columbus
WCOL—
WHIO—Dayton
WLOK—Lima
WPAY—Portsmouth
WSPD—Toledo
WFMJ—Youngstown
WHIZ—Zanesville

## DISTRICT 8

Indiana
WTRC—Elkhart
WEOA—Evansville
WGBF—
WGL—Fort Wayne
WOWO—
WIBC—Indianapolis
WIRE—
WFAM—South Bend
WSBT—
WBOW—Terre Haute

Michigan
WJBK—Detroit
WJR—
WFDF—Flint
WKZO—Kalamazoo
WKBZ—Muskegon

## DISTRICT 9

Illinois
WBBM—Chicago
WENR—
WMAQ—
WMBI—
WDAN—Danville
WMBD—Peoria
WROK—Rockford
WHBF—Rock Island
WCBS—Springfield
WDZ—Tuscola

Wisconsin
KFIZ—Fond du Lac
WCLO—Janesville
WTMJ—Milwaukee
WRJN—Racine
WHBL—Sheboygan
WSAU—Wausau

## DISTRICT 10

Iowa
WOC—Davenport
KWLC—Decorah
WHO—Des Moines
KGLO—Mason City
KMA—Shenandoah

Missouri
KMBC—Kansas City
KFEQ—St. Joseph
KMOX—St. Louis

## DISTRICT 11

Minnesota
KATE—Albert Lea
WCCO—Minneapolis
WTCN—
KROC—Rochester
KFAM—St. Cloud
KWNO—Winona

North Dakota
KFYR—Bismarck
KDLR—Devils Lake
WDAY—Fargo
KGCU—Mandan

South Dakota
KABR—Aberdeen

## DISTRICT 12

Kansas
KFBI—Abilene
KGGF—Coffeyville
KANS—Wichita
KFH—

Oklahoma
KCRC—Enid
KOCY—Oklahoma City
KTOK—
WKY—
KVOO—Tulsa

## DISTRICT 13

Texas
KFDA—Amarillo
KGNC—

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WBAP—
KPRC—Houston
KTRH—
KXYZ—
KFRO—Longview
KFYO—Lubbock
KPAC—Port Arthur
KTSA—San Antonio
WOAI—
KGKB—Tyler
KRGV—Weslaco
KWFT—Wichita Falls

## DISTRICT 14

COLORADO
KVOR—Colorado Springs
KFEL—Denver
KLZ—
KOA—
KIUP—Durango
KFXJ—Grand Junction

IDAHO
KFXD—Nampa
KSEI—Pocatello
KTFI—Twin Falls

UTAH
KSL—Salt Lake City

WYOMING
KDFN—Casper
KWYO—Sheridan

## DISTRICT 15

CALIFORNIA
KIEM—Eureka
KMJ—Fresno
KLS—Oakland
KFBK—Sacramento
KROY—
KGO—San Francisco
KJBS—
KPO—
KSAN—
KQW—San Jose
KWG—Stockton

NEVADA
KOH—Reno

HAWAII
KHBC—Hilo
KGMB—Honolulu

## DISTRICT 16

ARIZONA
KSUN—Lowell

NEW MEXICO
KICA—Clovis

CALIFORNIA
KERN—Bakersfield
KPMC—
KFSG—Los Angeles
KNX—
KFSD—San Diego
KTMS—Santa Barbara

## DISTRICT 17

OREGON
KUIN—Grants Pass
KALE—Portland
KEX—
KGW—
KOIN—
KRNR—Roseburg

WASHINGTON
KIRO—Seattle
KJR—
KOMO

## DYERS ASSOCIATION OFFERS TRANSCRIPTION FOR LOCAL SPONSORSHIP

The Bureau of Radio Advertising is pleased to announce that the National Association of Dyers and Cleaners has prepared a syndicated radio feature which will be offered to one firm in each city or locality, for broadcast over local stations at regular rates.

The announcement sent out from the Cleaners and Dyers Headquarters stated:

"The National Association of Dyers and Cleaners has approved a series of electrically transcribed, three minute dramatized commercial spots. All you have to do is buy the time on your local radio station and the transcriptions will be mailed direct to that station. These short dramas are high-lighted incidents which could occur in business, home or social life. They move quickly to a dramatic climax in which a reliable dry cleaner's services are needed, then the local announcer jumps in and finishes the job by driving home a commercial plug. The printed commercial copy for each broadcast (to be read by the local announcer) will be sent to the station with the transcriptions. All you have to do is insert your firm name in the blank spaces left for that purpose.

"The five shows per week and the printed commercial copy are all included in the weekly price of $10.00. This astonishingly low figure is made possible only because of syndication. To repeat: the total expense (exclusive of station time) for five shows per week is $10.00, thirteen weeks for $130.00. Think of it! Of course, you, yourself, contract for the time on your local radio station.

"In order to avoid duplication of the program on the air in any district, it is necessary to limit this privilege to one firm in a town or locality. In case duplicate orders for the program should be received from two members in the same town or locality, the Association shall accept the order which bears the earliest postmark. ACT NOW!"

Ed Kirby addressed the Dyers and Cleaners Association in their annual convention in Baltimore last month.

## FREE OFFERS

The problem of "free offers" and "cost-per-inquiry" continued to plague member stations last week, though with somewhat lessened intensity. While the great majority of broadcasters are firm in their opposition to the chiselers, the problem is prolonged and even enlarged by the indifferent and occasionally open-armed attitude of certain stations toward such tactics. As a result, the entire industry suffers for the sins of the few.

Not to fight back against "free offers" and "cost-per-inquiry," the NAB believes, is simply to encourage more parasites to try their "publicity" or "educational" ideas out on radio. The best and simplest long-run solution, in the opinion of those who have studied the problem carefully, is to take a stand, stick to it, fight for it and let the time-chiselers know about it.

To experienced observers, cost-per-inquiry requests simply amount to guaranteed advertising, placing the entire burden of proof on the radio station rather than on the advertiser, his program or his commercial copy. If the station does not produce the required number of orders, even though through no fault of its own, that station is immediately branded as a poor producer by the advertiser, his agency, and who knows how many honest and legitimate prospective sponsors who may happen to hear about it. This is an angle that every broadcaster ought to consider.

What is bad for one station, is all too often bad for all. That is why the Bureau of Radio Advertising has been very definite in its denunciation of the time-chiselers. The Bureau has informed the following firms that their free time requests or percentage advertising propositions are out of order:

FREE OFFERS

Flower Industries Council, New York.
Hammond Instrument Company, Chicago.

COST-PER-INQUIRY

Popular Music Instruction Company, New York.
Rushmore Mutual Insurance Company, North Dakota.
Westheimer & Company, St. Louis.

Replying to recent letters from the Bureau of Radio Advertising, the Institute of American Meat Packers state they will soon use radio advertising, pointing out that many of their members already buy time. Spector-Goodman Agency states that "no radio station accepted the proposal to which you object" (on behalf of Winn Publishing Company) "therefore the proposition died its own natural death."

## Labor

### WAGE AND HOUR ACT

The broadcaster who hands over "talent charges" to his announcers must include these in calculating the announcers' regular rate of pay.

The Wage and Hour Administration gave the NAB this opinion in reply to a question.

Here is a typical case:

A station pays an announcer a salary of $37 for a 42-hour week. During this 42-hour week, this announcer reads a weekly commercial newscast. The station bills the sponsor for the time and also $5 for "talent charge." The station gives this $5 to the announcer.

The Wage and Hour Administration says that the announcer's regular hourly rate is $1 and that overtime must be paid for at the rate of $1.50 per hour.

It appears that, in this situation, the increased hourly rate can be avoided only if the sponsor or his advertising agency hires and pays the announcer directly. This would involve payment of social security taxes by the sponsor or advertising agency.

The exchange of correspondence:

NATIONAL ASSOCIATION OF BROADCASTERS
WASHINGTON, D. C.

February 1, 1940.

Mr. Rufus Poole,
Associate General Counsel,
Wage and Hour Division,
Labor Department,
Washington, D. C.

DEAR MR. POOLE:

A member of our Association presents the following situation:

As is a custom in the broadcasting industry he sells a half hour time to a sponsor (an advertiser), say, a news broadcast. In addition to the charge for the time he charges the sponsor for "talent". He does not retain this "talent charge" but passes it on to the announcer who reads the news reports.

Is this a "production bonus" and thus to be figured in the computation of the regular hourly rate?

To make the picture complete I must add that in many instances the sponsor hires and pays his own talent. In many others, an advertising agency which handles the account hires and pays the talent.

It does not appear to us to be fair to penalize the station on its overtime rate charges because it gets more money for its employees or saves them the deduction which advertising agencies make from their pay when the advertising agencies handle talent.

Very truly yours,

JOSEPH L. MILLER,
*Director of Labor Relations.*

U. S. DEPARTMENT OF LABOR
Wage and Hour Division
WASHINGTON, D. C.

February 7, 1940.

In reply refer to:
LE:CAA:GMS

Mr. Joseph L. Miller,
Director of Labor Relations,
National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.,
Washington, D. C.

DEAR MR. MILLER:

This will reply to your letter of February 1, 1940.

The Fair Labor Standards Act, a copy of which is enclosed, requires that every employee subject to its provisions (engaged in interstate commerce or in the production of goods for interstate commerce) receive at least 30 cents an hour and overtime compensation for all hours worked in excess of 42 hours in any workweek, at a rate at least one and one-half times the regular rate of pay at which such employee is employed.

In our opinion, the "talent charge" passed on to the announcer is really part of his regular compensation and must be included in determining his regular rate of pay, on which he must be paid time and a half.

Very truly yours,

For the General Counsel,
By S/ Milton C. Denbo,
MILTON C. DENBO,
*Chief Opinion Attorney.*

### KOL STRIKE SETTLED

The technicians strike at Station KOL, Seattle, was settled February 1 when the station signed a contract with the International Brotherhood of Electrical Workers (A. F. of L.). The contract called for a preferential union shop and a minimum weekly wage of $42.50 for a 40-hour week.

The union previously had signed with KRSC, KIRO, and KOMO-KJR. There was a short strike at KIRO.

## A. F. OF L. EXECUTIVE COUNCIL VOTES TO FIGHT ARNOLD

The American Federation of Labor's executive council announced last week that it would fight Thurman Arnold through the Supreme Court—and into Congress if the court fight failed.

> "The Executive Council wishes to emphasize that it does not condone nor does it attempt to shield any wrongdoing or illegitimate activity by unions or union officials. On the contrary, we urge the public authorities of the cities, States and nation to prosecute and punish to the full extent of the law any malefactors in labor organizations. There are thousands of laws on the statute books to cover any possible offenses. We ask that the criminal laws properly applicable to each case be applied, but we insist that it is highly improper, through a tortured and distorted construction of the language of the Clayton Act, to use the anti-trust laws as a club over organized labor.
>
> "These are the reasons for our position:
>
> "1. The Clayton Act forbids the very thing the Department of Justice is now doing.
>
> "2. Legitimate as well as illegitimate activities of unions already have been proscribed by the Department of Justice.
>
> "3. Application of anti-trust laws to unions inevitably would result in Government dictatorship over unions and kill free, democratic trade-unionism.

Other highlights of the meeting:

The council voted to start this Spring an intensive organization drive in the South and Far West "concentrating on white-collar workers and miscellaneous trades that are largely unorganized." The southern campaign will open with a mass meeting March 2 in Atlanta.

Continuation of the federation's "non-partisan" political policy was ordered. Members will be urged to support "labor's friends" and oppose "labor's foes" regardless of political party. The federation will not endorse any presidential candidate but will send the "labor record" of each to all locals.

*(Two members of the council and a number of other federation leaders signed a statement blasting the New Deal, however, while Dan Tobin (Democrat—truck drivers) and Bill Hutcheson (Republican—carpenters) almost came to blows after Tobin angrily remarked that the council was doing everything within its power to help the Republicans, or words to that effect.)*

The council also ordered all central bodies to kick out local typographical unions. The A. F. of L. previously had suspended the I. T. U. for failure to contribute to the fund to fight the C. I. O.

## BROADCASTERS FIGHT PERRY BILL IN NEW YORK

The New York Senate Committee on Codes will hold a hearing in the State Capitol at Albany, Tuesday, Feb. 20, at 2 p. m., on the Perry Bill (S. 449). Mr. Sydney Kaye will appear to oppose the bill at the instance of the New York State Broadcasters Association. The Perry Bill, printed in full below, would require written consent of all performers to the recording of a broadcast. It is understood that NAPA is back of the bill, and that Local 802 of A. F. of M. in New York City has passed a resolution in support of it.

New York—S. 449

"An act to amend the penal law, in relation to unauthorized recording of radio broadcast.

"Section 1. The penal law is hereby amended by inserting therein a new section, to follow section twelve hundred and ninety, to be section twelve hundred and ninety-a, to read as follows:

"§1290-a. Unauthorized recording of radio broadcast. Any person who, for the purpose of pecuniary gain, shall (a) Record in this state any broadcast emanating from any broadcasting station without the consent in writing of the performer or performers broadcasting the same; or

"(b) Offer for sale, sell, lease or license any recording of any broadcast obtained and taken without the consent and permission in writing of the said person or persons broadcasting the same; or

"(c) Have in his possession for the purpose of sale, lease or license any recording of any broadcast obtained and taken without the consent and permission in writing of the said person or persons, broadcasting the same; is guilty of larceny and punishable accordingly; and any records of any recording made in violation of this section may be seized on a warrant issued as provided by the code of criminal procedure, and the court or any judge or justice thereof may, on proper cause shown, order the destruction of such records.

"§2. This act shall take effect September first, nineteen hundred and forty."

## STATE LEGISLATION

Kentucky:

H. 354 (Stengel) POLICE RADIOS—An act relating to the use of police radios.

New York:

A. 1264 (Canney) COPYRIGHTED MUSICAL ROYALTIES—LICENSES—Provides for licenses to be issued by tax commission for privilege of collecting royalties from copyrighted musical compositions, music books, recorded music for mechanical reproduction, or for radio programs, fixes annual license fee at $1,000 and appropriates $10,000. Referred to Ways and Means Committee.

Virginia:

H. 210 (Fitzpatrick et al) RADIOS—IN AUTOS—Requires any person, firm, co-partnership, association or corporation selling, transferring or installing radios designed for motor vehicles, capable of receiving signals of frequency assigned for police services, to report same to the Director of the Division of Motor Vehicles and to require the registration of any such radio receiver by the owner of the motor vehicle so equipped. Referred to Roads and Internal Navigation Committee.

## HAVANA FREQUENCY CHANGES

The FCC issued an order on January 29 setting August 1, 1940, as the date for frequency changes in line with the Havana treaty.

## CHARLES COOK CORPORATION

Information pertaining to the Charles Cook Corporation formerly located at 1560 Broadway, New York City, which sold piano lessons by mail over radio stations, is desired. Any information should be sent to WSPD, Toledo, or NAB Headquarters Office in Washington.

## WILLARD C. MONROE

Anyone knowing the whereabouts of Willard C. Monroe, formerly connected with WCLS, Joliet, Illinois, is requested to communicate with that station or NAB Headquarters Office in Washington.

## "FM" HEARING POSTPONED

At the request of a number of interested parties for more time in which to complete their material, the informal hearing before the Federal Communications Commission in the matter of aural broadcasting on frequencies above 25,000 kilocycles, which was scheduled for February 28, 1940, has been postponed to March 18, 1940.

The final date for the filing of written statements, sketches, drawings, etc., in connection with argument, has been extended to March 11. In order to expedite the proceedings, witnesses will not be permitted to read prepared statements into the record during the hearings.

## WSAL LICENSE REVOKED

The FCC has affirmed its order of October 24, 1939, in rovoking the license of radio station WSAL, Salisbury, Maryland, held by Frank M. Stearns.

The Commission said in explanation:

"Where, as here, a license is obtained as a direct result of false statements and representations under oath, involving among other things an applicant's financial responsibility, and made to the Commission in the application itself as well as in the evidence submitted at public hearing in support thereof, the Commission has only one course of action and that is to make final its order of revocation upon that ground alone. The Commission is specifically empowered by Section 312(a) to revoke a license 'for false statements either in the application or in the statement of fact which may be required by Section 308 hereof or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application.' If the real facts had been known to the Commission with respect to applicant's finances the Commission could not have legally authorized the issuance of a license to an applicant who at best had available to him not to exceed $340.00.

"Any contention that satisfactory service has been rendered and that the community in question would be without service in the future is not controlling in this case. However important the present service is, the Commission cannot escape the responsibility fixed by statute to ascertain the qualifications of applicants by considering truthful statements and to act accordingly in the granting or refusal of licenses. In requiring that applicants for licenses be found legally, technically, financially and otherwise qualified, Congress recognized that communities will be better served by those who truthfully show themselves to be qualified in all such respects than by persons who are willing to be used as mere figureheads for others who for reasons best known to themselves desire to conceal their interest.

"The applicant for a permit to construct and operate Broadcast Station WSAL made false statements under oath both in the original application and at the hearing thereon. Many of such statements involve matters of fact concerning the applicant's financial qualifications which, if the truth had been revealed, would have shown applicant not financially qualified and would have compelled the Commission to refuse to grant the license upon the original application.

"The revocation order heretofore entered in this matter on the 24th day of October, 1939, should be affirmed."

## KGKB LICENSE REVOKED

Evidence of hidden management, operation and control of radio station KGKB, Tyler, Texas, caused the FCC on February 13 to order revocation of the license issued to the East Texas State Broadcasting Company to operate same, effective March 1, 1940.

An investigation conducted by the Commission revealed that actual control has been in the hands of James G. Ulmer and that the East Texas Broadcasting Company has never filed with the Commission an application for transfer or assignment of its license, as required by law.

## NAVY TIME SIGNALS

The Federal Communications Commission with the approval of the Navy Department will hereafter handle requests to rebroadcast the Naval Observatory time signals without the necessity of licensees applying to the Navy Department.

In this connection the Commission has sent the following notice to all standard broadcast station licensees:

It is the policy of the Navy Department to consent to the rebroadcasting of the Naval Observatory time signals in all cases where satisfactory assurance has been given that the following conditions will be complied with by the broadcast station concerned:

(1) Announcement of the time signal must be made without reference to any commercial activity;

(2) The time signal to be rebroadcast must be obtained by direct reception from a Naval radio transmitter which is broadcasting the time signal;

(3) The Naval Observatory time signals are intended to be sufficiently accurate for astronomical and other scientific purposes. No time may, therefore, be announced as a Naval Observatory time signal if any time lag has been introduced.

In order to avoid hereafter the necessity for each individual licensee to make application to the Navy Department for the consent to rebroadcast the Naval Observatory time signals, requests therefor may be made direct to the Commission under the provisions of Section 3.94 without being submitted to the Navy Department, provided appropriate representation is made with the request that the above conditions will be complied with in full. Representations of compliance with conditions 2 and 3 shall include such diagrams, descriptions and data as necessary to show that no time lag in excess of 0.04 second[1] has been introduced.

In addition to the above conditions, requests for such authorizations must be made for the full license term when accompanying an application for renewal of license or for the balance of the unexpired license period when made after the application for license has been granted.

## FCC TO EXPEDITE ROUTINE BROADCAST AUTHORIZATIONS

To facilitate routine broadcast authorizations, the FCC has empowered its Chief Engineer to grant permission for special operation to facilitate other tests to comply with technical orders and has authorized its Administrative Board to pass upon requests for permission to rebroadcast routine programs.

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[1] This includes the time of transmission from the originating station to the point of reception by the rebroadcasting station assuming the speed of transmission to be 186,000 miles per second.

The routine is further simplified to eliminate entering separate orders in cases heard by individual Commissioners. Administrative Order No. 2 as revised is as follows:

Under the authority of the Communications Act of 1934, as amended, IT IS ORDERED, That Administrative Order No. 2, adopted July 12, 1939, as amended, be and the same is hereby further amended to provide as follows:

IT IS ORDERED: That there be and there is hereby assigned and referred to the respective boards and individual Commissioners hereinafter designated, for action thereon, that portion of the work, business or functions of the Federal Communications Commission hereinafter specified:

(1) (A) The Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act, upon:

(a) all applications for operator licenses or renewals thereof; and
(b) all applications for amateur and ship stations or renewals thereof; and
(c) all applications for aircraft station licenses or renewals thereof where the applicant is or has been the holder of a station license within the preceding year;

(B) The Secretary of the Commission is hereby designated to enter the appropriate final order of the Commission in all cases involving applications for radio station authorizations in which proposed findings and conclusions of the Commission have been issued pursuant to the provisions of Section 1.231 of the Commission's Rules of Practice and Procedure and in which no exceptions have been filed within the time prescribed in said section.

(2) The Chief Engineer of the Commission is hereby designated to determine and act upon all applications and requests and to make appropriate order in letter form for the signature of the Secretary of the Commission in the following matters:

(a) temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment:
  (1) operation without an approved frequency monitor;
  (2) operation without an approved modulation monitor;
  (3) operation without thermometer in automatic temperature control chamber;
  (4) operation without antenna ammeter, plate voltmeter or plate ammeter;
  (5) operation with substitute ammeter, plate voltmeter or plate ammeter;
  (6) operation with temporary antenna system;
  (7) operation with auxiliary transmitter as main transmitter;
(b) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
(c) where formal application is not required, application for new or modified equipment or antenna system;
(d) change of specifications for painting and lighting antenna towers where formal application is not required;
(e) operation to determine power by direct method during program test period;
(f) relocation of transmitter in same building;
(g) operation with reduced power or time under Sections 3.57 and 3.71;
(h) approval of types of equipment as to compliance with outstanding rules and standards;
(i) all authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit;
(j) denial of requests for equipment and program tests where specifications of construction permit have not been met;
(k) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met;
(l) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
(m) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
(n) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location;
(o) all authorizations for special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases.

(3) The Chief Accountant of the Commission is hereby designated to determine, order, certify, report or otherwise act upon:

(a) administration, interpretation and application of regulations promulgated by the Commission pursuant to Section 220 of the Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission;
(b) applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act;
(c) administration, interpretation and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of standard broadcast stations and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports;
(d) all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to Section 203 of the Act, and in connection with the administration of this section in so far as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof;

and, where appropriate in carrying out the foregoing, to make orders in letter form for the signature of the Secretary of the Commission.

(4) A board, to be called "The Administrative Board," consisting of the General Counsel, Chief Engineer, Chief Accountant, and Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act upon the following matters; *provided,* however, that said Board may act in such matters only in accordance with established policies of the Commission; *provided further* that three members of said Board shall constitute a quorum:

(a) all applications for the Coastal, Marine Relay, Aviation, Emergency, and Miscellaneous services, except those falling under paragraphs (1), (2), and (3) of this Order;
(b) upon all radio matters of every character (except broadcast, and cases falling under paragraphs (1), (2) and (3) of this Order) within the Territory of Alaska;
(c) upon all applications for experimental authorizations except: Class II experimental stations to authorize experimentation directed toward the establishment of new services;
(d) upon all broadcast service applications as follows: for licenses following construction which comply with the construction permit; applications for construction permit and modification of construction permit involving only a change in equipment; applications for extensions of time within which to commence and complete construction; applications to install frequency control equipment; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site not involving any substantial change in service area; applications for relay broadcast stations; and requests for authorization to rebroadcast under the provisions of Section 3.94 of the Rules and Regulations;
(e) upon all applications or requests for special temporary authorization other than those falling under paragraphs (1), (2), (3) or (5) of this Order;
(f) all applications or requests for emergency and renewal exemptions from the provisions of Section 352(b) of the Act;

(g) upon all uncontested proceedings involved in:
  (1) the issuance of certificates of convenience and necessity and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;
  (2) applications from existing licensees for instruments of authorization for the Fixed Public or Fixed Public Press radio services, except applications involving (1) new points of communication, (2) changes in transmitter location other than local in character, (3) assignment of additional frequencies, or (4) involving change of policy by the Commission, or the establishment of a new type of service;

(h) upon requests for inspection of records under the provisions of Section 1.5(c) of the Commission's Rules of Practice and Procedure;

Actions taken by the Board shall be reported in writing each week to the Commission at its regular meeting.

(5) All applications or requests for special temporary standard broadcast authorizations shall be referred to the Administrative Board which shall make appropriate recommendation thereon and refer the same to a Commissioner to be named by subsequent supplements to this Order, who is hereby designated to determine, order, report or otherwise act upon all such applications or requests in accordance with established policies of the Commission.

(6) A Commissioner, to be named by subsequent supplements to this Order, is hereby designated to hear and determine, order, certify, report or otherwise act upon;

(a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission: *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 to 1.256, inclusive, of the Commission's Rules of Practice and Procedure; *provided further* that when one or more members of the Commission have been designated to preside at a hearing such Commissioner or Commissioners shall be authorized and empowered to fix the time and place such hearing shall be held; and such motions, petitions, or matters arising in connection with such hearing shall be handled by the Commissioner or Commissioners designated to preside, subject to the provisions of Sections 1.232, 1.252, 1.254, 1.255, and 1.256 of the Rules of Practice and Procedure; *provided further* that in the absence of the individual Commissioner designated to preside at a hearing, or his inability to act or pass upon such preliminary matters, they shall be referred to the presiding officer of the Motions Docket.

(b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

(7) Any party affected by any order, decision, or report of any individual, board, or individual Commissioner, to whom authority is delegated under the provisions hereof, may file a petition for rehearing, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, before the Commission, and every such petition shall be passed upon by the Commission.

IT IS FURTHER ORDERED, That this Order shall become effective February 7, 1940.

## FCC ANNUAL FINANCIAL REPORT

At the request of the NAB Accounting Committee the FCC extended the time for filing the 1939 financial report until April 15, 1940. However, the FCC Accounting Department desired information contained on Schedule 8, Page 11, of the report as soon as possible. A single sheet was mailed with the request that it be filled in and returned promptly. Approximately 200 stations have failed to comply with the request and it is hoped that NAB members—if any are among this number—will return the information at once, as this cooperation on the part of the membership will assist headquarters in asking to have the April 15 date made permanent by amending the rule which now requires it to be filed March 15.

## 817 STATIONS

The FCC issued operating licenses to eight stations, granted seven permits for the construction of new stations, and deleted four stations during the month of January, 1940. A comparative table by months follows:

| | Feb. 1 | Mar. 1 | April 1 | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ....... | 727 | 729 | 732 | 734 | 735 | 735 | 738 | 739 | 743 | 751 | 755 | 765 | 769 |
| Construction ..... | 39 | 37 | 37 | 38 | 38 | 43 | 56 | 59 | 57 | 58 | 57 | 49 | 48 |
| | 766 | 766 | 769 | 772 | 773 | 778 | 794 | 798 | 800 | 809 | 812 | 814 | 817 |

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, February 19. It is subject to change.

### Monday, February 19

NEW—Lookout Mountain Co. of Ga., Lookout Mountain, Ga.—C. P., **1370 kc.**, 250 watts night, 250 watts LS, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### March 12

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

### March 18

Informal Hearing Before the Commission En Banc

In the Matter of Aural Broadcasting on Frequencies Above **25,000 kc.** (An inquiry into the possibilities of frequency and amplitude modulation.)

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

KTUC—Tucson Motor Service Co., Tucson, Ariz.—Granted voluntary assignment of license from Tucson Motor Service Company to the Tucson Broadcasting Co., Inc.; station operates on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

Lawrence J. Heller, Washington, D. C.—Granted construction permit to erect a new station to operate on **1310 kc.**, 250 watts, unlimited time, employing in addition a 50-watt synchronous amplifier; exact transmitter sites, studio location and type of antennas to be determined with Commission's approval.

C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Granted construction permit to erect a new station to operate on **1370 kc.**, 250 watts, unlimited time, exact transmitter site and type of antenna to be determined subject to approval of the Commission.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted construction permit to make changes in equipment and increase power from 20 KW to 50 KW at international broadcast station WRUL; present assignment **6040, 11730, 11790, 15130, 15250,** and **21460 kc.** (shares **6040 kc.** with WDJN, **11730** and **15130 kc.** with WRUW, unlimited time on **11790, 15250,** and **21460 kc.**).

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted modification of license of high frequency broadcast station W2XQR to add A4 (special) emission, upon an experimental basis only, conditionally; present assignment is **43200 kc.**, 1 KW, special emission for frequency modulation with maximum band width of not in excess of **200 kc.**, time of operation in accordance with Section 4.4.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted modification of license to increase time of operation from daytime to unlimited, using 100 watts, frequency **1500 kc.**

WGES—T. H. Guyon, Chicago, Ill.—Granted transfer of control of corporation by gift of 10 shares common stock from T. H. Guyon to his sister, Irene M. Cowen; thus transferring control to T. H. Guyon, H. J. Guyon, L. E. Moulds, Wm. F. Moss, G. T. Dyer and Irene M. Cowen; station operates on **1360 kc.**, 500 watts night, 500 watts day, 1 KW day Sundays only, shares time with WSBT.

## LICENSE REVOKED

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Issued order for revocation of license of station KGKB, effective March 1, 1940, because actual control of station has been in the hands of James G. Ulmer and the East Texas Broadcasting Company has never filed with the Commission an application for transfer or assignment of its license, as required by law.

## MISCELLANEOUS

WRCA-WNBI—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate international broadcast stations WNBI and WRCA simultaneously on **9670 kc.**, utilizing the Central American beam on the WNBI transmitter and the South American Stearable Beam on the WRCA transmitter, for February 8 and 9, in order to obtain maximum South American coverage for broadcast of Louis-Godoy heavyweight boxing contest on Friday, February 9.

Edwin H. Armstrong, New York City.—Granted special temporary authority to operate FM transmitter with power of 10,000 watts on **43 mc.** at the site of the transmitter of W2XMN, Alpine, N. J., to be operated simultaneously with station W2XMN (40 KW on **42.8 mc.**), in order to secure data on adjacent channel operations and data on overlapping of services between this transmitter and that of the Yankee Network, Inc., high frequency station W1XOJ, in preparation of the February 28 hearing, for the period ending no later than February 28.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to test transmitting equipment of station W1XOJ, authorized by modification of construction permit on frequency **43000 kc.**, with power in the range of 2000 and 50,000 watts, for the period ending no later than February 13, in order to make adjustments on equipment installed and for tuning and to make adjustments of antenna elements which are now assembled for erection atop 400-foot mast, and to secure date for high frequency hearing.

Martinsville Broadcasting Co., Martinsville, Va.—Scheduled oral argument for March 7.

Patrick Henry Broadcasting Co., Martinsville, Va.—Scheduled oral argument for March 7.

WFIG—J. Samuel Brody, Sumter, S. C.—Granted modification of construction permit and modification thereof for new broadcast station, for change in type of transmitting equipment and extension of commencement date 30 days after grant and completion date 90 days thereafter.

J. D. Falvey, Ottumwa, Iowa.—Granted petition for order to take depositions in re application for new station to operate on **1210 kc.**, 100 watts, unlimited time.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Denied motion to set aside order to take depositions in re application for renewal of license operating on **1200 kc.**, 100 watts, unlimited time, counsel noting exceptions to ruling.

WEJJ—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate relay broadcast station WEJJ as a sound channel in conjunction with experimental television Station W3XAD for the period February 18, 1940, to not later than March 18, 1940.

W3XAD—RCA Manufacturing Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate transmitter of television broadcast (experimental) station W3XAD on television bands 18 and 19, frequency **282** and **294 megacycles**, for the period February 18, 1940, to not later than March 18, 1940.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 p. m. to 10:00 p. m., CST, on February 10, 12, 17, 19, 24, 26, 1940; and from 7:00 p. m., to 11:00 p. m., CST, on February 21, 1940; and from 6:45 p. m., to 10:30 p. m., CST, on February 29, 1940, in order to broadcast basketball games and Golden Gloves Tournament only.

WNEL—Juan Piza, San Juan, Puerto Rico.—Granted special temporary authority to rebroadcast the Louis-Godoy boxing match to be received from International Broadcast Station WNBI and WRCA over Station WNEL on February 9, 1940.

W10XR—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate transmitter of developmental (experimental) station W10XR on frequency **670 kc.**, A-O emission, 100 watts during daylight hours at District 7, Bethesda, Md., for the period February 14, 1940, to not later than March 14, 1940, in order to make field intensity measurements in connection with construction permit for radio station WMAL.

WOI—Iowa State College of Agricultural & Mechanic Arts, Ames, Iowa.—Granted special temporary authority to operate from 7:00 p. m. to 9:45 p. m. CST, on March 16, 1940, in order to broadcast State High School Basketball Tournament games only.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 3:00 p. m. to 4:00 p. m. EST, on February 18 and 25, 1940, in order to broadcast program prepared by the American Association of University Women, St. Lawrence County Branch.

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted special temporary authority to operate from 1:00 a. m. to 3:00 a. m. CST, with power of 1000 watts on March 9, 1940, in connection with a DX program.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2:00 p. m. to 3:00 p. m., EST, on February 17, 24, March 2, 9, 16, 1940, in order to broadcast the following sustaining programs; 2 to 2:10, Newscast, 2:10 to 2:30 Matinee Moods, 2:30 to 3:00, Suggestions in Symphony; to operate from 2:00 p. m. to 3:00 p. m. EST, February 18, 25, March 3, 10, 17, 1940, in order to broadcast the following sustaining programs; 2 to 2:15, Newscast, 2:15 to 2:30, Tune Travels, 2:30 to 2:45, Sabbath Meditations, 2:45 to 3:00, ¼ hour in ¾ time; to operate as follows on February 22, 1940: 8:30 to 9 a. m., Breakfast Club, 9 to 9:30 a. m., Opening the Mail, 9:30 to 10 a. m., Dances of the World, 2 to 2:10 p. m., Newscast, 2:10 to 2:30 p. m., Matinee Moods, 2:30 to 3 p. m., Suggestions in Symphony (provided WSVS remains silent).

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted modification of construction permit for new station, for changes in equipment, approval of antenna and approval of transmitter and studio site at 2315 Knox St., Ogdensburg, N. Y.; **1370 kc.**, 250 watts power, unlimited time.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted construction permit to install new transmitting equipment.

WNEL—Juan Piza, San Juan, Puerto Rico.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WNBI and WRCA over Station WNEL, for the period February 11, 1940, to not later than March 11, 1940.

WSOO—Hiawatheland Broadcasting Co., Sault Ste. Marie, Mich.—Granted modification of construction permit for new broadcast station for approval of antenna and approval of studio and transmitter site and install new transmitter.

WAXG—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Denied as in case of default application for renewal of license. (Docket 5807)

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:00 p. m. to 9:30 p. m. EST, on February 22, 1940, in order to broadcast the speech by Congressman Robert Lewis Rodgers at the Republican Club dinner.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency (experimental) broadcast station W2XWG to utilize amplitude modulation on frequency **42600 kc.** for the period February 16, 1940, to not later than March 16, 1940, in order to accumulate data for direct comparison of the effectiveness of frequency modulation versus amplitude modulation for presentation at the high frequency hearing.

KEIV—Nichols and Warinner, Inc., Portable-Mobile (area of Long Beach, Calif.)—Granted construction permit to make changes in equipment and increase power to 10 watts.

WDAC—University of Wisconsin, Portable-Mobile (area of Madison, Wis.)—Granted modification of license to change name to State of Wisconsin, University of Wisconsin.

WSMB—WSMB, Inc., New Orleans, La.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

KMPC—The Station of the Stars, Beverly Hills, Calif.—Same as above (for auxiliary transmitter); also granted license to use old RCA 1001-C transmitter as an auxiliary transmitter, using 1 KW power, emergency use only; **710 kc.**

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night, and request station classification as III-A.

### 580 Kilocycles

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—Construction permit to increase power from 1 KW, 5 KW day, to 5 KW day and night, and install directional antenna for night use; make changes in equipment.

### 590 Kilocycles

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

NEW—William H. Amesbury, Minneapolis, Minn.—Construction permit for a new broadcast station to be operated on **630 kc.**, 500 watts, unlimited time, using directional antenna day and night.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) for move of transmitter, and new antenna, requesting extension of required date of completion from 3-6-40 to 9-6-40.

### 780 Kilocycles

WTAR—WTAR Radio Corporation, Norfolk, Va.—Construction permit for changes in directional antenna system, and increase power from 1 KW, 5 KW day, to 5 KW day and night.

WMC—Memphis Commercial Appeal Company, Memphis, Tenn.—Modification of license to change name of licensee to Memphis Publishing Company.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Construction permit to make changes in directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Transfer of control of corporation from Sheldon F. Sackett to Walter L. Read, 100 shares common stock.

### 890 Kilocycles

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Construction permit to make changes in transmitting equipment.

### 900 Kilocycles

NEW—Don LeRoy, Ketchikan, Alaska.—Construction permit for a new broadcast station to be operated on **900 kc.**, 1 KW, unlimited time, requests facilities KGBU.

### 940 Kilocycles

NEW—Carl Sholtz, Fort Pierce, Fla.—Construction permit to erect a new broadcast station to be operated on **940 kc.**, 250 watts, unlimited time.

### 970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corporation, Glenside, Pa.—Construction permit to install new transmitter; increase power from 100 watts to 1 KW; change hours of operation from daytime to limited. Amended: antenna to be determined, transmitter site to be determined, Hill Crest, Pa.

### 1020 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of license to change frequency from **1060 kc.** to **1040 kc.**, and hours of operation from share WBAL to unlimited time, using directional antenna night.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Authority to determine operating power by direct measurement of antenna power.

### 1100 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night; change time from limited to unlimited. Amended to request change in frequency from **1180 kc.** to **1100 kc.**, power of 5 KW, 10 KW day; changes in directional antenna, new transmitter, move of transmitter from Wayzata Blvd. and Louisiana Ave., Minneapolis, Minn., to Richfield Twp., Minn.

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Authority to determine operating power by direct measurement of antenna power.

### 1110 Kilocycles

NEW—Symons Broadcasting Co., Ellensburg, Wash.—Construction permit for a new broadcast station to be operated on **1110 kc.**, 1 KW, unlimited time.

### 1200 Kilocycles

WSAM—Saginaw Broadcasting Company, Saginaw, Mich.—Modification of construction permit (B2-P-794) for new station requesting approval of antenna, transmitter and studio sites at Bay and Weiss Sts., Saginaw, Mich., and change type of transmitter.

NEW—Hunt Broadcasting Assn., Paul E. Horton, Pres., Greenville, Tex.—Construction permit for a new broadcast station to be operated on **940 kc.**, 1 KW, daytime. Amended to change frequency to **1200 kc.**, power to 100 watts and unlimited time, and change transmitter site and equipment changes.

NEW—Mohawk Radio, Inc., Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts power, unlimited time.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Voluntary assignment of license from Hammond-Calumet Broadcasting Corp. to O. E. Richardson and Fred L. Adair.

### 1210 Kilocycles

KGY—KGY, Inc., Olympia, Wash.—Authority to transfer control of corporation from Louis Wasmer to Tom Olsen, 52½ shares common stock.

### 1230 Kilocycles

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Construction permit to install new transmitter, increase power from

500 watts to 5 KW, make changes in directional antenna (night use). Amended re directional antenna.

### 1240 Kilocycles

KFJZ—Tarrant Broadcasting Company, Fort Worth, Tex.—Construction permit to install new transmitter, increase power from 1 to 5 KW, and install directional antenna for day and night use. Amended re directional antenna.

### 1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—License to cover construction permit (B5-P-2538) for new equipment and increase in power.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1290 Kilocycles

WJHP—The Metropolis Company, Jacksonville, Fla.—Modification of construction permit (B3-P-917) for a new station, requesting approval of antenna and new transmitter, approval of studio site at 125 West Church St., Jacksonville, Florida, and transmitter site at Jacksonville, Fla.

KDYL—Intermountain Broadcasting Corporation, Salt Lake City, Utah.—Construction permit to install directional antenna for day and night use. Increase power from 1 KW; 5 KW-day to 5 KW day and night.

### 1310 Kilocycles

WLBC—Donald A. Burton, Muncie, Ind.—Authority to determine operating power by direct measurement of antenna power.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Authority to determine operating power by direct measurement of antenna power.

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Construction permit to install new antenna and move transmitter from Ashland to Catlettsburg, Ky.

WJPF—Orville W. Lyerla, Herrin, Ill.—Modification of construction permit (B4-P-2097) for a new broadcast station, requesting new transmitter, increase power from 100 watts night, 250 watts day to 250 watts day and night, approval of antenna and approval of studio and transmitter site 2 miles north of Herrin, Ill.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Modification of construction permit (B1-P-2543) for new equipment, increase in power, vertical antenna and move of transmitter, requesting approval of antenna and transmitter site at Crow Island, Fairhaven, Mass.

KARM—George Harm, Fresno, Calif.—Involuntary assignment of license from George Harm (deceased) to Gilbert H. Jertberg, Executor of Estate of George Harm, Deceased.

### 1370 Kilocycles

WATW—WJMS, Inc., Ashland, Wis.—Modification of construction permit (B4-P-2160) for a new station, requesting approval of antenna and approval of new transmitting equipment, approval of studio site at 212 Second St., West, Ashland, Wisconsin, and approval of transmitter site at .8 mile south of corner Second Street & Ellis Avenue, (Northland College Campus), Ashland, Wisconsin.

WISE—Harold H. Thoms, Asheville, N. C.—Voluntary assignment of license from Harold H. Thoms to Radio Station WISE, Inc.

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Construction permit to install new transmitting equipment.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power, of auxiliary transmitter.

NEW—Herbert L. Wilson, Middletown, N. Y.—Construction permit for a new station on **1420 kc.**, 250 watts power, unlimited time. Amended: To request **1370 kc.**

KEEN—KVL, Incorporated, Seattle, Wash.—Voluntary assignment of license from KVL, Incorporated, to Evergreen Broadcasting Corporation.

### 1400 Kilocycles

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Authority to determine operating power by direct measurement of antenna power.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Authority to determine operating power of auxiliary transmitter by direct measurement of antenna power.

### 1420 Kilocycles

KORE—Frank L. Hill, & C. G. Phillips, d/b as Eugene Broadcasting Station, Eugene, Oregon.—Authority to determine operating power by direct measurement of antenna power.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Authority to determine operating power by direct measurement of antenna power.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-1939) for increase in power, change in frequency, installation of new transmitter and directional antenna, further requesting changes in directional antenna system, increase in power from 500 watts night, 1 KW day to 1 KW night, 5 KW day, new transmitter and move transmitter from Chattanooga to Pineville, Tenn., and extend commencement date to 90 days after grant and completion date to 180 days thereafter.

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

### 1440 Kilocycles

NEW—J. Leslie Doss, Bessemer, Ala.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Amended: To request **1440 kc.**

### 1450 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—License to cover construction permit (B4-P-2534) for installation of new transmitter and increase in power from 1 KW to 1 KW night, 5 KW day.

### 1460 Kilocycles

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Construction permit to move auxiliary transmitter and use directional antenna (as authorized under B4-MP-759 for main) with auxiliary transmitter.

### 1500 Kilocycles

KDAL—Red River Broadcasting Company, Inc., Duluth, Minn.—Construction permit to install new transmitter and vertical antenna, change frequency from **1500** to **900 kc.**, increase power from 100 watts; 250 watts day to 1 KW day and night. Move transmitter location from 16th Street and St. Louis Ave., Minnesota Point, Duluth, Minn., to site to be determined.

KBKR—Louis P. Thornton, Baker, Ore.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

NEW—The Textile Broadcasting Company, Greenville, S. Car.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Construction permit to make changes in transmitting equipment, antenna and change frequency from **1500** to **1230 kc.**, increase power from 250 watts to 500 watts; 1 KW day.

### MISCELLANEOUS

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of license to move studio locally and insert Serial No. 3001 for both aural and visual transmitting apparatus.

WNCU—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B1-PRE-311) for a new relay broadcast station.

WEQA—Edwin H. Armstrong, Portable-Mobile.—Modification of construction (B1-PRE-277) permit for new relay broadcast station to extend completion date from 4-7-40 to 10-7-40.

WNEQ—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B2-PRE-314) for a new relay broadcast station.

NEW—WPTF Radio Co., near Cary, N. C.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation.

NEW—KGKL, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 20 watts, A3 emission.

W9XEN—Zenith Radio Corp., Chicago, Ill.—Construction permit to move transmitter from 6001 Dickens Ave., Chicago, to 505 N. Michigan Ave., Chicago, Ill.

NEW—Tri-City Broadcasting Co., Davenport, Iowa.—Construction permit for a new high frequency broadcast station to be be operated on **42600 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Central Broadcasting Co., Mitchellville, Iowa.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation.

W1XSO—The Travelers Broadcasting Service Corp., Avon, Conn.—License to cover construction permit (B1-PHB-72) for new high frequency broadcast station.

W2XOY—General Electric Co., Albany, N. Y.—Construction permit to increase power from 150 watts to 3000 watts, move transmitter from Albany, N. Y., to New Scotland, N. Y., and install new transmitter. Amended to request 1000 watts.

W9XEN—Zenith Radio Corp., Chicago, Ill.—License to cover construction permit for a new high frequency broadcast station (B4-PHB-85).

WNEP—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-312) for a new relay broadcast station.

WNJC—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-315) for a new relay broadcast station.

WNKF—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-316) for a new relay broadcast station.

KEJQ—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B5-PRE-317) for a new relay broadcast station.

KEJP—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B5-PRE-313) for a new relay broadcast station.

NEW—Doughty & Welch Electric Co., Inc., So. Somerset, Mass.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.**, 1 KW, unlimited time, special emission. Exact site to be determined, So. Somerset, Mass.

NEW—W. A. Patterson, Chattanooga, Tenn.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.**, 1 KW, unlimited time, special emission. Exact site to be determined, Chattanooga, Tenn.

WNTJ—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B2-PRE-318) for a new relay broadcast station.

NEW—Agricultural Broadcasting Co., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Amarillo Broadcasting Corporation, Amarillo, Tex.—Construction permit for a new high frequency broadcast station to be located at 109 East Fifth Street, Amarillo, Tex., **43200 kc.**, 1 KW power, unlimited time, special emission.

KEHI—WDAY, Inc., Fargo, N. Dak.—License to cover construction permit (B4-PRE-329) changing transmitter location from portable-mobile to fixed location.

KQHS—Mason City Globe Gazette Co., Mason City, Iowa—License to cover construction permit (B4-PRY-191) for new relay broadcast station.

NEW—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.**, 250 watts power, unlimited time, special emission, to be located at 10 South Main St., Salt Lake City, Utah.

NEW—Radio Service Corporation of Utah, Antelope Island, Utah.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.**, 1 KW power, unlimited time, special emission, to be located Antelope Island, Utah.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Technical Society**—Alleging misleading representations in the sale of the "Automotive Engineering Cyclopedia" and "Diesel Engineering Cyclopedia," a complaint has been issued against R. T. Miller, Jr., trading as American Technical Society, 850 East 58th St., Chicago.

The complaint charges the respondent with advertising that both sets are offered at special prices, when in fact the prices charged are the customary prices; that the American Technical Society is a society, group or assembly of engineers or scientists organized for scientific purposes, and that purchasers of cyclopedias have the privilege of consulting the society free and without cost, when in fact American Technical Society is not a society of engineers or scientists organized for scientific purposes but merely a firm name used by the respondent in conducting his business, and the consultation service is not given free but its cost is included in the price of the books.

Other alleged misrepresentations are that the automotive cyclopedia provides the owner a course of study equal to that provided by a residence school; that the automotive cyclopedias are the most authoritative books on the subject ever published; that by use of the books a person is enabled to do any and every automobile repair job right the first time, and that anyone purchasing the books can learn automotive engineering without study or memorizing. (4019)

**Automobile Body Supply Company**—See New Method File Grinders, Inc.

**Henry Bergman**—Alleging the use of unfair and deceptive acts and practices in the interstate sale of instruments intended for locating gold and silver and in the distribution of a booklet a complaint has been issued against Henry Bergman, of 2004 Milton Ave., Springfield, Mo., dealer in such products.

The respondent allegedly inserted in newspapers, circulars and magazines various advertizements. One of them read as follows: "Wanted—Hear from parties interested gold or silver ores, buried or hidden treasures. Bergman's instrument, $5.00. Particulars free. * * *"

Through the use of various similar assertions, the respondent is alleged to have represented to purchasers that the instrument offered for sale will enable a person to locate gold, silver and hidden treasures, and that persons giving testimonials published by the respondent have actually located treasure by using the respondent's instrument.

It is also alleged that the respondent represented that his booklet called "Jacob's Rod" imparts information which will enable a person to ascertain his psychic powers, make his own goldometer and locate hidden treasure; that the booklet is rare and that the directions given therein were practiced by Jacob of old and many other ancient patriarchs.

The complaint also alleges misrepresentation in the sale of a so-called "Fortune Telling Crystal Ball," "Universal Good Luck Coins," and lists of names and addresses of concerns selling devices used in searching for treasures or minerals.

The respondent's representations are alleged to be false, misleading and deceptive because the use of his commodities will not enable one to locate treasures or invoke the powers and benefits advertised. (4026)

**Carter Sales Company**—Alleging violation of the Federal Trade Commission Act in the sale of a preparation advertised as a treatment for alcoholism and the liquor habit, a complaint has been issued against George C. and Mina D. Huskins and Howard W. Ellison, trading as Carter Sales Company, 208 West Eighth St., Los Angeles.

Thorugh newspaper, circular and radio advertisements, the respondents are alleged to have represented their preparation, "Carter's Special Formula," as a cure, remedy or competent treatment for alcoholism and the liquor habit. They are also alleged to have advertised that by its use the desire for alcoholic stimulants will be eradicated, and that the preparation is absolutely harmless and contains no harmful drugs.

The complaint alleges that the respondents' representations are exaggerated and misleading; that use of their preparation will not accomplish the results as claimed, and that the product is not absolutely harmless because it may, in some cases, cause skin rashes, dermatitis, and injury to the liver and the intestinal mucosa. (4028)

**Ralph Corn Underwear, Inc.,** 36 East 31st St., New York, engaged in the sale and distribution of women's wearing apparel, including slips, gowns and pajamas, is charged, in a complaint with misrepresentation.

The complaint alleges that by means of descriptive circulars, by labels attached to the garments, and by use of letterheads used in correspondence with purchasers and prospective purchasers throughout the States, the respondent has made false representations concerning the character and quality of its products. Typical of false representations alleged to have been made in its circulars are: "Ralph Corn Underwear, Inc., the King of Satins, Satin and Pigment Crepe Slips, Gowns and Man-tailored Pajamas." . . . "Pigment Crepe Heavy Quality Satin Striped Gown."

The respondent is also alleged to have used on its advertising material and letterheads the words "Manufacturers of Silk Undergarments."

Through use of the foregoing representations and others of similar import, the complaint continues, the respondent has represented that its products are made entirely of silk. The complaint charges that none of the garments sold by the respondent is made entirely of silk, but of rayon and other material, or a mixture of rayon and silk.

The respondent, through use of the word "Manufacturers," the complaint alleges, has represented itself as the manufacturer of the garments sold by it, when in fact it does not manufacture them but buys the material on the open market and has the garments manufactured by other parties. (4017)

**Excel Merchandise and Novelty Company,** Omaha, Nebr., is alleged to have sold to dealers push cards and punch boards so prepared and arranged as to involve games of chance or lottery schemes when used in making sales of merchandise to the consuming public. It is alleged that because of the element of chance inherent in connection with the sale of merchandise by means of these devices, many members of the purchasing public have been induced to deal with retail dealers selling their merchandise by means thereof.

The Omaha respondent, who also deals in merchandise such as saucepans, dripolators, coffee percolators, pillows, smoking stands, electric table lamps and other pieces, is alleged to have supplied his customers with assortments of merchandise together with certain paraphernalia known as "Bingo" sets by means of which merchandise is sold and distributed to the consuming public in a manner involving operation of a lottery scheme. (4029)

**Exhibit Sales Company**—Samuel Mickelberg, trading as Exhibit Sales Company, 423 Market St., Philadelphia, is engaged in the sale and distribution of radios and other articles of merchandise. The complaint charges that the respondent sells to wholesale dealers, jobbers and retail dealers, assortments of merchandise so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when sold to the ultimate consumer. (4024)

**Globe Rummage Mart**—Charging misrepresentation in the sale and distribution of second-hand clothing and other merchandise, a complaint has been issued against Louis Goldman, trading as Globe Rummage Mart, 3238 South State St., Chicago.

In a catalog listing and describing articles of merchandise sold by him and distributed throughout the States, the complaint charges, the respondent represents that his merchandise is only slightly used; that all articles listed are reclaimed or slightly used and are in good saleable condition, and that the articles are seasonable merchandise of the most popular styles and latest creation. It is also represented that merchandise not entirely satisfactory may be returned for replacements.

The complaint charges that these representations are false and misleading; that the respondent buys his stock on the open market from other second-hand dealers and junk dealers and at rummage sales, and that when orders are shipped to customers the packages frequently contain merchandise that is old, out of style, dirty, worn out, unsaleable, and of different size, color, style and condition from that ordered by respondent's customers. The respondent, the complaint continues, does not generally make satsfactory replacements or refunds for merchandise that is not satisfactory, as advertised by him. (4016)

**Great Buckeye Candies, Inc.**—See M. Linkman & Company.

**Hastings Manufacturing Company**—Violation of the Federal Trade Commission Act in the sale of piston rings and other replacement parts for use in motor vehicles, is alleged in a complaint issued against Hastings Manufacturing Company, Hastings, Mich.

The respondent is charged with practices having a tendency to create monopoly and unreasonably restrain manufacturers of competitive products in disposing of their merchandise to jobbers and wholesale distributors of automotive parts and equipment, who have acquired or may acquire such products from the manufacturers. (4030)

**Howell Company**—Misrepresentation of a plain carbon steel tubing product as chromium is alleged in a complaint against The Howell Company, St. Charles, Ill., manufacturer of household and office furniture.

It is alleged that through use of the term "Chromsteel" the respondent corporation represents certain of its furniture as being made of steel alloy containing chromium when in fact it is made of plain carbon steel tubing.

Chromium or chrome steel, the complaint points out, is more expensive than plain carbon steel. It combines intense hardness with a high elastic limit. (4022)

**Journal of *Living* Publishing Corp.**—See Purity Products, Inc.

**M. Linkman & Company**—Complaints have been issued against M. Linkman & Company, 1150 West Fullerton Ave., Chicago, manufacturer and distributor of smoking pipes, and Great Buckeye Candies, Inc., 567 East South St., Akron, Ohio, manufacturer and distributor of candy, charging them with sale and distribution of merchandise so packed and assembled as to involve use of a game of chance, gift enterprise or lottery scheme when the merchandise is sold and distributed to the ultimate consumer.

An assortment distributed by M. Linkman & Company consists of a number of "Dr. Grabow" pipes, together with punch boards, by means of which pipes and in some cases cigarettes supplied by the dealer operating the punch board are given as prizes.

Great Buckeye Candies, Inc., distributes assortments of candy commonly known as all day suckers. In some instances, it is alleged, the end of the stick imbedded in the candy contains certain words which are concealed from the purchaser until the candy is consumed. Those receiving sticks with the words thereon are entitled to extra pieces of candy without additional cost.

Use by the respondents of these methods in the sale of their products, the complaints allege, is contrary to public policy and is in violation of criminal laws. (4018-4015)

**New Method File Grinders, Inc.**—A complaint alleging misrepresentation in the sale of used, reconditioned and resharpened files has been issued against New Method File Grinders, Inc., also trading as Automobile Body Supply Company, 5120 South Halsted St., Chicago.

Used or second-hand files purchased from automobile manufacturers, garages and automobile body repair establishments, allegedly were advertised as being new and unused except for damage by water in a fire or other water damage. Such products, the complaint alleges, had been used by others and reconditioned by the respondent corporation. (4020)

**Nassif Candy Company,** 2004 Main St., Wheeling, W. Va., is engaged in the sale and distribution of candy and confectionery products to wholesale dealers, jobbers and retailers located in various States. The merchandise is so packed, the complaint charges, as to involve games of chance or lottery schemes in its distribution to ultimate consumers. (4025)

**Novelty Home Furnisher**—Jack Puzes, trading as The Novelty Home Furnisher, 53 West Jackson Boulevard, Chicago, is engaged in the sale and distribution of clocks, cameras, coffee makers and other articles of merchandise. The complaint charges that the respondent has distributed to the purchasing public in several States literature and instructions together with push cards, order blanks and illustrations of his plan of selling merchandise and of alloting it as premiums or prizes, by means of the push cards, to the purchasing public. (4023)

**Purity Products, Inc.**—Charged with misrepresentation in the sale of "V-Bev," a medicinal preparation, Purity Products, Inc., 1060 Broad St., Newark, N. J., The Journal of Living Publishing Corporation, 1819 Broadway, New York, and Victor H. Lindlahr, have been served with a complaint. Lindlahr controls the advertising practices of Purity Products, Inc., with respect to "V-Bev," and is editor of "The Journal of Living," published by the New York corporation and used for advertising the Purity company's preparation.

Advertisements disseminated by the respondents in newspapers and periodicals and by radio allegedly represented that "V-Bev" possesses substantial therapeutic value in treating numerous ailments, including loss of sleep, nervousness, poor digestion, tired feeling, lack of energy and run-down condition and that it supplies the necessary amounts of vitamins B1 and G to persons deficient therein.

The complaint alleges that the preparation is without therapeutic value in the treatment of the ailments listed, and that it is a mixture of ordinary foods and does not supply any vitamin deficiencies. (4021)

**Robert J. Thompson Company,** Philadelphia, Pa., through its representatives, is alleged to solicit purchasers of its suits or overcoats under a so-called "Club" plan which the complaint describes as follows: The respondent supplies each purchaser participating in the plan with a contract of purchase providing for the sale of a suit or overcoat for $40. One dollar is paid when the contract is delivered and one dollar in advance each week thereafter until the full amount of the contract has been paid. On the contracts the weekly payments are recorded and each contract bears a "ledger" number. Should such number correspond with the last three numerals included in the total number of shares of stock sold on the Philadelphia Stock Exchange for the preceding week (provided all the purchaser's weekly payments have been made up to date), the purchaser receives a suit or overcoat without additional cost. At the close of the contract period, should the ledger number have failed to correspond with the last three numerals in the stock exchange weekly total at any time during the period, the customer will have paid $40, the normal retail price of the suit or overcoat.

The complaint alleges that the amount paid by the ultimate consumer for a suit or overcoat is thus determined wholly by lot or chance. (4027)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders during the past week:

**Exclusive Retail Liquor Dealers Assn.**—See Milton S. Kronheim & Son, Inc.

**Globe Distributing Company, Inc.**—See Milton S. Kronheim & Son, Inc.

**International Distributing Corp.**—See Milton S. Kronheim & Son, Inc.

**Milton S. Kronheim & Son, Inc.**—Resale price maintenance by agreement and threats of boycott are among practices prohibited in an order to cease and desist issued against six Washington wholesale liquor dealers, a wholesale and a retail trade association, and the secretary of the latter association.

The respondents are: Milton S. Kronheim & Son, Inc., 3301 K St., N.W.; Marvin & Snead Sales Corporation, 219 G St., N.W.; International Distributing Corporation, 917 E St., N.W.; Washington Wholesale Liquor Corporation, 1119 Twenty-first St., N.W.; Globe Distributing Company, Inc., 2410 Eighth Place, N.E.; Philip Hurwitz and Leon Samet, trading as Roma Wine & Liquor Company, 1006 Fifth St., N.W.; Wholesale Liquor Dealers of Washington, 15 and K Sts., N.W.; D. C. Exclusive Retail Liquor Dealers Association, 829 Woodward Building, and Manuel J. Davis, secretary and attorney for the retailers' association.

The D. C. Exclusive Retail Liquor Dealers Association, Woodward Building, is an incorporated trade association of retail liquor dealers with approximately 175 members, operating licensed retail liquor stores selling packaged liquors. Wholesale Liquor Dealers of Washington, Investment Building, is a voluntary mutual association which had, when the complaint was issued, a membership of 14 wholesale liquor dealers, including the respondent wholesalers. Each organization is found to have been engaged in attempting to procure national legislation and other regulations deemed to be beneficial to its members, and in enforcing observance by its members and others of price maintenance policies with respect to the sale of alcoholic beverages.

The Commission finds that to carry out their resale price maintenance policies, the respondent wholesale dealers entered into unlawful contracts, agreements and understandings with the retail dealers, and that, pursuant to such contracts and agreements, for the purpose of maintaining uniform minimum resale prices of alcoholic beverages sold by various retail dealers in the District of Columbia, the respondent wholesalers, their association, the retailer association and its members, and Manuel J. Davis, have: Appointed committees and joint committees to confer with the respondent associations, and by means of unlawful pressure, influence, coercion, boycotts and threats of boycotts, demanded and obtained from distiller-sellers and distributors outside the District of Columbia, and from each other, the adoption and maintenance of systems or policies of merchandising, fixing standard uniform minimum resale prices, discounts and "mark-ups" at which alcoholic beverages were resold by wholesalers and retail dealers in commerce in the District of Columbia. (3400)

**Marvin & Snead Sales Corporation**—See Milton S. Kronheim & Son, Inc.

**Roma Wine & Liquor Co.**—See Milton S. Kronheim & Son, Inc.

**Washington Wholesale Liquor Corp.**—See Milton S. Kronheim & Son, Inc.

**Wholesale Liquor Dealers of Washington**—See Milton S. Kronheim & Son, Inc.

## STIPULATIONS

The following stipulations have been entered into by the Commission:

**American Automatic Devices Company,** Harrison, Throop and Congress Sts., Chicago, in the sale of a so-called fog lamp for use as an auxiliary driving light for motor driven vehicles under the trade designation "Hy-Power No. 19" stipulates that it will discontinue use in advertising matter of representations the effect of which may tend to convey the impression that the beam of light produced by the device is such that it will illuminate the road in a dense fog so as to assure safe driving for 1,100 feet ahead or that it will penetrate, go under or undermine such fog or give any substantial visibility in fog or thick mist. (2670)

**Holland Manufacturing Company**—See Waterbury Tack Company.

**George J. Kelly, Inc.,** Lynn, Mass., manufacturer of shoe polish pastes, liquids and dyes, stipulates that it will discontinue representations in advertisements tending to convey the impression that its paste product is composed of Carnauba wax and turpentine, pure or otherwise, when such is not a fact. The stipulation provides that if the product contains these substances in substantial part, the words "Carnauba Wax and Turpentine," when used as descriptive of the wax and turpentine content, shall be accompanied by other words in equally conspicuous type to indicate clearly that the product contains other ingredients as well as wax and turpentine. The respondent also agrees to cease representing that a self-service package, or container it furnishes dealers who purchase its product, is patented, when such is not a fact. (2666)

**Martin Studios**—Misleading representations in the interstate sale of photographs are to be discontinued under a stipulation entered into by George Edward Martin, trading as Martin Studios, 6505 Second Boulevard, Detroit, a photographer specializing in children's and babies' pictures. The respondent's pictures were sold through photographers stationed in department stores.

The respondent agrees to cease representing that photographs or pictures made by him are of the highest quality and will compare favorably with samples displayed to the customer at the time of taking the order, when such are not the facts. The respondent also stipulates that he will discontinue use of statements or representations the effect of which may tend to convey the belief to purchasers that a finished photograph, portrait or picture of a particular person, subject, thing or object will be given free, that the customer's order will be promptly filled and delivered, or that the customer's money will be refunded or suitable adjustment made in case of dissatisfaction, unless and until such statements or representations are bona fide and the promises made or implied thereby actually are fulfilled. (2668)

**Morgan Packing Company**—J. S., I. C., and I. H. Morgan, trading as Morgan Packing Company, Austin, Ind., agree to cease representing that their prepared dog and cat food is a "Balanced Ration" or is a balanced food suitable for dogs and cats of every breed and age; that any of the food's ingredients are meat by-products, unless the food consists of meat by-products, properly so-called; that the food contains 50 per cent protein meat and bone scraps or any percentage thereof in excess of the correct amount or ratio; and to discontinue omitting any substantial ingredient such as the water content from the printed formula of the food, or continuing to list therein molasses, tomatoes or other ingredients which are no longer included in such products. (2669)

**Nahm Photogravure Company**—Horace H. Nahm and Jack S. Heller, trading as Nahm Photogravure Company, New York, designers of letterheads for business stationery, agree to cease representing that their business includes the manufacture of letterheads or other articles so long as they neither own, operate nor control the plant in which such products are made. (2665)

**Odo-Ro-No Company, Inc.,** 191 Hudson St., New York, distributor of a deodorant designated "Odorono", agrees to cease representing in any manner that the results to be obtained from the use of Odorono are unqualified, immediate and absolute, as implied by such words and phrases as "no possibility", "insure", "stop", "instantly" and "always". The Odo-Ro-No Company further agrees not to publish or cause to be published any testimonials containing representations contrary to the foregoing agreement. (02508)

**Packer's Tar Soap, Inc.,** 101 West 31st St., New York, in connection with the sale of a medicinal preparation for the hair designated "Scalptone," agrees to cease representing that all dandruff is due or usually due to an infection with Pityrosporon ovale or any other organism; that the respondent's product, used either alone or in combination with any other product, will eradicate, prevent, cure, or rid the scalp of dandruff permanently, arrest falling of hair or increase its growth, except when limited to such results as may be achieved by its action in cleansing the scalp and stimulating the circulation of the hair follicles; that "Scalptone" disinfects the scalp and constitutes a complete scalp treatment; that experts generally are of the opinion that baldness is due to wetting of the hair; that dandruff is generally the cause of baldness, or that any organism is recognized as "the dandruff germ."

The respondent further agrees not to publish any testimonials containing representations contrary to the foregoing agreement. (02507)

**Paty Company**—Joseph Paty, trading as The Paty Company, Cambridge, Mass., in the sale of sewing needles, agrees to desist from selling imported articles not distinctly marked to show the country of origin and to discontinue using on the book or other container, of such products the phrase "Printed in U. S. A.", or the letters "U.S.A.", alone or in connection with other words so as to imply that such articles are of domestic origin, or the effect of which tends to confuse buyers with respect to the identity of the country of origin of the products. (2667)

**Printwell Company**—See U. S. Name Plate Company.

**Roebling Fur Shop**—David Borenstein and Samuel Mesgar, trading as Roebling Fur Shop, 118 West 27th St., New York, agree to desist from use in advertisments or on labels, tags, brands or otherwise, of any designation of a fur which deceptively conceals the true name or nature of the fur with the tendency or effect of misleading buyers or consumers; from using any trade name such as "Sealine," "Beaverette," "Marmink," "Squirrelette" or "Minkolette" in a manner calculated to mislead purchasers as to the character, name, nature or geographical or zoological origin of any fur or fur product or an article made partly of fur, and from the use, falsely or deceptively, in advertisements, tags, labels or brands of any trade name or coined name such as "Cocoalette" or other words descriptive of a fur as being the fur of an animal which is in fact non-existent.

The respondents also stipulate that they will cease the sale, through advertisements or otherwise, of fur-trimmed garments the fur of which is composed of pieces and not of full skins, or of fur garments made in whole or in part of pieces, tails, paws, throats, heads or scraps, or of plate or mats composed of pieces and not of full skins, without fully disclosing such fact. (2671).

**Scientific Instruments, Inc.,** 3410 West Sixtieth Place, Chicago, has accepted a stipulation to end misleading representations in the sale of a birth control device designated "The Rule of Life."

The respondent's device has been advertised as "a slide rule which calculates accurately the sterile and fertile cycles according to the Ogino-Knaus-Rhythm Theory."

However, in its stipulation, the respondent corporation admits that according to the weight of reliable medical opinion at present, no method of calculating such periods can always be relied upon. The respondent agrees to cease representing that the "Rule of Life" or "O-K Calendar," or any other device operating upon the same theory, provides a method of complete, or any definitely stated percentage of birth control. (02506)

**Shelton Tack Company**—See Waterbury Tack Company.

**U. S. Name Plate Company**—Maurice Willens, trading as U. S. Name-Plate Company or United States Name-Plate Company, and as The Printwell Company, Shelton, Conn., in the interstate sale of metal "Social Security" plates, agrees to cease representing that agents, dealers or others engaged in the sale or resale of such products make commissions of $10 to $25 every day or 400 per cent profit, and that prospective agents, dealers or others can make profits or earnings within a specified period of time which are in excess of the average net profits or earnings which have theretofore been consistently made in like periods of time by the respondent's active, full-time agents, dealers or others in the usual course of business. (2672)

**Waterbury Tack Company, Inc.,** Shelton Tack Company, and Holland Manufacturing Company, Baltimore, Md., all owned and officered by Herbert S. and Howard E. Holland, in the interstate sale of thumb tacks, agree to desist from use of the words "Made in U. S. A." as a mark, stamp, brand or label for such articles or to otherwise advertise them in a manner implying that the products are of domestic origin. The stipulation provides that if products of foreign origin or make are treated to improve their appearance or for other purpose in the United States and reference is made to such treatment, then suitable words are to be employed to indicate clearly that the commodities are merely treated or processed in the United States but are not manufactured here. (2673)

**Wild Drug Company,** 405 Ninth St., Huntington, W. Va., has entered into a stipulation to end certain misleading representations in the sale of "Wild's Cold Capsules" and "Wild's Cough Syrup."

The respondents agree to cease advertising that they manufacture either product; that the cold capsules have a tonic effect or have value in building up body resistance; that they will stop colds or prevent their development; that they will provide relief from colds, unless this is expressly limited to relief of certain symptons, or that all ingredients of the capsules are harmless.

Under their stipulation, the respondents agree to cease representing that the cough syrup will prevent the development of colds; that it will relieve bronchial troubles or colds, unless the relief is expressly limited to certain symptoms, and that it will stop any cough or afford relief from a cough regardless of its severity. (02505)

## FCC DISMISSES COMPLAINT

The Federal Trade Commission has dismissed without prejudice a complaint charging The Sperry Corporation, 30 Rockefeller Plaza, New York, a holding corporation, with violating Section 7 of the Clayton Act by acquiring the capital stock of two competing corporations, the Waterbury Tool Company, Waterbury, Conn., and Vickers, Inc., Detroit. The Sperry Corporation owns several subsidiary companies which manufacture nautical and aviation instruments and mechanisms.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 8, February 23, 1940

# Convention August 4 in San Francisco

The NAB convention is set for August 4-5-6-7 in San Francisco. The hotel will be announced later.

The Board of Directors fixed these dates at its meeting this week after it was determined that the political conventions probably would be out of the way by August 1 at the latest.

Within a few weeks, the NAB will ask all Eastern and Midwestern members whether they would be interested in an all-expense tour from Chicago, that would include a circle trip through the principal scenic areas of the West. If sufficient interest is shown, such a tour will be arranged for members and their families.

Howard Lane, KFBK, Sacramento, District 15 Director, will be in charge of arrangements for activities outside the convention.

The progress of Broadcast Music, Inc., and pending legislation were thoroughly discussed at the Board's two day meeting. Neville Miller's report on Broadcast Music, Inc., was enthusiastically received and approved. The Legislative Committee, headed by John A. Kennedy, WCHS, met with the Board to discuss the Johnson (D-Colo.) bill to ban radio advertisement of alcoholic beverages; the new Ditter (R-Penna.) radio bill, copyright, and other legislation.

Among important plans approved by the Board were the following:

1. The development of a unit plan for the measurement of radio advertising and various classifications thereof in local markets. Since the Board abandoned the measurement of radio advertising in terms of dollar volume, the industry has been in need of some uniform measuring method. In the past few months a new unit plan has been under development by the NAB Research Department and the Bureau of Radio Advertising. With the Board's approval, this will be brought to completion and will be presented to the Board for final consideration at its next meeting.

2. A national survey of children's programs, jointly sponsored by the NAB and the newly formed Radio Council on Children's Programs. Representatives of the Council will visit stations, advertisers, program builders and women's groups in 44 states in the next eight months. Information uncovered will be made available to stations, sponsors and program building agencies.

3. A coordinated industry-wide effort to inform the listening public of improvements to be expected in the switch-over of stations called for in the reallocations to be made this

(Continued on page 4048)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1266 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## CONVENTION AUGUST 4 IN SAN FRANCISCO

*(Continued from page 4047)*

year in conformity with the Havana Treaty. As soon as definite instructions are received from the Commission, Headquarters will proceed with its plans to assist in an orderly switch-over which will prevent listener confusion and loss of audience.

4. The development of a consumer-relations program in cooperation with representative industries and business groups.

5. The development of an institutional campaign during the presidential election year, around the theme "*Listen* Before You Vote."

6. A new schedule of dues for associate members was adopted.

## DITTER SEEKS "FREE SPEECH" IN NEW RADIO BILL

A bill (H. R. 8509) to amend the Communications Act which was introduced in the House last Friday by Representative J. William Ditter (R-Penna) is of great interest to broadcasters.

In explaining its purposes, Representative Ditter said:

"This bill consists of a series of amendments designed, so far as possible, to protect broadcasting against any encroachment on liberty of expression, including freedom of speech and of the press guaranteed by the First Amendment to our Constitution and freedom from censorship generally. It is unnecessary that I point out how vitally important it is that the public be afforded this protection. Broadcasting rivals the press as an agency of mass-communication. Freedom of expression is the cornerstone of representative government. Censorship of radio is a characteristic of autocracy and totalitarianism.

"Contrary to the clearly expressed intent of Congress, the Federal Communications Commission is claiming the power to censor radio programs. It appears to have found a gap in the present law in the phraseology 'public interest, convenience or necessity', which, together with the device of short-term licenses and a procedure built on applications for renewal of license, enables it to force broadcasters to comply with its own conception of what programs should or should not be, under threat of having to go through hearings and with the hazard of losing their right to continue in business.

"The law also gives altogether too much power to the President to reach the same result. He may put a station out of existence or severely cripple it by simply assigning its frequency to a government station without any statement of reasons or hearing. Also, he may do about anything he chooses with a station, even including taking it over and letting a government department operate it, by simply declaring that there exists a 'national emergency or in order to preserve the neutrality of the United States'.

"In this bill, I am seeking to cure the defects in the existing law.

"Section 1 inserts a clear statement of the purpose of Congress to secure liberty of expression for radio so there may be no doubt in the matter.

"Section 2 places a limitation on the power of the President to assign a frequency used by a privately-owned station, to a government station, by requiring that either an equally desirable frequency be given to the privately-owned station or that there be a hearing.

"Section 3 prescribes a minimum license period of three years for broadcasting stations, with a maximum of five years, and eliminates a clause which might otherwise be susceptible of an interpretation giving the Commission power to consider program service on renewal applications.

"Section 4 removes an ambiguity in the hearing provisions of the Act under which the Commission is now claiming the power to take action adversely affecting existing stations without giving their owners any right to be heard.

"Section 5 eliminates an unduly harsh section of the provisions governing revocation of license so as to make it clear that the hearing is to be held *before* and not after the order of revocation.

"Section 6 is the most important provision of this bill. It states in language which I hope is too clear to be misunderstood that the Commission is not to refuse renewal applications or take any other action against licensees on the ground that a station's programs do not meet the Commission's ideas of what constitutes 'public interest, convenience or necessity'.

"Section 7 limits the power of the President to take over stations to cases of imperative military need during actual war or a state of insurrection equivalent to war.

"I need not dwell on how vitally important it is that freedom of speech be preserved for radio. It is the public platform of today and should have a protection corresponding to that given to the press. At least, it should be for Congress to determine, and not for a bureaucratic board in Washington, whether any types of utterance, further than those already specificially forbidden by the law, should be prohibited."

Broadcasters' attention is directed to Representative Ditter's remarks on the bill printed in the Congressional Record, February 16, 1940, page 2450.

The text of the bill follows:

## H. R. 8509

### A BILL

To amend the Communications Act of 1934 in order to preserve and protect liberty of expression in radio communication.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 301 of the Communications Act of 1934 is hereby amended by inserting after the words, "It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission;" the words, "to preserve to radio communication, and to persons subject to the provisions of this Act, freedom from governmental abridgement of, or interference with, liberty of expression, including freedom of speech and of the press, and other rights guaranteed under the Constitution of the United States and the amendments thereof;".

SEC. 2. Section 305 (a) of the Communications Act of 1934 is hereby amended by adding thereto the following:

"The President may not, however, either permanently or temporarily assign a frequency to any Government station or class of Government stations if the use of such assignment will make impossible the further operation of, or cause objectionable interference to, any radio station duly licensed or authorized to be constructed by the Commission under this Act unless (a) another frequency assignment of substantially equal or superior desirability is made immediately available for use by such licensed or authorized radio station or (b) the Commission, after notice and hearing pursuant to the procedure prescribed in section 312 (b) of this Act, shall have determined that public interest, convenience, or necessity will be promoted by such assignment and shall have entered an order modifying the permit or license accordingly."

SEC. 3. Section 307 (d) of the Communications Act of 1934 is hereby amended to read as follows:

"No license granted for the operation of any class of station shall be for a longer term than five years, and any license granted may be revoked for cause as hereinafter provided. No license granted for the operation of a station regularly engaged in broadcasting (other than a station of experimental, auxiliary, or temporary character) shall be for a term less than three years. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term not to exceed five years and, in the case of stations regularly engaged in broadcasting, not less than three years."

SEC. 4. Section 309 (a) of the Communications Act of 1934 is hereby amended to read as follows:

"If upon examination of any application for a construction permit, for a station license, or for the renewal or modification of a construction permit or a station license and the securing of full information with respect thereto, the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance of such construction permit or station license, or of such renewal or modification thereof, in accordance with said finding. In the event the Commission does not reach such a decision with respect thereto, or in the event that the issuance of a construction permit or a station license or of any modification thereof would aggrieve or adversely affect the interests of the holder of any permit or license or any applicant therefor, the Commission shall notify the applicant and other interested parties, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant and other interested parties an opportunity to be heard under such rules and regulations as it may prescribe."

SEC. 5. Section 312 (a) of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this Act or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States: *Provided however,* That no such order of revocation shall be entered unless the Commission shall first have given the licensee written notice stating clearly and definitely the charges against the licensee and fixing a time and place for a hearing thereon, and shall have given the licensee an opportunity for hearing. Such hearing shall be held not less than fifteen days after service of such notice on the licensee, and the Commission shall sustain the burden of proving the truth of the charges."

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SEC. 6. Section 326 of the Communications Act of 1934 is hereby amended by adding thereto the following:

"No construction permit or station license shall be revoked, modified, or otherwise adversely affected by any action of the Commission, and no application for construction permit, station license, renewal, or modification of station license, or other instrument of authorization required or authorized by the Act shall be refused in whole or in part, because of the character or contents of any program or other communication transmitted or proposed to be transmitted by a radio station, unless such program or other communication contains matter expressly forbidden by specific provision of this Act or by regulation of the Commission authorized by this Act and then only after the licensee has been finally adjudged guilty by a Federal court of one or more violations of such provision or provisions and the offense is of so serious or repeated a nature as to show clearly that the licensee or applicant is not qualified in character to operate or to continue to operate a radio station."

SEC. 7. Section 606 (c) of the Communications Act of 1934 is hereby amended by adding thereto the following:

"Nothing in this section, however, shall be construed to modify or affect section 326 of this Act. No station regularly engaged in broadcasting shall be closed, nor shall its apparatus or equipment be removed, nor shall the use or control of any such station or of its apparatus or equipment by any department of the Government be authorized in whole or in part because of the character or contents of any program or other communication transmitted or proposed to be transmitted by such station, or in order to permit the Government or any department or agency thereof to engage in or control broadcasting or otherwise to communicate with the public, or for any cause other than imperative military need for such radio communication facilities on the part of the armed forces of the United States and then only upon proclamation by the President that there actually exists war in which the United States is engaged or a state of insurrection within the United States equivalent to war."

## CLARK BLOCKS JOHNSON BILL CONSIDERATION

Monday afternoon Senator Clark (D-Missouri) blocked consideration of the bill (S. 517) to prohibit radio advertising of alcoholic beverages. Senator Johnson (D-Colo), proponent of the measure, which is strongly opposed by NAB, had intended to move consideration of his bill. In anticipation of the motion, Senator Clark six times made the point of "no quorum" after Senate action on various bills, before S. 517 was reached on the calendar. He later said that he had intended to continue doing so under his constitutional right to the end that no time would remain for Senator Johnson to make his motion. Senator Johnson objected to the "obstructionist policy" as not in keeping with the dignity of the Senate. He said that as it was not his purpose to work any hardship upon the Senate, he would not move consideration at the time, but would do so at a future date. Senator Clark thereupon introduced an amendment which he intends to propose to the bill. The amendment is the anti-lynching bill.

After consideration of Senator Johnson's proposed amendment to the bill (NAB Reports, February 2, 1940, p. 3999) by the NAB Directors and Legislative Committee at a joint meeting in Washington on Monday, President Neville Miller stated:

> The National Association of Broadcasters is opposed to this bill as an unnecessary and unwise restriction on the American system of broadcasting. That system has resulted in the most entertaining, educational and informative radio programs in the world. It owes its preeminent place today to the sensitivity of broadcasters and advertisers to the wishes of their listening public in a highly competitive field, and to its freedom from censorship of program content. It is not perfect, but it is incomparably the best.
>
> Broadcasters have continued to demonstrate that they are keenly mindful of the demands of the American audience. Since this bill was introduced, the NAB, representing about 90% of radio advertising income, has adopted a Code of Program Standards which has met with the enthusiastic approval of important organized groups active in the public interest in the fields of religion, education and child welfare. That Code prohibits the advertising of hard liquor. If the country is opposed to advertising beer and wine by radio, the broadcasters will be the first to recognize it and act accordingly.
>
> The alleged abuses sought to be corrected are minor and infrequent. The Code has banned hard liquor advertising on which only slightly more than $23,000* was spent in 1938, the year before its adoption. The distilled spirits industry does not use radio as an advertising medium. Revenue to broadcasters from advertising malt beverages in 1938 was $1,268,000,* and from wine advertising about $101,000.* It has been urged upon this Committee that Congress alone has the power to regulate radio advertising of alcoholic beverages for the protection of the several states. It is legal to sell beer in every state of the union. In South Carolina and West Virginia the state legislatures have declared that 5% beer is not an intoxicating beverage. We submit that the small amount of beer advertising on the radio cannot seriously interfere with the exercise of the police power of the states. Surely the object of the bill cannot be prohibition of about $100,000 of wine advertising in those states where wine above certain alcoholic content cannot be bought. Broadcasters' revenue from liquor advertising in 1938 was less than one per cent of their indicated revenue.* They can and will meet the public wishes in this matter when those wishes become articulate, just as they have in the matter of hard liquor.
>
> We believe it is unwarranted and dangerous to interfere by Congressional mandate with the content of broadcast programs. Prohibitions are the rule in Europe today with the results known to all of us. The inherent nature of competitive American broadcasting in the public interest as operated under the present law would best serve the interests of all the people.
>
> The bill is special legislation, grossly unfair to radio in that it discriminates against radio in favor of other advertising media. It cannot fairly be said that an occasional spot advertisement of beer can influence a child's mind to as great an extent as pages of beautifully colored pictures in magazines and Sunday newspapers depicting gentlemen in pink coats around the flowing bowl or blaring billboards on every highway when the family goes out for a Sunday drive. Passage of this bill would merely result in diverting the relatively small sum spent on beer and wine advertising by radio to these other media.
>
> We object to the way the bill is drawn. It makes compliance a condition of the license and in the event of non-compliance it becomes mandatory on the Commission to revoke the license. Under the Communications Act compliance with the prohibition against profane, indecent and obscene language is not made a condition of the license, nor is compliance with the requirement of equal treatment of political candidates before the microphone. To be sure, in those cases the Commission has authority to revoke the license after notice and hearing, but it is not mandatory. The Commission is vested with discretion, after hearing all the facts and any extenuating circumstances, to act as best serves the public interest. Do we want the seal of Congress upon the preposition that a spot advertisement of beer is more reprehensible and dangerous to public morals than profanity and obscenity?
>
> In conclusion, we submit that Congress can safely leave the matter where it has lain for 20 years. We are opposed on principle to legislation of this kind, seeking as it does to regulate program content. We are confident that the American people do not want what may well be the entering wedge of censorship driven into the American system of broadcasting by passage of this bill. We doubt the wisdom of taking the risk of burning the barn in order to get a mouse, or rather to chase that mouse into the other fellow's barn.

* * * * *

### * RESULTS OF A SURVEY OF BROADCASTING STATIONS ON THE ADVERTISING OF ALCOHOLIC SPIRITS

Distribution of questionnaire

(Questionnaire was mailed to 691 broadcasting stations; replies were received from 438 broadcasting stations; percentage of replies to total, 63 per cent.)

| Revenue from alcoholic spirits (year 1938) | Amount | Estimated total advertising revenue (year 1938) | Percentage of alcoholic advertising to total |
|---|---|---|---|
| Liquor ........ | $ 23,212.36 | ............ | |
| Beer .......... | 1,268,638.29 | ............ | |
| Wine ......... | 101,279.77 | ............ | |
| Total ....... | $1,393,120.42 | [1] $150,118,400 | $\frac{9}{10}$ of 1 per cent |

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[1] 1931 Yearbook, Broadcasting Publications, Inc.

Note.—This questionnaire was sent by the National Association of Broadcasters to all commercial stations on March 17, 1939.

## NAB Asks FCC to Relax Recording Rules

The NAB has requested the FCC to give a measure of relief to broadcasters under the new Record Rules. Members will be advised as soon as word is received from the Commission.

The NAB letter:

February 16, 1940.

Mr. T. J. Slowie, Secretary,
Federal Communications Commission,
Washington, D. C.

Dear Mr. Slowie:

Permit me to direct your attention to the amendment of Section 3.93 (e) of the Standard Broadcast Rules effective January 4, 1940, pertaining to the identifying announcement of mechanical records.

A literal construction of the rule would require that thousands of one-minute and five-minute transcriptions now on hand using the word "transcribed" instead of "transcription" would have to be made over with great difficulty, and at considerable expense.

These were manufactured at the expense of advertisers at a time when use of the word "transcribed" was permissible. We believe it harsh and unjust if their use be barred under the new rule. It is believed that by August 1, 1940, those electrical transcriptions not in compliance with the rule will have become obsolete.

Because of the burden involved in this connection, it is respectfully requested that as to such transcriptions the operation of the rule may be suspended until August 1, 1940.

It is further requested that Section 3.93 (e) be amended to include appropriate use of the words "transcribed," "electrically transcribed" and "recorded." In support of this request it is submitted (1) that the public has become familiar with their meaning and consequently would not be deceived by their use, and (2) that the interests of the listening public would in reality be served by using such an intelligible variation of the announcement to prevent monotonous repetition.

Respectfully yours,

NATIONAL ASSOCIATION OF BROADCASTERS
RUSSELL P. PLACE, *Counsel.*

# Labor

## WAGE AND HOUR ACT

Questions and answers about the application of the Wage and Hour Act to broadcasting station employees, gathered from the Act, subsequent rules and regulations, opinions of the enforcement agency, and correspondence with member stations:

Q. *What, in brief, does the Act provide?*

A. That all employees, except those exempt, shall receive at least 30 cents an hour, and shall be paid time and one-half for overtime above 42 hours a week.

Q. *What employees are exempt?*

A. Executives, professional workers and outside salesmen.

Q. *What is an executive?*

A. To be an executive, an employee must (a) receive $30 or more a week, (b) regularly direct the work of others, (c) have authority to hire and fire or be consulted seriously about hiring and firing, (d) do no substantial amount of work of the same nature as that performed by those under him, and (e) regularly make decisions of his own.

Q. *What is a professional?*

A. The ordinary station has none, except musicians and actors. Research engineers usually could be called professionals, as long as they confined their work to research and experimenting.

Q. *What is an outside salesman?*

A. A salesman who ordinarily does his work away from the office and who does no substantial amount of work of the same character as that done by non-exempt employees.

Q. *Is a "chief engineer" or "program director" ordinarily exempt?*

A. Not in small and medium-sized stations, because the "chief engineer" usually takes a regular trick at the transmitter or in the studio, while the "program director" usually does quite a bit of announcing and writing.

Q. *What records must be kept?*

A. For those employees covered by the Act, records must show (a) name in full, (b) home address, (c) date of birth if under 19, (d) hours worked each workday and each workweek, (e) regular rate of pay, (f) amount paid each week at the regular rate, (g) amount paid each week for overtime, (h) any deductions, (i) total wages paid for each workweek, and (j) date of payment.

Q. *How do you determine the "regular rate of pay" in (e) above?*

A. For those employees who regularly work the same number of hours each week, divide the weekly wage by the number of hours regularly worked. For those employees who customarily work a different number of hours each week, divide the weekly wage by the number of hours worked each week to determine *that week's* regular rate.

For instance, the regular rate of the employee who ordinarily works 40 hours for $40 is $1 an hour, and his overtime rate, for hours above 42, is $1.50.

If an employee works 38 hours one week, 43 the next, 52 the next, and 25 the next, for $50 a week—divide $50 by 43 to determine his overtime rate for that week; divide $50 by 52 to determine his overtime rate for that week.

Q. *Can an employee be compensated for overtime one week by time off the next week?*

A. Yes, if he is paid once every two weeks and the overtime comes during the first week of the pay period. Say he ordinarily works 42 hours for $42. During the first week of the pay period he works three hours overtime. Credit him with $46.50 for that week (3 hours overtime at $1.50 per hour). Next week give him *time and one half* off, making him work 37.5 hours. Credit him with $37.50 pay. His total pay will be his usual $84 for the two weeks. The Administration has ruled that all overtime is due and payable each payday. That makes it impossible to give time off for overtime if (a) employees are paid every week or (b) the overtime comes during the second week of a pay period.

Q. *Is it advisable to obtain pay receipts from employees?*

A. Yes. They should state the number of hours worked, the amount of regular pay, and the amount of overtime, as well as the total.

Q. *What are the penalties for violation of the Act?*

A. Criminal penalties are fines up to $10,000 and jail sentences up to six months for second offenders. Employees may sue for double the amount of unpaid wages due them.

Q. *Can Wage and Hour inspectors demand a station's payroll records at any time?*

A. Yes.

Q. *If an employee works more than eight hours a day, must he be paid overtime?*

A. No. The Act places no limit on the number of hours he may work without overtime in a day. It merely limits the *work week,* without overtime, to 42 hours.

Q. *How does the employer compute the number of hours worked by the employee?*

A. Hours worked include all time during which an employee is required to be on duty, or to be on the employer's premises, or to be at a prescribed workplace.

Q. *Should an announcer or an engineer, enroute to or from a remote control job, be paid for traveling time?*

A. The rule of common sense should be used in computing time in such cases. If an announcer leaves the station at 8 a. m. for a remote job and returns at 10 p. m. the same day, he should be credited with 14 hours. If he goes away for three days, spends all the first day traveling, works a few hours the second day, and spends all the third day returning, credit him with a normal three days work. He needn't be paid for sleeping or sitting in hotel lobbies out of town.

Q. *How about engineers who live at the transmitter?*

A. The fact that the employee makes his home at the employer's place of business in this case does not mean that the employee is necessarily working 24 hours a day. If the engineer has a normal night's sleep, ample time for meals, and a certain amount of time for relaxation and private pursuits, and freedom to come and go as he pleases during certain periods, a "reasonable" computation of hours will be acceptable.

Q. *Are talent charges passed on to the announcer to be considered as part of his base wage, in computing overtime?*

A. Yes, if paid to the announcer by the station. Bonuses also must be included.

**The NAB Labor Relations Director would be glad to discuss any of the above questions and answers further with any member. Any other questions would be appreciated.**

## WAGE AND HOUR EXEMPTION FOR SOME CHIEF ENGINEERS

The Wage and Hour Administration says that an employee, to be a bona fide executive and thus exempt from the overtime provisions of the Act, must do no "substantial" amount of work of the same character as that performed by those under him.

Many "chief engineers" in the broadcasting industry meet all the other requirements for a "bona fide executive" but do a certain amount of work of the same character as that performed by their subordinates.

The NAB Labor Relations Department asked the Administration to set up guide posts for determining whether "chief engineers" were "executives" within the meaning of the Act.

The following correspondence was exchanged:

NATIONAL ASSOCIATION OF BROADCASTERS
WASHINGTON, D. C.
February 1, 1940.

Mr. Rufus Poole,
Associate General Counsel,
Wage and Hour Division,
Department of Labor,
Washington, D. C.

DEAR MR. POOLE:

I have been besieged with requests from the managers of broadcasting stations as to whether their chief engineers, under certain conditions, were bona fide executives and thus exempt from the hours limitations of the Fair Labor Standards Act.

In all instances these chief engineers customarily and regularly direct the work of other employees, have the authority to hire and fire or are highly influential in hiring and firing, customarily and regularly exercise discretionary powers and receive $30 a week or more.

However, there is some question as to whether they do any "substantial amount of work of the same nature as that performed by non-exempt employees of the employer". Below are three typical instances. If we could have your opinion as to whether these would be exempt, it would be extremely helpful to an industry that is endeavoring to comply with the Act in every respect.

Chief Engineer X—relieves a subordinate at the studio controls one hour each day while his subordinate goes to lunch.

Chief Engineer Y—acts in a purely executive capacity four days a week but does the work of a subordinate on the fifth day which is the subordinate's day off.

Chief Engineer Z—does no "regular" work of the same character as that done by a subordinate, but, irregularly relieves subordinates in an emergency, in cases of illness, etc.

Very truly yours,
S/JOSEPH L. MILLER,
*Director of Labor Relations.*

U. S. DEPARTMENT OF LABOR
Wage and Hour Division
WASHINGTON, D. C.
February 15, 1940.

Mr. Joseph L. Miller,
Director of Labor Relations,
National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.,
Washington, D. C.

DEAR MR. MILLER:

This is in reply to your letter of February 1, 1940 in which you inquire as to whether or not three chief engineers of broadcasting companies are engaged in doing a "substantial amount of work of the same nature as that performed by nonexempt employees of the employer" in the three examples given by you.

You state that Chief Engineer X "relieves a subordinate at the studio controls one hour each day while his subordinate goes to lunch". I am enclosing a copy of the Act, together with Regulations, Part 541, dealing with the executive and administrative exemption provided by Section 13(a)(1). If the only "nonexempt" work performed by Chief Engineer X is four or five hours in a 42 hour week, it is our opinion that such nonexempt work does not constitute a "substantial amount of work". However, the caution should be stated that the requirement that an executive and administrative employee must not do a substantial amount of work of the same nature as that performed by the nonexempt employees of an employer is only one of several requirements contained in section 541.1. All of the requirements of the section must be met in order for the exemption to apply. We have refrained from making definite rulings as to the applicability of the exemption in particular cases because we are not in possession of the facts in such cases.

You state that Chief Engineer Y spends one day out of five in doing the work of a subordinate. It is our opinion that the courts will probably consider 20 per cent of an employee's work to be a "substantial amount", in which event, Chief Engineer Y would be considered to be performing a substantial amount of work of the same nature as that performed by non-exempt employees of the employer.

You state that Chief Engineer Z "does no 'regular' work of the same character as that done by his subordinate, but, irregularly relieves subordinates in an emergency, in cases of illness, etc." It is a question of fact whether or not the "irregularity" of the substitute work performed by Chief Engineer Z constitutes a substantial amount of nonexempt work, and we are unable to add to what has been said in the preceding two paragraphs.

Very truly yours,
S/RUFUS G. POOLE,
*Associate General Counsel.*

## ARBITRATE AFRA DISPUTE

The dispute between Chicago stations and AFRA as to whether announcers should be given fees for local commercial programs is to be submitted to arbitration. This was the decision of a three-man arbitration board, picked to determine whether the dispute should be arbitrated.

## FOUR A'S CONVENTION

The 1940 Convention of the American Association of Advertising Agencies will be held May 16-17 at the Waldorf-Astoria, New York.

Sessions for members only are scheduled for Thursday, May 16. On Friday, May 17, advertiser and media guests will be invited to join the agency men in morning and afternoon meetings, and at dinner in the evening.

## FCC NOTIFIES STATIONS TO APPLY FOR LICENSES BY JUNE 1

The FCC sent the following notices to all broadcast licensees on February 21:

The Commission having under consideration the carrying out of the provisions of the North American Regional Broadcasting Agreement, on January 29, 1940, issued an order of modification of all outstanding licenses and instruments of authorization for standard broadcast stations, bearing expiration dates after August 1, 1940, and providing that holders thereof should have until February 15, 1940, to show cause why such licenses and authorizations should not be modified so as to expire at 3 a. m., EST, August 1, 1940. No returns to the order to show cause, requests for hearing or protests of any kind have been received by the Commission. Accordingly, the Commission has entered an order making the order of modification final, effective March 1, 1940.

Under the provisions of Sec. 1.360 of the Rules of Practice and Procedure applications for renewal of licenses are required to be filed with the Commission at least 60 days prior to the expiration date of the license sought to be renewed. Accordingly, to comply with the rule, the holders of all standard broadcast station licenses or authorizations which expire August 1, 1940, including those which are modified by the Commission's order of January 29, 1940, are required to file applications for renewal prior to June 1, 1940.

## NO RESERVATIONS TO MEXICAN AGREEMENT

The Department of State has advised the FCC that no reservations have been made by Mexico in approving the North American Regional Broadcasting Agreement as published in the "Diario Oficial" of February 15. It was expected that Cuba, as the depository government, would be notified February 16.

The North American Regional Broadcasting Agreement was signed at Habana, Cuba, at the conclusion of the First Inter-American Radio Conference on December 13, 1937. It was signed by representatives of Canada, Cuba, the Dominican Republic, Haiti, Mexico, and the United States.

The agreement was not to become effective until ratified by Canada, Cuba, Mexico, and the United States. The ratification by Mexico is the last required to make the agreement valid, and permits starting the necessary engineering measures to carry out its provisions.

As pointed out in the Commission's release of January 22, the assignment of some 730 standard broadcast stations may be affected. However, it is not possible to determine definitely any individual assignments until the entire plan is worked out with respect to stations in all the countries which are parties to the agreement. A shift in any one assignment may affect materially the entire plan. Accordingly, all assignments must be worked out in relation to the entire pattern and can be announced only concurrently. The Commission will give due notice to all licensees when the general plan is determined.

### NEW UNIVERSITY OF KENTUCKY STATION LICENSED

Proposal by the University of Kentucky to bring mountain people radio programs of cultural and educational value was speeded by the FCC in granting that university a construction permit for a new non-commercial educational broadcast station to operate from Beattyville, Ky., on 41900 kilocycles, 100 watts power, A-3 emission, unlimited time.

Program service of value to both schools and adults is contemplated by the University of Kentucky. Operation will be two hours daily—from noon to 2 o'clock—Mondays through Fridays, and as emergencies and special events warrant. The period from noon to 1 o'clock will be devoted to adult interests, and the remaining period will be intended for the county schools, but will be patterned to appeal to adults as well. Programs will be of a civic, educational, agricultural, and entertaining nature.

The applicant plans to equip the between 50 and 60 mountain schools in Lee County with receivers. The university will bear the cost of the transmitter and receivers, will retain ownership of the equipment, and will supervise the operation through the Lee County Board of Education. The board, for its part, will pay operating expenses including the salary of a supervisor who will promote the use of the service by communities and schools adjacent to the area.

In 1933 the University of Kentucky established a system of remote listening centers where people could hear educational radio programs of standard broadcast stations. On the basis of results, the university feels that there is need for establishment of a system by which localized education and information, both for school children and adults, should be provided for in each of the mountain communities.

This makes only three institutions which have taken advantage of the 25 amplitude modulated channels (41020 to 41980 kilocycles) set aside for non-commercial educational broadcast purposes. The others availing themselves of these frequencies are WBOE, operated by the Cleveland, Ohio, Board of Education, and WNYE, by the New York City Board of Education.

# Legislation

### FEDERAL LEGISLATION

H. R. 8509 (Mr. Ditter, R., Pa.) TO AMEND THE COMMUNICATIONS ACT OF 1934 IN ORDER TO PRESERVE AND PROTECT LIBERTY OF EXPRESSION IN RADIO COMMUNICATION—Prohibits Federal Communications Commission's taking adverse action for alleged program offenses; establishes for broadcast stations minimum license period of 3 years and maximum of 5 years; requires hearing where the Commission's action would adversely affect the interest of any holder of a license or any applicant therefor; requires a hearing prior to any order of revocation of license; limits powers of the President in time of peace and war. Referred to Interstate and Foreign Commerce Committee.

### STATE LEGISLATION

Kentucky:

H. 359 (Barry) ELECTRICAL ADMINISTRATIVE BOARD —An act to create an electrical administrative board.

Virginia:

H. 333 (Long) LOTTERIES—To amend and re-enact Section 4694 of the Code, relating to forfeiture of money and things of value drawn or received or proposed to be drawn in a lottery, so as to include money and personal property used in connection with the promotion, operation and conduct of a lottery or attempted lottery. Referred to Courts of Justice.

Virginia:

S. 217 (Wright) ELECTRICAL WIRING—To regulate and control the installation and alteration of electrical wiring, fixtures, appliances and equipment, to this end to require certain permits to be obtained, to prescribe the fees therefor and to establish standards for electrical equipment. Referred to Finance Committee.

### CONGRESSIONAL COMMITTEES

The following are the members of the principal Congressional Committees dealing with Legislation affecting broadcasters:

*Senate Committee on Interstate Commerce*

Burton K. Wheeler, of Montana, Dem., Chairman.
Ellison D. Smith, of South Carolina, Dem.
Robert F. Wagner, of New York, Dem.
Alben W. Barkley, of Kentucky, Dem.
Matthew M. Neely, of West Virginia, Dem.
Homer T. Bone, of Washington, Dem.
Vic Donahey, of Ohio, Dem.

Sherman Minton, of Indiana, Dem.
Harry S. Truman, of Missouri, Dem.
Charles O. Andrews, of Florida, Dem.
Edwin C. Johnson, of Colorado, Dem.
H. H. Schwartz, of Wyoming, Dem.
Lister Hill, of Alabama, Dem.
Tom Stewart, of Tennessee, Dem.
Ernest Lundeen, of Minnesota, F-Labor.
Wallace H. White, Jr., of Maine, Rep.
Warren R. Austin, of Vermont, Rep.
Henrik Shipstead, of Minnesota, F-Labor.
Charles W. Tobey, of New Hampshire, Rep.
Clyde M. Reed, of Kansas, Rep.
Chan Gurney, of South Dakota, Rep.

*Senate Committee on Patents*

Homer T. Bone, of Washington, Dem., Chairman.
Ellison D. Smith, of South Carolina, Dem.
Claude Pepper, of Florida, Dem.
Bennett Champ Clark, of Missouri, Dem.
Scott W. Lucas, of Illinois, Dem.
Wallace H. White, Jr., of Maine, Rep.
John A. Danaher, of Connecticut, Rep.

*House Committee on Interstate and Foreign Commerce*

Clarence F. Lea, of California, Dem., Chairman.
Robert Crosser, of Ohio, Dem.
Alfred L. Bulwinkle, of North Carolina, Dem.
Virgil Chapman, of Kentucky, Dem.
William P. Cole, Jr., Maryland, Dem.
Edward A. Kelly, of Illinois, Dem.
Herron Pearson, of Tennessee, Dem.
Lyle H. Boren, of Oklahoma, Dem.
Martin J. Kennedy, of New York, Dem.
Elmer J. Ryan, of Minnesota, Dem.
Charles L. South, of Texas, Dem.
James P. McGranery, of Pennsylvania, Dem.
Donald L. O'Toole, of New York, Dem.
Luther Patrick, of Alabama, Dem.
Rudolph G. Tenerowicz, of Michigan, Dem.
Charles A. Wolverton, of New Jersey, Rep.
James Wolfenden, of Pennsylvania, Rep.
Pehr G. Holmes, of Massachusetts, Rep.
B. Carroll Reece, of Tennessee, Rep.
James W. Wadsworth, of New York, Rep.
Charles A. Halleck, of Indiana, Rep.
Oscar Youngdahl, of Minnesota, Rep.
Carl Hinshaw, of California, Rep.
Clarence J. Brown, of Ohio, Rep.
Charles F. Risk, of Rhode Island, Rep.

*House Committee on Patents*

Charles Kramer, of California, Dem., Chairman.
Fritz G. Lanham, of Tex., Dem.
Matthew A. Dunn, of Pennsylvania, Dem.
Frank W. Boykin, of Alabama, Dem.
Lawrence J. Connery, of Massachusetts, Dem.
Charles A. Buckley, of New York, Dem.
John M. Coffee, of Washington, Dem.
Francis J. Myers, of Pennsylvania, Dem.
Thomas D'Alesandro, Jr., of Maryland, Dem.
Albert S. Camp, of Georgia, Dem.
Fred A. Hartley, Jr., of New Jersey, Rep.
Leslie C. Arends, of Illinois, Rep.
Ralph E. Church, of Illinois, Rep.
Charles A. Wolverton, of New Jersey, Rep.
Robert Luce, of Massachusetts, Rep.
L. L. Marshall, of Ohio, Rep.

## CALENDAR OF MARCH EVENTS

The following dates will be of interest to members in connection with plans for special programs, promotions, etc. NAB Reports will publish a similar list each month.

March 3—Alexander Graham Bell, born 1847.
March 12-18—Girl Scout Anniversary Week.
March 14—Eli Whitney patented cotton gin, 1794; Albert Einstein, born 1879.
March 17—Palm Sunday; St. Patrick's Day.
March 17-23—Wild Life Week.
March 20—Spring begins today.
March 22—Good Friday.
March 24—Easter Sunday.
March 30-April 6—Baseball Week.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case during the week beginning Monday, February 26. It is subject to change.

### Monday, February 26

NEW—William F. Huffman, Wisconsin Rapids, Wisc.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### March 11

NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—C. P., **1370 kc.**, 250 watts, unlimited time.

### March 14

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., **1210 kc.**, 100 watts, unlimited time.

NEW—Louis R. Spiwak & Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Hazlewood, Inc., Orlando, Fla.—Granted construction permit for new station to operate on **1200 kc.**, 250 watts, unlimited time, Class IV; exact transmitter site and antenna to be determined subject to Commission's approval.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Granted modification of license to change hours of operation from unlimited daytime and specified hours night, to unlimited time; station operates on **1370 kc.**, 100 watts power.

University of Kentucky, Beattyville, Ky.—Granted construction permit for new non-commercial educational broadcast station to operate on **41900 kc.**, 100 watts power, A-3 emission, unlimited time.

### DESIGNATED FOR HEARING

Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Application for construction permit for new station to operate on **1200 kc.**, 250 watts, unlimited time, Class IV station.

Worcester Broadcasting Corp., San Diego, Calif.—Application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time.

### MISCELLANEOUS

W9XEH—Zenith Radio Corp., Chicago, Ill.—Granted license to cover construction permit for new high frequency broadcast station; frequency **42500 kc.**, power 1000 watts; granted upon an experimental basis only, conditionally.

W1XKB—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with high frequency (experimental) station W1XSN on **42.6 mc.**, for a period not to exceed 30 days in order to obtain data for the hearing on aural broadcasting on frequencies above **25 mc.**

Louis R. Spiwak & Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—Granted petition for intervention in re application of J. D. Falvey, Ottumwa, Iowa, for construction permit for new station to operate on **1210 kc.**, 100 watts, unlimited time.

J. D. Falvey, Ottumwa, Iowa.—Granted petition to intervene in re application of Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa, for construction permit for new station to operate on **1210 kc.**, 100 watts, 250 watts LS, unlimited time; also, the Commission, on its own motion, consolidated the L & M Broadcasting Co. case and the Falvey case.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Denied petition to reopen hearings in re applications of Enrique Abarca Sanfeliz, San Juan, P. R., for construction permit for new station to operate on **580 kc.**, 1 KW, 5 KW LS, unlimited time, and of United Theatres, Inc., San Juan, P. R., for construction permit for new station to operate on **580 kc.**, 1 KW, unlimited time, DA day and night.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted motion for extension of time to file proposed findings of fact and conclusions, to February 27, 1940, in re applications of Lillian E. Kiefer, Metropolitan Broadcasting Corp. (WMBQ), Long Island Broadcasting Corp. (WWRL), Paul J. Gollhofer, and Arthur Faske (WCNW), all of Brooklyn, N. Y.

Lookout Mountain Co. of Georgia, Lookout Mountain, Ga.—Granted petition for continuance of hearing from February 19 to March 11, 1940, in re application for construction permit for new station to operate on **1370 kc.**, 250 watts, unlimited time.

WGBF—Evansville On the Air, Inc., Evansville, Ind.—Granted motion to accept amendment so as to designate a new site and to slightly modify the proposed directional antenna, in re application for construction permit to change from **630 kc.**, 500 watts, 1 KW LS, simultaneous day, shares KFRU night, to **1250 kc.**, 1 KW, 5 KW LS, unlimited time (DA night).

WFDF—Flint Broadcasting Co., Flint, Mich.—Continued for one week consideration of petition to intervene in re application of Thumb Broadcasting Co., Brown City, Mich., for construction permit for new station to operate on **880 kc.**, 250 watts, daytime.

E. E. Krebsbach, Miles City, Mont.—Continued for one week consideration of petition to intervene in re application of Star Printing Co., Miles City, Mont., for construction permit for new station to operate on **1310 kc.**, 250 watts, unlimited time.

Louis R. Spiwak & Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—Granted motions for order to take depositions on March 4 and 5, 1940, re application for construction permit for new station to operate on **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 10:45 p. m., CST, on February 20, 1940, in order to broadcast finals of Joliet Gloves Tournament.

Edwin H. Armstrong, New York, N. Y.—Granted extension of special temporary authority to operate frequency modulated transmitter with power of 10000 watts on **43 mc.** at the site of the transmitter of Station W2XMN, Alpine, N. J.; to be operated simultaneously with Station W2XMN (**40 kc.** on **42.8 mc.**), in order to secure data on adjacent channel operations and to obtain data on the overlapping of services between this transmitter and that of the Yankee Network, Inc., high frequency station W1XOJ, in preparation of the high frequency hearing, for the period February 29, 1940, to not later than March 18, 1940.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning February 18, 1940, to not later than March 18, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to the conclusion of basketball games on February 24, 27, 28, March 1, and 2, 1940, in order to broadcast basketball games only.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted special temporary authority to operate from 6:30 p. m., CST, to the conclusion of basketball games on February 21, 22, 23, 24, 28, 29, March 6, 7, 8, 9, 1940, in order to broadcast basketball games only, using 250 watts power.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate high frequency (experimental) station W2XOY, using 250 watts power, frequency modulated on **43200 kc.**, at the site of television broadcast station W2XB (New Scotland, N. Y.), for a period not to exceed 30 days, in order to obtain data for Hearing Docket 5805.

WAID—Onondaga Radio Broadcasting Corp., Portable-Mobile (area of Syracuse, N. Y.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.**, power 20 watts.

WIBX, Inc., Portable-Mobile (area of Utica, N. Y.).—Granted construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts.

KBQB—Edwin A. Kraft, Portable-Mobile (area of Juneau, Alaska).—Granted license to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 50 watts.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KORE—Frank L. Hill and C. G. Phillips, d/b as Eugene Broadcast Station, Eugene, Oregon.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted modification of construction permit and modification thereof for new station, for extension of time of completion from February 27, 1940 to August 27, 1940.

WDRC—WDRC, Inc., Hartford, Conn.—Granted modification of construction permit for installation of directional antenna for day and night use, and increase in power, for changes in directional antenna and extension of commencement date to 30 days after grant and completion date 150 days thereafter.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted license to cover construction permit for new equipment and increase in power from 100 watts to 250 watts; frequency **1420 kc.**, 250 watts, unlimited time; granted conditionally.

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Granted license to cover construction permit for increase in power from 1 KW, 5 KW day, to 5 KW day and night, and use present daytime directional antenna patterns for both day and night; **590 kc.**, 5 KW, unlimited time, directional antenna for day and night use; also granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WBAB—Press Union Publishing Co., Atlantic City, N. J.—Granted license to cover construction permit and modification thereof for new broadcast station, for move of studio location locally; frequency **1200 kc.**, 100 watts night, 250 watts day power, unlimited time; also granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WEKD—Onondaga Radio Broadcasting Corp., Portable-Mobile (area of Syracuse, N. Y.).—Granted license to cover construction permit to install new equipment and increase power to 20 watts.

KEHR—Donald C. Treloar, Portable-Mobile (area of Kalispell, Mont.).—Granted license to cover construction permit for new relay broadcast station, frequencies **30820, 33740, 35820** and **37980 kc.**, power 10 watts.

WENH—WJR, The Goodwill Station, Portable-Mobile (area of Detroit, Mich.).—Granted license to cover construction permit to change frequencies and make changes in equipment, frequencies **1646, 2090, 2190, 2830 kc.**, power 150 watts.

WLBC—Donald A. Burton, Muncie, Ind.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WGTC—J. J. White, d/b as Greenville Broadcasting Co., Greenville, N. C.—Granted modification of construction permit for new broadcast station, for change in type of transmitter, approval of antenna, and approval of studio site at Falkland Highway, Greenville, N. C., and transmitter site on

Falkland Highway, 1½ miles West of town, near Greenville, N. C.

KEX—The Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate a portable 100 watt transmitter on frequency **1190 kc.,** in the vicinity of Portland, Ore., for a period not to exceed 30 days, in order to make tests for a suitable transmitter location.

W9XYH—Head of the Lakes Broadcasting Company, Superior, Wis.—Granted modification of construction permit as modified, for new station, to extend date of completion to May 12, 1940.

WEHK—Columbia Broadcasting System, Inc., Portable-Mobile (area of New York, N. Y.).—Granted license to cover construction permit to change equipment and increase power to 2 watts.

WAUW—J. T. Ward, tr/as WLAC Broadcasting Service, Portable-Mobile (area of Nashville, Tenn.).—Granted license to cover construction permit for new relay broadcast station; frequencies **30820, 33740, 35820** and **37980 kc.,** power 2 watts.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Denied petition for hearing before a Commissioner in re application for renewal of license; station operates on **1200 kc.,** 100 watts, unlimited time.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from 7:45 p. m. to 9:15 p. m., CST, on March 10, 17, 24, and 31, 1940, in order to broadcast church services only, using 250 watts power.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate from 8:00 p. m. to 9:00 p. m., EST, on February 24, 1940, in order to broadcast an address by the National President of Exchange.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts from 5:15 p. m. to 5:30 p. m., CST, on February 22, 23, 24, and 29, 1940, and from 8:00 p. m. to 9:30 p. m., CST, on February 22, 23, 29, March 1 and 2, 1940, in order to broadcast basketball games only to listeners within WLAP's coverage not adequately served by 100 watts power.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 10:30 p. m., CST, on February 24, 1940, in order to broadcast basketball game only.

W1XKB—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Granted special temporary authority to operate on frequency of **42.4 mc.,** using both A-3 and special emission, the special emission being frequency modulation, for a period not to exceed 30 days, in order to obtain additional data for the forthcoming hearing on aural broadcasting on frequencies above **25 mc.**

KQRS—Mason City Globe-Gazette Co., Portable-Mobile (area of Mason City, Iowa).—Granted license to cover construction permit for a new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.,** power 2 watts.

KEHI—WDAY, Inc., Fargo, N. D.—Granted license to cover construction permit to change location of transmitter from portable-mobile to fixed location.

KGKL, Inc., Portable-Mobile (area of San Angelo, Tex.).—Granted construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.,** power 20 watts.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit for move of transmitter and changes in antenna, for extension of completion date from March 6, 1940 to September 6, 1940.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit for installation of new transmitting equipment and increase in power from 1 KW to 1 KW night, 5 KW daytime; frequency **1450 kc.,** unlimited time, directional antenna night.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted authority to determine operating power of main transmitter and of auxiliary transmitter by direct measurement of antenna input in compliance with Section 3.54.

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted construction permit to make changes in transmitting equipment.

WEPA—Edwin H. Armstrong, Portable-Mobile (area of New York, N. Y.).—Granted modification of construction permit for new special relay broadcast station for extension of completion date to October 7, 1940.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction permit to increase power from 1 KW; 5 KW day to 5 KW day and night. Make changes in directional antenna. Amended: changes in antenna system.

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Authority to transfer control of corporation from M. S. Wilder to H. C. Wilder, 1500 shares common stock.

### 580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—License to cover construction permit (B5-P-2277) as modified for increase in power, move transmitter and install new transmitter and antenna.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Authority to determine operating power by direct measurement of antenna power.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit to install directional antenna for night use and increase power from 500 watts night 5 KW day to 5 KW day and night.

### 820 Kilocycles

WHAS—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate to Courier-Journal and Louisville Times Company.

### 860 Kilocycles

WHB—WHB Broadcasting Co., Kansas City, Mo.—Construction permit to install new transmitter, new antenna, increase power from 1 KW to 50 KW and move transmitter from North Kansas City to in or near Kansas City, Mo. Amended re equipment.

### 890 Kilocycles

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit to install new transmitter, make changes in antenna, change hours from specified to unlimited time, increase power from 500 watts night, 1 KW day to 1 KW night, 5 KW day and move transmitter. Amended re transmitter site.

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Construction permit to make changes in equipment. Amended re equipment.

### 920 Kilocycles

WSPA—Virgil V. Evans, tr. as Voice of South Carolina, Spartanburg, S. C.—Construction permit to install auxiliary transmitter at Evanston Hts., Spartanburg, S. C., using 500 watts. Amended re equipment.

### 930 Kilocycles

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—Construction permit for a new broadcast station to be operated on **930 kc.,*** 250 watts, unlimited time.

### 1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Authority to determine operating power by direct measurement of antenna power.

### 1100 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Construction permit to install new transmitter, directional antenna for day and night use, and increase power from 5 KW to 10 KW.

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* **960 kc.** requested if Havana treaty effective.

### 1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Construction permit to install directional antenna for night use; increase power from 250 watts, 1 KW day, to 1 KW day and night.

### 1130 Kilocycles

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—License to use old licensed transmitter as auxiliary.

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—License to cover construction permit (B5-P-2427) for installation of new transmitter.

### 1190 Kilocycles

WOAI—Southland Industries, Inc., San Antonio, Tex.—Construction permit to make changes in equipment.

### 1200 Kilocycles

WMOB—S. B. Quigley, Mobile, Ala.—Modification of license to increase power and hours of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time. Amended to request 100 watts power day and night.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit to install new transmitter; install directional antenna for night use; change frequency from **1210 kc.** to **900 kc.;** and increase power from 250 watts to 1 KW.

KWJB—Sims Broadcasting Co. (Bartley T. Sims, Mgr.), Globe, Ariz.—Voluntary assignment of license from Sims Broadcasting Co. (Bartley T. Sims, Mgr.) to Bartley T. Sims, d/b as Sims Broadcasting Co.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Authority to determine operating power by direct measurement of antenna power.

### 1220 Kilocycles

KPAC—Port Arthur College, Port Arthur, Tex.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day.

### 1250 Kilocycles

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Construction permit to install new transmitter; make changes in directional antenna (for use day and night); change frequency from **1250 kc.** to **630 kc.;** increase power from 1 KW to 5 KW; and move transmitter (contingent on B4-P-2321, WGBF, and B4-P-2322, KFRU). Amended re directional antenna and transmitter site (near Granite City, Ill.).

### 1270 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power. Main transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power. Auxiliary transmitter.

### 1330 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **1330** or **1360 kc.,** when Havana treaty goes into effect, 500 watts night, 1 KW day, unlimited.

### 1350 Kilocycles

WMBG—Havens and Martin, Inc., Richmond, Va.—Modification of construction permit (B2-P-1912) as modified for changes in equipment and increase in power from 500 watts to 1 KW night, 5 KW day, requesting extension of completion date from 2-28-40 to 4-28-40.

### 1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of license to increase power from 500 watts night, 1 KW, to 1 KW day and night.

### 1370 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Authority to determine operating power by direct measurement of antenna power.

NEW—Harbenito Broadcasting Co., Cameron County, Tex.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited.

### 1380 Kilocycles

WALA—W. O. Pape, tr. as Pape Broadcasting Co., Mobile, Ala.—Modification of construction permit (B3-P-2242) as modified for move of transmitter, new antenna, increase in power, requesting extension of commencement date from 3-8-40 to 6-8-40, and completion date from 9-8-40 to 12-8-40.

### 1420 Kilocycles

NEW—Kingsul Broadcasting Corp., Kingsport, Tenn.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time.

### 1500 Kilocycles

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-2100) for new station requesting approval of antenna, approval of transmitter and studio sites and change type of transmitter.

WNLC—Thames Broadcasting Corp., New London, Conn.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts. Amended: re equipment.

KYSM—F. B. Clements & Co., a co-partnership composed of F. Braden Clements, Clara D. Clements and C. C. Clements, d/b as Southern Minnesota Supply Co., Mankato, Minn.—Authority to determine operating power by direct measurement of antenna power.

### 1530 Kilocycles

WBRY—American Republican, Inc., Waterbury, Conn.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 1 to 5 KW.

## MISCELLANEOUS

NEW—WKBN Broadcasting Corp., Youngstown, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.,** 1000 watts special emission for frequency modulation.

NEW—The Louisville Times Co., N. E. of Eastwood, Ky.—License for a new high frequency broadcast station to be operated on **25300 kc.,** 500 watts, emission A-3. (Using transmitter of facsimile station W9XWT).

WCLA—Larus & Brother Co., Inc., Portable-Mobile.—License to cover construction permit (B2-PRY-176) as modified, for a new relay broadcast station.

W9XWT—The Louisville Times Co., N. E. of Eastwood, Ky.—License to cover construction permit (B2-PFB-12) as modified for a new facsimile broadcast station.

NEW—Jerome Raymond Popkin-Clurman, New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **42000 to 42400 kc.,** 1000 watts, unlimited time, special emission for frequency modulation. Amended: To request **42400 kc.**

NEW—The Fort Industry Co., Toledo, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.,** 250 watts, unlimited time, special emission for frequency modulation. Amended: To change power to 1000 watts and change type of transmitter.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for a new television broadcast (experimental) station to be operated on **84000-90000 kc.,** aural and visual power, 1 KW, emission A-3 and A-5. Amended: To add Model No. of sound transmitter.

NEW—Frequency Broadcasting Corp., Brooklyn, N. Y.—Construction permit for a new high frequency broadcast station on **42200 kc.,** 50,000 watts, unlimited time. Special emission. Location: 1 Hansom Place, Brooklyn, N. Y.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Cup and Container Institute, Inc.,** 420 Lexington Ave., New York, 10 of its officers and directors and 12 corporations controlling more than 60 per cent of the national output and sale of products of the paper drinking cup and paper food container industry, have been served by the Federal Trade Commission with a complaint alleging a combination and conspiracy to restrain trade through the fixing and maintaining of uniform minimum prices. Eleven of the 12 respondent corporations are or have been members of the institute.

The respondents include Granville P. Rogers, president and executive director of the institute; Dale H. Eckerman, vice president and director; K. L. Stoler, secretary and director, and Alexander Herz and Henry Nias, directors, all of New York; Robert J. Kieckhefer, Milwaukee; William S. Bacon, Kensington, Conn.; Robert C. Fenner, Chicago; E. W. Skinner, Fulton, N. Y., and R. L. Allison, Springfield, Mass., directors; Dixie-Vortex Company, Chicago and Easton, Pa.; Lily-Tulip Cup Corporation, New York and its subsidiary, Crystal Paper Service Corporation, Los Angeles; Herz Cup Company, a division of Herz Manufacturing Corporation, New York; American Lace Paper Company and Milwaukee Lace Paper Company, both of Milwaukee; Eagle Cup Corporation, Brooklyn; The American Paper Goods Company, Kensington, Conn.; Logan Drinking Cup Company, a division of the United States Envelope Company, Springfield and Worcester, Mass.; Sutherland Paper Company, Kalamazoo, Mich.; Sealright Company, Inc., a division of the Oswego Falls Corporation, Fulton, N. Y., and Cupples-Hesse Envelope and Lithographing Company, St. Louis. The last named company, while not a member, allegedly cooperated with the institute in its activities.

Beginning with the formation of the respondent institute in January, 1933, the corporate respondents, through the respondent institute, are alleged to have effectuated agreements and understandings for suppression of all price competition by fixing and maintaining uniform prices of paper drinking cups, paper food containers, ice cups, ice tubs and related products.

Among specific methods used, the complaint continues, were: (1) adherence to a schedule of minimum prices and uniform discounts, terms and conditions of sale, including maximum discounts and classification of customers; (2) maintenance of identical price lists on comparable products, and simultaneous changing of prices at which comparable products are to be sold in the United States; (3) filing with the institute of a schedule of prices including discounts and the terms and conditions of all sales; maintenance of an agreement not to deviate therefrom, and notification of the institute of any deviations therefrom; (4) publication and issuance of their franchised distributors, wholesalers, and jobbers of "Public Business Price Lists" and "Public Business Policy Sheets" in which the prices and terms of sale were uniform as to comparable products; (5) operation of a procedure for the introduction of new products by any member respondent or other manufacturer cooperating with the institute whereby, among other things, prices and terms of sale were furnished the institute in advance of sale, and (6) offering uniform and identical bids on comparable products either directly or through their distributor agents to Municipal, State or Federal purchasing departments.

In order to better effectuate their understandings and agreements the corporate respondents and those manufacturers cooperating with the institute are alleged to have agreed upon a division of the products of the industry into 9 different groups and to have classified their respective products falling within each group, and to have filed with the institute, daily, weekly, monthly, or periodic statistics, including, among other things contracts, invoices, and gross or net sales in both dollars and in units for the previous month's operations.

Through its president and executive director, Granville P. Rogers, and its vice president, Dale H. Eckerman, the institute is alleged to have so supervised the activities of the corporate respondents and cooperating manufacturers that adherence to the agreed prices and terms of sale has been obtained. According to the complaint, this was accomplished by collecting from and disseminating among them information as to prices, discounts and conditions of sale and other useful information.

The effect of the respondents' acts and practices is alleged to have been unlawful restriction of trade, artificial enhancement of prices and elimination of competition, with a tendency to create a monopoly in the member respondents and those cooperating with them and the institute. (4036)

**Le Flor Company**—Leland F. Benham, trading as Le Flor Company, 620 North Orleans St., Chicago, distributor of a medicinal preparation for the treatment of obesity, is charged in a complaint with misrepresentation.

The medicinal preparation is described as "Le Flor Weight Reduction Tablets" and is sold under the name "Le Flor Method". Prior to August, 1937, the respondent conducted his business under the trade name Dixie Products Company, and subsequent to that time as Le Flor Company.

In advertisements in newspapers and periodicals, the complaint continues, the respondent has represented:

> "We do not ask you to believe, we merely ask you to try the Le Flor Method and judge for yourself. You may have become skeptical after trying other highly advertised methods that were not suited to you, but we ask that you do yourself the favor of trying the Le Flor Method with the certain knowledge that if you are not entirely satisfied with the results you obtain, your money will be refunded."

* * * * *

> "The usual price is $2.00 per box. As an introductory feature we are offering the LE FLOR method as a six weeks' treatment at the price of 6 boxes for $5.00. If you are skeptical, we offer a one week's supply of 84 tablets (one box) at the astoundingly low price of only $1.00."

Through these advertisements and other representations, the complaint continues, the respondent represents that the treatment and a so-called "deficient element" diet is a cure or remedy for obesity and a competent and scientific treatment which does not contain any dehydration drugs.

In truth, the complaint continues, the preparation is not a cure or remedy for obesity, and is of no therapeutic value in its treatment. Among other drugs contained in the tablets is phenophthalein, a dehydration drug. The only therapeutic value in the tablets, the complaint alleges, is a laxative or cathartic. The price of $1.00 per box or 6 boxes for $5.00, is alleged to be the regular, customary and usual price at which the tablets are offered for sale by the respondent and not a special, reduced or introductory price. (4031)

**Oxol Laboratories**—A complaint has been issued charging William S. McClymonds, trading as Oxol Laboratories and Western Research Laboratories, 1046 Santa Fe St., Denver, with misrepresentation in the sale of "Quinox Capsules."

In periodical advertising matter the respondent allegedly represented the preparation as a cure, remedy and competent treatment for delayed menstruation. The complaint alleges that the representation is untrue and that the preparation is without substantial therapeutic value aside from its effect as an ordinary laxative. (4035)

**Robinson Clay Products Company**—Alleging a combination and conspiracy in restraint of trade to fix and maintain uniform prices for building materials, including vitrified sewer pipe, in the Rochester, N. Y. area, a complaint has been issued against The Robinson Clay Products Company, Akron, Ohio, and its sales subsidiary, The Robinson Clay Product Company of New York, the Universal Sever Pipe Corporation, Cleveland, the Rochester Builders Supply Association and its secretary, Edwin C. Kaelber, and 32 builders' supply dealers selling in the Rochester area.

It is alleged that pursuant to their agreement and combination the respondent manufacturers and dealers, in cooperation with each other and their association and its officers, fixed and maintained uniform delivered prices to consumers, including municipalities and other Government agencies and projects; maintained minimum prices at which building materials, including vitrefied pipe, were sold by the respondent jobbers, dealers or contractors; induced certain of the respondents to raise the prices quoted by them to the uniform delivered prices as fixed; interfered with or prevented competitors of the respondent dealers from obtaining building supplies from manufacturers located in States other than New York, and established and maintained uniform terms, discounts and conditions of sale.

The complaint also alleges that the respondents held meetings among themselves or with their association, its members and officers, to devise methods of exerting influence, pressure, coercion, or other means to require manufacturers and producers to fix and maintain delivered prices to consumers, including municipalities and other Government agencies or projects, and to establish, publish and adhere to such fixed uniform delivered prices.

The respondents' practices are alleged to have had the effect of monopolizing in the respondents or some of them the business and industry of manufacturing, dealing in and distributing building materials, including vitrified sewer pipe, ultimately consumed in the Rochester vicinity, and of unreasonably eliminating and suppressing competition and depriving purchasers of the advantages in price, service and other considerations which they would receive under normal competitive conditions, all in violation of the Federal Trade Commission Act. (4034)

**Rochester Builders Supply Association**—See Robinson Clay Products Co.

**Sears, Roebuck & Co.,** Chicago, has been served with a complaint alleging unfair and deceptive acts and practices in the sale of automobile tires and tubes.

The complaint alleges that in conducting nation-wide tire sales through its retail stores, the respondent company misrepresented that its tires and tubes were being sold at various purported discounts and savings from the regular and usual prices.

It is alleged that the respondent advertised its "Crusader" tires as being sold at a saving or discount of 30 to 35 per cent when in fact such purported savings were exaggerated because not computed on the regular list price in effect at the time of the advertisements. Based upon the regular list price, the advertised sale prices allegedly would have provided for percentage savings ranging from 9.45 per cent to 10.8 per cent rather than the advertised saving of 30 to 35 per cent.

According to the complaint, a 25 per cent trade-in allowance for old tires allegedly was advertised as a 25 per cent discount and as an extra trade-in allowance when in fact a 25 per cent trade-in allowance for old tires is always allowed and therefore does not provide a 25 per cent discount or extra trade-in allowance but represents only the regular selling price.

"Allstate" tires are alleged to have been advertised at half-price when in fact it was necessary for the purchaser to buy one tire at the full price in order to get one at half-price and the advertised price, contrary to the advertisement, represented no saving to the purchaser since no allowance was made for old tires. Taking the 6.00 x 16 tire as an example, the complaint alleges that the advertised sale price for two tires was $20.25; that the regular list price for two tires of this size as shown in the advertisement was $27, and that, giving effect to the customary old tire allowance of 25 per cent, the usual selling price was $20.25 for two tires, or exactly the advertised sale price for the two tires.

Again, in advertising its "Allstate Standard Tires," the respondent company is alleged to have represented that the list price designated in its advertisement was the regular list price and the lowest price of all time for such tires; that by paying the designated price, with old tire, the purchaser was paying only 10 cents for a tube. However, the complaint alleges that the designated sales price required the purchaser to pay practically the full price for the tube in each instance, because the various prices shown in the advertisement were higher than the correct list price in effect at the time of the advertisement and because the purchaser received no credit for his old tires, although he was required to turn them in at the time of sale. The complaint charges that the customer, instead of paying 10 cents for a tube, would be required to pay amounts ranging from $1.10 to $1.31. (4033)

**Universal Sewer Pipe Corporation**—See Robinson Clay Products Co.

**John A. Wathen Distillery Company**—Misrepresentation which involves misuse of the name of one of the oldest distilling families in the country, is charged in a complaint issued against John A. Wathen Distillery Company, 133-135 South Fourth St., Louisville, Ky.

The complaint recites that since the year 1788, five generations of the Wathen family have been engaged in the distillery business, and since about 1875 members of the family have engaged in the distillery business in the State of Kentucky. The name has been publicized through use of advertisements, labels and otherwise, so that a substantial part of the purchasing public has identified it with liquors distilled by or under the direction of some member of the family and by methods of distilling used for more than a century by them.

The John A. Wathen Distillery Company was incorporated in 1933 under the laws of Missouri, and since that time has engaged in distilling liquor in Kentucky. The complaint alleges that the respondent has used the name Wathen in its corporate name, advertised literature, labels and letterheads, and that use of the name has caused confusion in the trade and among the liquor-buying public.

In advertisements in newspapers, magazines and other periodicals, the complaint continues, the respondent has caused the following representations to be made: "John A. Wathen, Distillers for 148 years. . . . Over a CENTURY of Distilling Experience. . . . JOHN A. WATHEN DISTILLERY CO. Before George Washington was President of the United States a Wathen was making whiskey in Kentucky. Backed by the proud traditions and EXPERIENCE OF 150 years, it is natural that Wathen produces a bourbon of the highest excellence."

The complaint declares that the respondent's liquor is not distilled by the Wathen family nor under its supervision. John A. Wathen, the complaint continues, from whom the respondent acquired its name, was never a distiller nor engaged in the distilling business with any member of the Wathen family, nor has the respondent anyone connected with it who from actual experience through connection with members of the Wathen family, obtained knowledge of the formula and method used by the Wathen family in distilling liquor.

The acts and practices of the respondent, the complaint alleges, constitute unfair and deceptive acts and practices and unfair methods of competition within the intent and meaning of the Federal Trade Commission Act. (4032)

**Western Research Laboratories**—See Oxol Laboratories.

## CEASE AND DESIST ORDER

The following cease and desist order has been issued during the past week:

**Steel Office Furniture Institute,** Cleveland, and 12 member companies which manufacture more than 50 per cent of the industry's products, have been served with an order requiring them to cease and desist from agreeing or combining to fix and maintain identical delivered prices, uniform discounts and terms and conditions of sale, and other practices deemed to be in violation of the Federal Trade Commission Act.

Manufacturing and selling steel vertical filing cabinets, steel horizontal sections, bookcases and other steel furniture for offices, the respondent companies are Art Metal Construction Company, Jamestown, N. J.; Bentson Manufacturing Company, Aurora, Ill.; Browne-Morse Company, Muskegon, Mich.; Corry-Jamestown Manufacturing Corporation, Corry, Pa.; The General Fireproofing Company, Youngstown, Ohio; The Globe-Wernicke Co., Norwood, Cincinnati; Invincible Metal Furniture Company, Manitowoc, Wis.; Metal Office Furniture Company, Grand Rapids, Mich.; Remington Rand Inc., Buffalo, N. Y.; The Shaw-Walker Company, Muskegon, Mich.; Victor Safe & Equipment Company, Inc., North Tonawanda, N. Y.; and Yawman and Erbe Manufacturing Company, Rochester, N. Y.

During its existence, including the period from about June 15, 1935, to March 9, 1938, the respondent institute, according to findings, collected and compiled statistical information which it made available to its members and the public; collected from its members and other members of the industry the published price lists of their products and distributed them among those of its members who requested this data, and performed other services. During the same period, the findings continue, the respondent manufacturing companies, through and by means of the Institute and by agreement among themselves, fixed and maintained identical delivered prices, uniform discounts and uniform terms and conditions of sale, and, in some instances, induced their dealers and customers purchasing the industry products for resale to maintain resale prices fixed by the manufacturing companies and to join and form local associations of dealers having for an objective the maintenance of such resale prices. During this period, the findings continue, the respondent companies many times in accordance with an agreement among themselves abided by and did not deviate from the identical delivered prices, uniform discounts and terms and conditions of sale filed by them with the respondent institute.

The Commission order directs that the institute, the 12 respondent manufacturing companies and their officers, agents and employees, directly or through any corporate or other device, or through the respondent institute, cease and desist from agreeing, combining or conspiring among themselves to fix and maintain identical delivered prices, uniform discounts and terms and conditions of sale; cease and desist, pursuant to agreement, from inducing their dealers and customers to join or form local associations having for their objective the maintenance of resale prices, from requiring such dealers and customers to maintain resale prices fixed by the respondent manufacturers, and from abiding by and not deviating from prices, discounts and terms of sale filed by the respondent manufacturers with the institute; and cease and desist from filing prices with the institute for the purpose of fixing and maintaining such prices arrived at by agreement among themselves, and from disseminating such prices among the respondents.

The Commission directed that its proceeding be dismissed as to Columbia Steel Equipment Company, Philadelphia, and Tidewater Office Equipment Dealers' Association, Norfolk, Va., and its former respondent members without prejudice to the Commission's right, should the facts so warrant, to reopen the case and resume prosecution insofar as these respondents are concerned.

Under a stipulation of the facts entered into January 15, 1940, the respondent institute and the 12 manufacturing companies stated that they do not contest this proceeding, and that their statement of facts as stipulated might be accepted in lieu of testimony. (3319)

## STIPULATIONS

During the week the Commission entered into the following stipulations:

**Alto Products Company**—See Santo Alioto & Sons.

**Automatic Sealing Vault Company,** 25 Riverside Drive, Peru, Ind., agrees to cease representing that concrete burial vaults manufactured in molds or forms sold by the respondent and containing materials sold by the respondent, will afford or assure enduring or permanent protection to the caskets or bodies encased in them, or that the vaults will remain permanently waterproof, or that application of the respondent's so-called waterproofing paints or other preparations to the vaults will prevent permanently the intrusion of water. (2678)

**Bodie-Hoover Petroleum Corporation,** Chicago, Ill., agrees to cease representing itself to be a refiner of petroleum or advertising that the products it sells are sealed at the refinery when in fact it neither owns, operates nor controls a plant in which the oil products sold by it are refined. The respondent company also stipulates that it will desist from representing that the oils processed and sealed in its own plant are "Refinery Sealed" or "Sealed at Refinery", when such is not a fact. (2676)

**Dagmar Plant Industries**—Emil Bergman, trading as Dagmar Plant Industries, New York, who formerly operated at 1123 Broadway, New York, agrees to cease representing that his chemical product "Quik-Gro", for soilless plant growing, has been endorsed or approved by the National Resources Committee, Washington, or any other authoritative body, when such is not a fact, or that such body is authority for a claim that potatoes, tomatoes or much of the household food may be produced by use of the respondent's product; that reports from any agency of the Soviet Government indicate successful tests made with "Quik-Gro"; that by the "Quik-Gro" method one can have a beautiful flower or vegetable garden in the basement or other place where sunlight is not available, or that fruits and vegetables grown by such soilless method will be free from insects or insecticides. (2674)

**Federal Instrument Corporation,** 7919 Exchange Ave., Chicago, a dealer in fountain pens, electric shavers and cameras, has entered into a stipulation to discontinue misrepresentations in the sale of its products.

The respondent company agrees to cease representing its regular method of sale is a "close-out sale" or offers "reduced close-out prices"; that its customers receive their goods "direct from factory" or that it manufactures the goods it sells, when such are not the facts. It also agrees to desist from price misrepresentations and to discontinue issuance of so-called "cash discount vouchers" so long as the prices charged for articles are the same with or without the alleged coupon, voucher or certificate.

Under its stipulation, the respondent also agrees to desist from advertising that an article is given free to the purchaser of another article, when the cost of the alleged gift is included, either in whole or in part, in a deceptive price charged for the article offered for sale; to cease advertising or issuing a "Lifetime Guarantee" for any of its merchandise; to discontinue using the language "Genuine Duotone Durium Point" to convey the impression that its pen points are made of or tipped with any purported substance, when such is not a fact, and to cease representing that a fountain pen which it offers for sale "Writes 3 Months on One Filling" or in any other way exaggerating the actual qualities or capacity. (2681)

**Iod-Ise Manufacturing Company, Inc.,** Clifton, N. J., agrees to cease representing that the preparation designated "Ido-Ise" is an "iodine" corn remover or an "iodine" discovery or preparation; that the product "ends" or "stops" soreness or pain, will afford permanent relief, or that it will rid one of corns or prevent their return, or that the product heals tissue. The respondent also agrees to cease representing that the actual removal of corns is due in any way to the iodine content of its product. (02510)

**Mamary Brothers, Inc.,** 330 Fifth Ave., New York, manufacturer of lingerie and men's and women's handkerchiefs, agrees to desist from representing that it owns or operates a factory in Shanghai or Swatow, China, or that it manufactures goods which it imports from China or owns or controls the plant in which such products are made, when such is not the fact. (2680)

**Santo Alioto & Sons**—Santo, Joseph, Christopher, Frank, John, Samuel and Dominick Alioto, trading as Santo Alioto & Sons and Alto Products Company, 9th and Catherine Sts., Philadelphia, dealers in canned foods, including tuna fish, stipulate that they will cease employing on labels affixed to containers of their products the word "Tonno" in connection with any other Italian word, picture, insignia or otherwise, implying that such products were obtained from the coasts of Italy or were packed in and imported from that country, when such is not a fact. (2679)

**Scott Paper Company,** Chester, Pa., in the sale of "Waldorf Brand" tissue, agrees to desist from representations to the effect that all products, regardless of their quality, which are sold in competition with "Waldorf Brand" contain splinters, rough or thin spots, dirt or other defects, and from use of any representation unfairly disparaging competitive products. (2675)

**Wonder-Tone Laboratories**—M. Maltz, trading as Wonder-Tone Laboratories, Chicago, Ill., agrees to cease representing that mechanical devices designated "Wonder-Tone Line Noise Eliminator" and "Wonder-Tone Aerial Eliminator," or any similar devices constructed on similar mechanical principles, will improve radio reception on all kinds of receiving sets; that the noise eliminator will eliminate or have any effect in doing away with audible interference coming in over the antenna or power line, under all conditions, or coming in over the ground system; that either device is a new invention or different from other devices used for the same purposes, or that their use will insure clear tone reception of broadcasts from distant radio stations. The respondent also agrees to discontinue representations that the aerial eliminator is given free, or that any other item of merchandise regularly included in a combination offer is given free, when the price or cost of the item is included in the selling price charged for the combination offer. He also agrees to discontinue use of the word "Laboratories" in his trade name until he owns or operates a laboratory under the supervision of a person or persons competent to conduct scientific research and experiments. (02509)

## FTC CLOSES CASE

Distillers Products Corporation of Kentucky, Inc., Shively, Ky., having entered into a stipulation as to the facts and an agreement to cease and desist from certain enumerated practices, the Federal Trade Commission has ordered that the case growing out of the complaint issued February 1, 1940, charging misleading use of the word "Distillers," be closed without prejudice to the right of the Commission, should the facts so warrant, to reopen the case and resume prosecution in accordance with its regular procedure.

Under its stipulation, the respondent company agrees to cease using the word "Distillers" as part of or in connection with its corporate or trade name and from using this word or other words of similar meaning on its letter-heads or printed matter or in advertisements in any way to convey the belief to purchasers that the corporation is a distiller or actually owns and operates a distillery or that the products which it sells are distilled by it, when such is not a fact.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 9, March 1, 1940

# FCC Adopts Rules For Television Stations

The present state of flux of television does not warrant confining standards, but development of the industry does merit limited commercial operations in the near future, the FCC holds unanimously on the basis of its recent public hearing and subsequent study of the situation.

Accordingly, the Commission has adopted the rules recommended by its Television Committee, with revisions including provision for limited commercial operations beginning September 1. The Commission declined, pending further study, to take any steps to crystallize the allocation of frequencies to television and other competing services. The channels already assigned to television remain unchanged pending consideration of testimony at the Commission's hearing, scheduled to begin March 18, on aural broadcasting on frequencies above 25,000 kilocycles.

"That research should not halt and that scientific methods should not be frozen in the present state of the art is fairly to be deduced from the engineering testimony of representatives of the companies represented at the hearing," points out the Commission's report, adding:

"Actual demonstrations to members of the Commission indicate the need for further improvement in the technical quality of television. The evidence before the Commission reveals a substantial possibility that the art may be on the threshold of significant advance. Research in fact does and should continue in significant phases of the field."

The Commission asserts that nothing said in the report should "be construed as a lack of confidence in the future of television." It hails television as "a mighty achievement" and credits pioneers in the field with making "great advances." Continues the Commission:

> "We feel that potentially television is of tremendous value to the public generally. Even now, there is no reason apparent why those members of the public to whom regular television programs are available, who are conscious of the fluid state of the art, and who are willing to assume the financial risks involved for the obvious benefits of current programs, should not acquire receivers. Nor is it suggested that television broadcasters should be barred from going forward in program production and sponsorship. The progress made by the industry is worthy of recognition, and the present state of the art renders appropriate the further steps permitted by the rules being established."

In general, the rules being issued are based substantially on the rules proposed by the Commission's Television Committee on November 15th last. Two classes of television stations are set up. Class I stations will carry forward technical investigations and may be assigned to more than one channel. Class II stations are designed to experiment in program production and technique and will operate on one channel only. Under proper showing, a license may incorporate provisions for both classes.

Beginning September 1, Class II television stations may begin limited commercial operations under which advertising will be permitted in connection with programs the cost of which is borne by sponsors. The rules stress, however, that emphasis on the commercial aspects of the operation at the expense of program research is to be avoided.

In not attempting to impose standards at this time, the Commission recommends that the industry itself eschew such restrictions. The report explains:

> "Enough has been said to indicate the present state of flux of television and the fact that its progress still continues. The issuance or acceptance of transmission standards by the Commission, especially in combination with the more extensive experimental program service which will in all probability develop under these rules, would have a tendency to stimulate activity on the part both of manufacturers and the public in the sale and purchase of receivers for home use. It is inescapable that this commercial activity inspired and then reinforced by the existence of Commission standards would cause an abatement of research. To a greater or less extent the art would tend to be frozen at that point.
>
> "Even more important, nothing should be done which will encourage a large public investment in receivers which, by reason of technical advances when ultimately introduced, may become obsolete in a relatively short time. The Commission has not overlooked the significant sums invested by pioneers in making possible our present knowledge of television, and it is not unsympathetic with their desire to recoup their investment in the process of bringing television's benefits to the public. It will be realized, however, that the loss to the public by premature purchase in a rapidly advancing field might in a relatively short period exceed many times the present total cost of research. Such an economic loss in the long run can rebound only to the harm of the industry. In view of the apparent proximity of improvements and of the resolution of disputed technical questions, these risks should not be taken. The Commission is, therefore, reserving the matter of issuing standards for consideration at some future time."

*(Continued on page 4064)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

### FCC ADOPTS TELEVISION RULES

*(Continued from page 4063)*

The Commission hopes that the members of the industry "will make every effort to obtain and maintain informal unanimity of opinion among themselves so that their now proven valuable assistance may be available to the Commission in serviceable form" when the time comes to consider standards. In this connection, the Commission suggests attention to marketing of receivers capable, insofar as consistent with reasonable cost, of receiving or of being adjusted to receive any reasonable change in methods of synchronization or changes in number of frames or lines which may be found to be practical and licensed in the future operation of Class II stations. Increased size of receiving set screens, it feels, is essential to widespread public acceptance of television. The Commission is also of the opinion that continued experiments in the staging and studio aspects of television performances are necessary.

The new rules are printed on page 4070 of the Reports.

### EIGHT MORE STATIONS JOIN BROADCAST MUSIC, INC.

Eight additional stations have subscribed to Broadcast Music, Inc., by sending in stock and license agreements together with their checks in payment of their stock subscriptions. With the addition of these stations, 268 stations have now subscribed and paid for stock in BMI. A list of 260 stations were printed in the NAB Reports (Feb. 16, 1940, p. 4030).

The latest subscribers to BMI are as follows:

District 2
WENY—Elmira, New York
District 3
WBRE—Wilkes Barre, Pa.
District 6
WJDX—Jackson, Mississippi
District 12
KSAL,—Salina, Kansas
District 15
KSFO—San Francisco, Cal.
KTKC—Visalia, California
District 17
KMED—Medford, Ore.
KXA—Seattle, Wash.

The 268 stations which have already paid their stock subscriptions will pay into BMI the sum of approximately $1,173,000 in stock and license fees. In addition, there are another 107 stations that have committed themselves to Broadcast Music.

### RESEARCH COMMITTEE APPOINTED

Mr. Miller announced this week the appointment of a Research Committee. Mr. H. K. Carpenter of Radio Stations WHK—WCLE, Cleveland, was asked to serve as Chairman of the committee consisting of H. M. Beville, Jr., Research Manager of the National Broadcasting Company; Scott H. Bowen, President of Radio Station WIBX, Utica, New York; Arthur B. Church, President of Radio Station KMBC, Kansas City, Missouri; James D. Shouse, Vice President of Radio Stations WLW—WSAI, Cincinnati, Ohio; Dr. Frank N. Stanton, Research Director of the Columbia Broadcasting System; and, Theodore C. Streibert, Vice President of Radio Station WOR, Newark, New Jersey.

The first meeting of the newly appointed Research Committee will be called in mid March at a date not yet set.

### FCC CONSIDERS NAB REQUEST FOR RECORD RULES CHANGE

Below is the FCC's reply to NAB's request for modification of the Record Rules (NAB Reports, Feb. 23, p. 4050):

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

February 28, 1940

National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.,
Washington, D. C.

Attention: Mr. Russell P. Place, Counsel.

Gentlemen:

This will acknowledge receipt of your letter of February 16, 1940, with respect to Section 3.93(e) of the Commission's Rules and Regulations, as amended, effective January 6, 1940. As presently worded, the rule is to be interpreted as requiring the precise words which are specified in the rule to be used in making the identifying announcement.

The Commission will give consideration to your request for modification of the requirements of this rule, as well as to the request that as to certain transcriptions the rule be suspended until August 1, 1940, and you will be informed as soon as practicable as to any action taken. In the meantime, of course, stations are required to comply with the provisions of Section 3.93(e), as amended.

Very truly yours,
T. J. Slowie,
Secretary.

## Legislation

### JOHNSON LIQUOR AD BILL AGAIN AMENDED

On February 26, Senator Johnson (D-Colo) introduced another amendment in the nature of a substitute to his bill (S. 517) to prohibit the advertising of alcoholic beverages by radio. It is identical with the amendment which he introduced January 29 (NAB REPORTS, Feb. 2, 1940, p. 3999), with the following exceptions. The prohibition is limited to broadcasts of liquor advertising received or receivable by means of radio receiving sets "located in any State, or any political subdivision of a State, in which the purchase or sale of such alcoholic beverage for use as a beverage is not permitted," and to such broadcasts received or receivable by radio receiving sets "located in any State of the United States or any Province of the Dominion of Canada, during such hours as the broadcasting of a similar advertisement or similar information by a radio station located in such State or Province is prohibited by the laws or regulations of such State or Province."

In view of the language of the amendment pertaining to political subdivisions of a state, for all practical purposes this amendment is about as objectionable as the previous one.

Here is a list of those states which limit the alcoholic content of malt beverages, with the permissible alcoholic content indicated.

Arkansas—No limit, but malt beverages containing less than 5% alcohol by weight and stronger malt beverages are regulated by different laws.

California—Draught beer—3.2% by weight, bottled beer—4% by weight.

Colorado—3.2% for 3.2% licensees. No limit for beer under Heavy Beer, Wine and Liquor Law.

Florida—No limit but beer is classified as containing more or less than 3.2% by weight.

Georgia—6% alcohol by volume.

Idaho—4% alcohol by weight.

Iowa—4% by weight.

Kansas—3.2% by weight.

Louisiana—No limit, but 6% by volume beverages and stronger regulated by Alcoholic Beverage Law. (Acts 1934, No. 15.)

Maryland—No limit in General Laws, however Alleghany County has a separate license for light beer which is defined as beer not over 5% by volume. Only 3.2% by weight may be sold in Carolina county. 6% beer by volume and wine and other beverages not exceeding 14% only may be sold in Hartford County. (Includes Havre de Grace.)

Massachusetts—12% by weight.

Michigan—16% by volume.

Minnesota—No limit but beer over 3.2% by weight is intoxicating under the law and is subject to different control.

Mississippi—4% by weight.

Missouri—No limit but 3.2% by weight beer and stronger malt beverages controlled by different licensing systems.

Montana—4% by weight.

New Hampshire—6% by volume.

North Carolina—5% by weight.

North Dakota—No limit but beer over 4% alcohol by weight sold by liquor licensees.

Ohio—7% by weight. 3.2% by weight and stronger beverages controlled differently.

Oklahoma—3.2% by weight.

Oregon—Over 4% and all over 8% by weight sold only through state stores.

South Carolina—5% by weight. Sronger malt beverages subject to heavy tax penalties.

South Dakota—Non intoxicating beer—3.2% by weight. High point beer between 3.2% and 6% by weight.

Tennessee—5% by weight.

Texas—No limit but beer containing not more than 4% alcohol by weight and beer containg over 4% alcohol by weight are sold under different licensing systems and taxed at different rates.

Utah—3.2% by weight. Stronger beverages may theoretically be sold by the Utah Liquor Control Commission.

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Vermont—6% by volume at 60 degrees Fahrenheit. Stronger malt beverages sold only through the Liquor Control Board.

Washington—4% by weight. Stronger sold by the State Liquor Control Board.

West Virginia—5% by weight. Stronger sold through state stores only.

Wisconsin—5% by weight. Stronger sold under liquor licenses.

## FEDERAL LEGISLATION

S. 517 (Johnson, Colo.) LIQUOR ADVERTISING—Amendment (in the nature of a substitute) to the committee amendment to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Ordered to lie on the table and to be printed.

## STATE LEGISLATION

MISSISSIPPI:

H. 139 (Porter et al.) EGGS—To regulate the sale of eggs; to require registration by dealers; to impose an inspection fee. Referred to Committee on Agriculture.

NEW YORK:

A. 1672 (Holley) (Same as S. 1323) CONDITIONAL SALES—PERSONAL PROPERTY—Imposes certain requirements in relation to contracts for conditional sale of personal property for personal use or consumption including furniture, radio, oil burners, etc., obligating buyer to pay $1,000 or less on any time payment plan under which seller retains title or security interest. Referred to Judiciary Committee.

NEW YORK:

S. 1323 (Williamson) (Same as A. 1672) CONDITIONAL SALES—PERSONAL PROPERTY—Imposes certain requirement in relation to contracts for conditional sale of personal property for personal use or consumption including furniture,, radio, oil burners, etc., obligating buyer to pay $1,000 or less on any time payment plan under which seller retains title or security interest. Referred to Judiciary Committee.

RHODE ISLAND:

S. 139 (Algren) OPTOMETRISTS AND OPTICIANS—LICENSING—In amendment of sections 1, 2, 3, 5, 9, 11, 12 and 13 of chapter 277 of the general laws, entitled "Licensing and regulation of optometrists and opticians," as amended. Referred to Judiciary Committee.

VIRGINIA:

S. 310 (Hillard et al.) FOODS—To provide for the control of the manufacture, sale, advertising of and traffic in certain foods; to define adulterated or misbranded food, and to prohibit the manufacture and sale of and traffic in such food; to confer upon the Commissioner of Agriculture and Immigration and the Board of Agriculture and Immigration certain powers and duties with respect to certain foods, and to provide penalties for violations of this act. Referred to Committee on Agriculture.

## Labor

### WAGE AND HOUR ACT

The Wage and Hour Administration's ruling that "talent charges" must be included in calculating the basic pay of broadcasting station employees is not as far-reaching as it might seem at first glance.

Talent charges need not be included when the broadcasting station is not the employer of the talent.

The Internal Revenue Bureau, in its Social Security tax rulings, has defined when the broadcaster is the employer, and when he is not. An official summary of these rulings was printed in the December 31, 1938, issue of *The Billboard*. In part, the summary said:

> "As a part of the service provided in connection with the purchase of physical facilities (by advertisers or their agents) the broadcasting companies supply announcers, production men, et cetera, selected at the discretion of the broadcasting companies from their regular staffs. However, if an advertiser desires to have a particular announcer appear on his program he negotiates a contract with the broadcasting company for the services of the announcer at a specified sum per broadcast. This sum, minus the regular management commission of the broadcasting company's artists' service, is paid to the announcer in addition to his regular compensation from the company. Under such an arrangement the broadcasting company retains no direction or control over the manner in or the method by which the announcer performs his services, acting merely as his agent in procuring the engagement, and is therefore not considered to be the employer of the announcer with respect to those services. . . .
>
> "In some cases the broadcasting company agrees with the sponsor to furnish a program of a particular type designed to occupy the time which the sponsor has purchased in order to advertise his products or services. Under this arrangement the broadcasting company agrees to deliver to the sponsor what might be designated as a 'complete package' or a finished product for a pre-determined price. In such cases the sponsor has nothing to do with the selection of the artists, the presentation of the program or the direction and control exercised over the talent appearing therein, these matters being solely within the province of the broadcasting company. Such programs, termed 'studio-built' programs, are formulated by the broadcasting company on its own account, produced under its own direction and control, without interference from the sponsor, and furnished to the latter as a complete package for a lump-sum payment. The individuals performing services on such studio-built programs may generally be said to be employees of the broadcasting company."

In other words, if the broadcaster makes a talent charge, passes it on to, say, an announcer, but is not the announcer's employer in the above sense as far as the particular program goes, then the talent charge need not be included in basic pay.

The NAB Labor Relations Director has notified the Wage and Hour Administration that he has sent out the above opinion.

*(Note: The NAB Labor Relations Director was wrongly informed when he said in* NAB Reports *of February 16 that a sponsor had to pay talent directly to qualify as "the employer.")*

A federal district judge in North Carolina has ruled that watchmen in industries covered by the Wage and Hour Act were included in the coverage.

"Watchmen are just as much engaged in the production of goods that are going into commerce as the man sawing logs," the judge said. "It would have been cruel of Congress to have legislated otherwise."

---

The Wage and Hour Administration has amended its regulations regarding the keeping of records. If the complete records are filed in an office away from the place of employment, an abbreviated record showing total hours worked and total wages paid each week must be filed "at the place of employment." A strict interpretation of this would mean that an abbreviated record should be kept for transmitter engineers at the transmitter. However, this seems to be unreasonable, and the NAB Labor Relations Director is asking for an opinion from the Administration. The new regulations also provide that complete records must be kept on file for four years, and abbreviated records, if any, for two years.

The Act requires every employer subject to any provisions of the Act or any order issued under the Act to "make and preserve records" showing the full name of the person employed, home address, date of birth if under 19, hours worked each workday and each workweek; regular rate of pay and basis upon which wages are paid; wages at the regular rate of pay for each workweek excluding extra compensation attributable to the excess of the overtime rate over the regular rate; extra wages for each workweek attributable to the excess of the overtime rate over the regular rate; additions to cash wages at cost, or deductions from stipulated wages in the amount deducted or at the cost of the item for which deduction is made, whichever is less; total wages paid for each workweek, and date of payment.

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The success of a group of track workers in suing the Atlantic Coast Line railroad for double the amount illegally withheld from them in wages indicates that employees' suits may be a major factor in the enforcement of the Wage and Hour Act, said Colonel Philip B. Fleming of the Wage and Hour Division, U. S. Department of Labor, shortly after his appointment as Administrator was confirmed by the Senate.

"I am calling attention to this in the hope that the management of establishments covered by the Wage and Hour Law—that is, those engaged in interstate commerce or in the production of goods for interstate commerce—who have not yet put their houses in order under the Act, will do so before situations like this accumulate to serious proportions," he added.

"Any employer who has been violating the law by failing to pay the minimum wage of 30 cents an hour and at least one and one-half times the worker's regular rate for work in excess of 42 hours a week, will find the Wage and Hour Division field personnel in our 30 branch offices ready and willing to cooperate with him in coming into compliance with the Law."

### LABOR NOTES

The Federal Circuit Court of Appeals in New York on February 26 held that collective bargaining as required by the Wagner Act entailed the signing of a written agreement if an agreement is reached (NLRB vs. Art Metals Construction Co.).

The Federal Circuit Court of Appeals in Chicago on January 9 held that the Wagner Act did not require any agreement at all and that whether an agreement, if any, should be written was a subject for bargaining (NLRB vs. Inland Steel).

It is generally expected that the New York case will be appealed to the Supreme Court.

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The cost of living for wage earners and lower-salaried workers decreased 0.6 per cent during the quarter ended last December 15, the Labor Department reports. Chicago and Milwaukee were the only cities to report slight increases. Further details will be supplied to members upon request.

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The Supreme Court of New York, Appellate Division, has upheld the legality of the joint action by the A. F. of M. and the I. A. T. S. E. (stagehands) to try to force Opera on Tour, Inc., to use "live" instead of recorded music for accompaniment.

The court said, in part:

> "Summing up the situation presented to us, we find that the defendants (unions), in order to secure what they believed to be their economic betterment, are endeavoring to prevent the use of a mechanical contrivance which is in the nature of a labor saving device. This device is used to reproduce an essential element of the plaintiff's business, viz., music played to accompany plaintiff's operatic performances. The case is not one where the defendants are trying to force plaintiff to use an additional feature in connection with their business, which plaintiff has determined it could do without. Plaintiff wishes to have musical accompaniment for its opera. It says it can get along with mechanical music and save the cost of musicians' salaries. The defendants say that, unless 'live' musicians are hired, they will have less chance for work, and, therefore, are endeavoring, by stopping work, to prevent plaintiff's performances until plaintiff agrees to use a 'live' orchestra.
>
> "It would seem to us that such conduct on defendants' part is justified as a legitimate endeavor of labor, even though it results in some injury to plaintiff."

Presiding Justice Francis Martin and Justice Edward J. Glennon dissented. An appeal is expected.

## Engineering

### COLUMBUS CONFERENCE

The third annual Broadcast Engineering Conference which opened February 12 closed at Ohio State University, Friday, February 23, sending the 250 members of the conference back to their stations throughout the country, with a better and more thorough knowledge of the current engineering problems facing the broadcasting industry.

The subject of greatest interest to the industry at present, Frequency Modulation, occupied more time on the conference agenda than did any other subject. The series of Frequency Modulation conference periods was opened with a general discussion of wide band FM by Major Edwin H. Armstrong, of Columbus University, the inventor of wide band FM, in which he reiterated his statements as to the ability of wide band FM to deliver to the listeners a signal of high fidelity, free of interference. Major Armstrong also gave a brief technical explanation of the operation of FM.

Paul deMars, technical director of the Yankee Network, continued the FM discussions with a review of the Yankee Network experiences with FM. The experiences with FM of the General Electric Company were related by H. P. Thomas and I. R. Weir, of the General Electric Company. Of particular interest was their relation of an experiment performed involving Major Armstrong's station at Alpine, New Jersey, operating with 30 KW on 42.8 megacycle and the General Electric station at Albany, New York, 117 miles away operating on the same frequency with a power of 150 watts and both stations transmitting with Frequency Modulation. It was explained that a test car driven from Albany received the Albany transmission clear of all interferences from Alpine out to a distance of about 27 miles and there a distance of 5 miles long was encountered over which sharp transitions were noted. Beyond this transitional area the Alpine transmission was received free and clear of interference from Albany. Mr. Weir pointed out that in narrowing the FM band down in order to conserve space in the frequency spectrum the full conservation possibility cannot be realized because in order to keep the distortion in the receiver low, it is necessary that the band width of the receiver be not reduced in the same proportion. For those who did not attend the conference it is suggested that they write to the General Electric Company, Radio and Television Department, Schenectady, New York, and ask for the pamphlet entitled "And Now Frequency Modulation." Frequency Modulation receivers were discussed by R. F. Shea of the General Electric Company.

The "General Discussion and Question Box" conducted by Mr. Andrew D. Ring, Assistant Chief Engineer of the FCC, with Mr. R. M. Wilmotte as Chairman, was highlighted by Mr. Ring's statement that there might be an increase to 1,000 to 1,200 stations on the present band before saturation and that the country could economically support many more stations than this. Mr. Ring continued that this factor brought out the possibility of using the Ultra High Frequencies. The use of the U.H.F. has taken three turns of mind: 1—Amplitude Modulation, 2—Narrow Band Frequency Modulation, and 3—Wide Band Frequency Modulation. It was Mr. Ring's opinion that for practical purposes there is no difference in quality between AM in the standard band, AM on UHF, and FM on UHF. He pointed out that if we did change over to the FM system that approximately forty million receiving sets would need to be replaced. There are, either operating, or applications in for operation, for between 50 and 60 FM stations, and that no further grants will be made until after the March 18 hearing on the use of UHF. Mr. Ring stated that the quality received now is limited mainly by the microphone and loud speaker. He also pointed out that distortion was the main factor in the majority of listeners turning the tone control down on the receivers and that while the listener would lose high frequencies in doing this, he also lost the more undesirable distortions. Mr. Ring stated that FM transmitters are less expensive and the FM receivers more expensive and that in view of public interest this is not the right trend for the industry to follow. Mr. Ring said that there is some question as to whether television is technically far enough along to be put in regular service and that the FCC is making a detailed study of the situation and would probably have a decision on television within a few weeks. In regard to the Havana Agreement, Mr. Ring said that approximately 730 stations must change their frequencies and that the FCC tentatively expects to make the change on August 1. Two methods of making the change-over have been discussed. One was to do it piecemeal on the theory that it would be easier for manufacturers to supply crystals and the other that the change-overs all be done at the same time. Mr. Ring pointed out that the total time consumed would probably be about the same in both cases and that there more likely would be more confusion by the piecemeal method than by making the change all at once. Mr. Ring said that within a few weeks after the Mexican Government advises the Cuban clearing house that it has ratified the treaty, all licensees will be notified to show cause why they should not be changed to their new frequencies and then the United States Government will file with the Havana clearing house the changes contemplated in the United States and then any inter-country allocation problems will be ironed out in a conference. Further study was being made by the FCC to determine how long it will take to get new crystals, retune transmitters, retune antennas and change directional arrays; and that there will be at least 2 months from the time of notification to the time of change in order to allow the stations to prepare for the switch-over. In connection with the change-over, Mr. Ring stated that the FCC requirement that power be measured directly in the antenna, would be postponed until about 2 months after the change. It was Mr. Ring's belief that it is desirable to reduce detailed regulation of broadcasting stations as soon as the FCC feels that the broadcasters will operate their stations properly without supervision or spasmotic supervision. This is in line with the recent FCC relaxation of its stringent rule concerning the substitution of antenna and plate meters, and is in line with a request made by NAB in the June 6, 1938 hearing on new rules and regulations.

One of the most significant conference periods was that devoted to the study of noise, made by Mr. J. H. DeWitt, Chief Engineer of Radio station WSM, of Nashville, Tennessee. Mr. DeWitt described the extensive research problem carried on under his direction at WSM, in determining the amount of noise background which the average person can be subject to and still consider the service received as being good. He also described the equipment developed for measuring noise and the extensive measurements made in the WSM area. Mr. DeWitt said that there were about 1,800 thunder storms on earth at any given time and he pointed out that thunder storm disturbances were better propagated at night, such as are regular radio signals. Mr. DeWitt pointed out that to get noise measurements comprehensively enough to indicate coverage, that a large amount of work was involved. It is rather strange that throughout the history of broadcasting we have worried a great deal about the strength of interfering signals and the limitations they have placed on coverage and yet we have never developed a real engineering basis for the limits of coverage placed on us by atmospherics and man made interference. It is the opinion of the Director of Engineering that Mr. DeWitt has started a too long delayed phase of our work and that the industry should be encouraged to further the investigation of this phase. The difficulties in carrying out such work as pointed out by Mr. DeWitt are great and undoubtedly have been the deteriorating force, however, Mr. DeWitt has now laid a good foundation on which to continue such studies and it is hoped that in the course of the next few years we might have as complete knowledge on this subject as we now have on the effects of interfering signals. Frequency Modulation development should be accompanied by extensive studies on noise.

As in the first 2 conferences the "Roundtable on Receivers," conducted by D. D. Israel, of the Emerson Radio Company and William F. Cotter of the Stromberg-Carlson Company was of great interest. Mr. R.

M. Wilmotte, Engineering Advisor to NAB, was Chairman of these discussions. The engineers present were pretty well in agreement that our radio system was of quite high quality from the input of the studio amplifier to the output of the radio receiver chassis and that a great deal of our poor quality could be traced to the acoustic systems associated therewith, namely, the studios, their microphones, the loud speakers and the room in which the program was reproduced. It was pointed out that the transformation from acoustic, to electric energy in the studio, and the retransformation of the electric energy back into acoustic energy introduced much of the distortion we now experience. It was pointed out that distortions of one kind or another usually accompany the expansion into the high audio frequencies and that these distortions were quite annoying and therefore the average listener finds it more pleasing to do away with the high frequency and the high distortion by turning down the tone control on his receiver. It was also pointed out that for background music it was more pleasing to reduce the high frequencies but that where the program was actually to be listened to the effect was more pleasing if the high frequencies were also present. In this discussion it was pointed out that the listeners did not differentiate as fully as they should between the use of a primary high fidelity receiver in the living room of the home and the use of small secondary receivers for places other than the living room. It was the opinion of one member of the conference that for one reason or another the public has never really heard high fidelity and therefore has not been able to readily determine whether it likes a wide audioband or not. It was pointed out in this discussion that even though high quality transmission was available and high quality receivers are available that economically a big per cent of the population could not afford real highgrade receivers, and therefore for economic reasons a great many listeners are forced to content themselves with reproduction of a degraded nature.

On Sunday, February 18, the members of the conference were taken by special train, to Louisville in order to inspect WHAS and Mr. Orrin Towner, Chief Engineer of WHAS, was given a vote of thanks at the banquet closing the convention, for the splendid way in which he organized and carried out this inspection trip.

The Ohio State Conference on Broadcast Engineering is a striking example of how a university can coordinate its academic work with industry and the broadcasting industry owes a big vote of thanks to the administration of Ohio State University and to Professor W. L. Everitt, director of the conference, for carrying out this splendid work.

Professor W. L. Everitt's book entitled "Communication Engineering" is now used as a textbook in some 60 odd schools and his selection of subjects for the third annual conference has shown that he is attuned to the present day radio engineering trend.

The third conference was the first one in which NAB officially cooperated. The NAB Engineering Committee held a meeting in conjunction with the conference on Friday afternoon, February 16.

## ENGINEERING QUESTIONS

The "General Discussion and Question Box" conducted by Mr. Andrew D. Ring, Assistant Chief Engineer of the FCC, at the Broadcast Engineering Conference at Ohio State University last week, pointed out an apparent need for an engineering question box throughout the year on questions concerning FCC rules and regulations. It was apparent that there are many questions coming up from time to time concerning the interpretation and application of certain FCC rules and regulations. Mr. Ring has kindly offered to cooperate with the Director of Engineering of NAB in conducting an engineering question box and therefore if there are any questions concerning the FCC rules and regulations, it is requested that you send your questions to the Director of Engineering of NAB. The questions will be answered individually except where the question might seem to have a broader interest, in which case an explanation will be given in the NAB Reports.

During the conference many questions were asked concerning the application of certain of the rules on operators' licenses. This will be the subject of an article in the NAB Reports in the immediate future, and the Director of Engineering would like to have those who have questions concerning these rules send them in as soon as possible.

## BUREAU OF RADIO ADVERTISING

Owing to a change in plans, the transcript of the radio panel discussion held last month in connection with the National Retail Dry Goods convention will not be available to NAB members until some time in the spring, when the NRDGA plans to publish a complete Radio Manual for Retailers. Alan Wells, manager of the Sales Promotion Division of NRDGA, has resigned effective March 1 to join Kaufman's, Pittsburgh. His successor will be named shortly.

The NAB Research Department is preparing a comprehensive survey to gain up-to-date information on department store use of radio. The cooperation of all stations is earnestly requested in filling out and returning the questionnaire forms, which will be issued soon.

Along with its bulletin of February 28, the Bureau has sent to all members a reprint of an article by Kenneth Taylor, vice president of John Taylor Dry Goods Company, Kansas City, Mo., on the subject of radio for retailers. The article appeared in a recent issue of *The*

*Retail Executive.* Extra copies of the reprint are available on request to the Bureau.

## INSURANCE ADVERTISING CONFERENCE

Representing the Bureau of Radio Advertising at the Insurance Advertising Conference at Hotel Biltmore, New York, February 29 and March 1, are Ed Kirby and William R. Cline, commercial manager, WLS, Chicago, and chairman of the NAB Sales Managers' Committee.

## NO FREE OFFERS

The Bureau is glad to report that no new free offers were reported by members during the past two weeks. The following, however, sought to place "cost-per-inquiry" business, and have been advised of NAB policy on such proposals:

Beach Cities Advertising, Long Beach, California; Lifetime Photo Plaque Company, 295 Madison Avenue, New York City; National Classified Advertising Agency—Air Conditioning Training Corp., Youngstown, Ohio; Nu-Matic Arch Massage, Ltd., St. Joseph, Missouri; Amogen Company, 147 North Street, San Antonio, Texas.

## ADVERTISING VOLUME

*Printers' Ink* released in this week's issue an estimate of the total volume of advertising in the United States for the year 1939 at $1,602,000,000. This figure is divided between the various media as follows:

| | |
|---|---|
| Newspaper | $525,000,000 |
| Magazine | 150,000,000 |
| Direct Mail | 300,000,000 |
| Radio | 170,000,000 |
| Out Door | 50,000,000 |
| Business Publications | 50,000,000 |
| Farm Publications | 17,000,000 |
| Miscellaneous | 340,000,000 |

## VETERAN OPERATORS ASSOCIATION HONORS INDUSTRY

A handsome bronze plaque inscribed to the American Broadcasting Industry, "Finest In The World," was received by Neville Miller last week from the Veteran Wireless Operators Association at the association's fifteenth anniversary dinner in New York. Mr. Miller also was made an honorary member.

## WALKER'S MOTHER DIES

The broadcasting industry extends its sympathy to FCC Commissioner Paul Walker whose mother died last week.

## PRIVATE RADIO SERVICE DENIED BY FCC

The FCC is receiving an increasing number of requests for authorizations permitting the use of radio for communications between offices and automobiles. While such service would be a private convenience, it has not been shown to be in the public interest to grant such restricted facilities.

There have been many requests for such service on behalf of business concerns and individuals, but in no case within the continental United States has a station of this class been authorized except for emergency radio communications involving the safety of life and property, in which cases the facilities are required to be available to the general public for emergency communication.

## TEXAS STATION REVOCATION HEARINGS SET BY FCC

Public hearings have been ordered by the FCC in the cases of six Texas radio stations involved in revocation proceedings. Commissioner George Henry Payne has been designated to sit at the separate hearings which are scheduled as follows: KTBC, State Capitol Broadcasting Association, Inc. (Austin), at Austin, on March 5; KNET, Palestine Broadcasting Association (Palestine), at Dallas, March 7; KRBA, Red Lands Broadcasting Association (Lufkin), at Dallas, March 11; KSAM, Sam Houston Broadcasting Association (Huntsville), at Dallas, March 12; KAND, Navarro Broadcasting Association (Corsicana), at Dallas, March 11; KGKB, East Texas Broadcasting Company (Tyler), at Dallas, March 14.

In ordering these hearings, the Commission denied motion for continuance of hearing filed on February 26 in behalf of stations KTBC, KNET, KRBA, KSAM, and KGKB.

## FEDERAL COMMUNICATIONS COMMISSION RULES AND REGULATIONS

### Part 4. Visual Broadcast Service

*Television Broadcast Stations*

Sec. 4.71 *Defined.* The term "television broadcast station" means a station licensed for the transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public. The transmission of synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast as herein set forth.

(a) There shall be two types of experimental television stations, namely, "Experimental Research Stations" and "Experimental Program Stations" which shall be known as Class I and Class II stations, respectively.

Sec. 4.72 *Licensing requirements, necessary showing*

(a) A license for a television Class I station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation in the technical phases of television broadcasting, which indicates reasonable promise of substantial contribution to the development of the television art.
2. That the transmission of signals by radio is essential to the proposed program of research and experimentation.
3. That the program of research and experimentation will be conducted by qualified personnel.
4. That the applicant is legally, financially, technically, and otherwise qualified to carry forward the program.

5. That public interest, convenience or necessity will be served through the operation of the proposed station.

(b) A license for a Class II station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a definite plan of experimentation in the television broadcast program service which indicates reasonable promise of substantial contribution to the advancement of television broadcasting as a service to the public.
2. That the program of experimentation will be conducted by qualified personnel.
3. That program material is available and will be utilized by the applicant in rendering broadcast service to the public.
*4. That a minimum scheduled program service of ten hours per week will be maintained throughout the license period.
5. That the applicant will install and operate transmitting and studio equipment technically adequate to render a service suitable for reception by the public.
6. That the operation with respect to the suppression of spurious emissions and carrier noise, safety provisions, etc., will be in accordance with good engineering practice.
7. That the applicant's technical facilities will be adequate to serve an area appropriate for the program of experimentation.
8. That a competent engineering study has been made of the nature, extent and effect of interference which may result from the simultaneous operation of the proposed station and other Class II television stations.
9. That the applicant is legally, financially and otherwise qualified to render a satisfactory service to the public.
10. That public interest, convenience or necessity will be served through the operation of the proposed station.

Sec. 4.73 *Charges*

(a) No charges either direct or indirect shall be made by the licensee of a television station for the production or transmission of either aural or visual programs transmitted by such station, except as provided in subsection (b).

(b) Beginning September 1, 1940, Class II television licensees may make charges against program sponsors to cover the cost of programs produced for the respective sponsors; and such sponsored programs, including advertising material, may be transmitted as part of the station's experimental program service but without charge for such transmission.

(c) The limited commercialization permitted under subsection (b) above shall not take precedence over the experimental service, but shall be subordinated to it.

Sec. 4.74 *Reports by Class II Stations*

Quarterly reports on forms prescribed by the Commission shall be made by Class II television broadcast stations of their charges and costs as well as of other pertinent information which may be of assistance to the Commission in evaluating the economic feasibility of television broadcasting as a regular service to the public on a commercial basis.

Sec. 4.75 *Announcements*

At the time station identification announcements are made, there shall be added the following:

> "This is a special television broadcast made by authority of the Federal Communications Commission for experimental purposes."

Sec. 4.76 *Scope of Experimentation, Limitations and Restrictions*

(a) Class I stations shall operate to conduct research and experimentation for the development of the television broadcast art in its technical phases but shall not operate to render a regularly scheduled television broadcast service to the public.

(b) No Class I station shall operate when objectionable interference would be caused by such operation to the regularly scheduled broadcast service of a Class II station.

(c) Class II stations shall operate to conduct television broadcast research and experimentation for the development of the art in its program phases and in connection therewith may carry out experiments with respect to power and antenna requirements for a satisfactory service to the public.

(d) Class II stations shall make all equipment changes necessary for rendering such external transmitter performance as the Commission may at any time require.

(e) Class II stations shall maintain a minimum scheduled program service of ten hours per week throughout the license period.

Sec. 4.77. *Frequency assignment.*

(a) The following groups of channels are allocated for assignment to television broadcast stations licensed experimentally:

*Group A*

| | | |
|---|---|---|
| Channel | #1 | 44,000– 50,000 kc. |
| | 2 | 50,000– 56,000 |
| | 3 | 66,000– 72,000 |
| | 4 | 78,000– 84,000 |
| | 5 | 84,000– 90,000 |
| | 6 | 96,000–102,000 |
| | 7 | 102,000–108,000 |

*Group B*

| | | |
|---|---|---|
| Channel | #8 | 156,000–162,000 kc. |
| | 9 | 162,000–168,000 |
| | 10 | 180,000–186,000 |
| | 11 | 186,000–192,000 |
| | 12 | 204,000–210,000 |
| | 13 | 210,000–216,000 |
| | 14 | 234,000–240,000 |
| | 15 | 240,000–246,000 |
| | 16 | 258,000–264,000 |
| | 17 | 264,000–270,000 |
| | 18 | 282,000–288,000 |
| | 19 | 288,000–294,000 |

*Group C*

Any 6000 kc. band above 300,000 kc.
excluding band 400,000 to 410,000 kc.

(b) Each Class II television broadcast station will be assigned only one channel. Class I television stations may be assigned one or more channels as the program of experimentation requires. Both aural and visual carriers with side bands for modulation are authorized for both Class I and Class II stations but no emission shall result outside the authorized channel. The assignment of a channel to a Class II television broadcast station does not preclude the assignment of that channel for use by Class I stations, but such a Class II television station shall have priority for the use of the channel for its scheduled program service. Licenses for both a Class I and a Class II station may be issued to a single licensee only upon a showing that the development of the television art will be assisted thereby, particularly where authority to operate on channels in Group B and C is requested for the Class I operations.

(c) Channels in Groups B and C may be assigned to television stations to serve auxiliary purposes such as television relay stations. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

(d) For the present no Class II television broadcast station will be assigned a channel for time sharing operation.[1]

Sec. 4.78 *Power.*

The operating power of a Class I station shall not be in excess of that necessary to carry forward the program of research and in no case in excess of the power specified in its license.

Sec. 4.79 *Supplemental report with renewal application.*

A supplemental report shall be filed with and made a part of each application for renewal of license and shall include comprehensive reports on the following:

(a) *For Class I Television Broadcast Stations.*

1. Number of hours operated.
2. Full data on research and experimentation conducted, including the power employed.
3. Conclusions, tentative and final.
4. Program for further developments of the television broadcast service.
5. All developments and major changes in equipment.
6. Any other pertinent developments.

(b) *For Class II Television Broadcast Stations.*

1. Number of hours operated during which programs were transmitted classified as studio performances, special events (with appropriate description), films, etc.

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* This provision modifies Section 4.4(d) in so far as that Section applies to Class II television broadcast stations.

[1] This provision modifies Section 4.4(a) in so far as it applies to television broadcast stations.

2. Studio equipment used and any developments made during the license period.
3. Progress made in the advancement of television broadcasting as a service to the public.
4. Financial data on cost of operation during the license period.
5. Power employed, field intensity measurements and visual and aural observations to determine the service area of the station.

## FCC RULE AMENDMENTS

Following is a list of all amendments to the Rules and Regulations since the printing of the FCC's rules in pamphlet form.

| *Amendment No.* | *Subject* |
|---|---|
| 1. | Amending Part 1.—Rules of Practice and Procedure (Sec. 1.142 *Copies*) |
| 2. | Amending Part 3.—Rules Governing Standard Broadcast Station (Sec. 3.93 *Mechanical Records*) |
| 3. | Amending Part 7.—Rules Governing Coastal and Marine Relay Services (Sec. 7.58 *Coastal Service*) |
| 4. | Amending Part 10.—Rules Governing Emergency Radio Services. (Sec. 10.47 *Forestry Stations*) |
| 5. | Amending Part 10.—Rules Governing Emergency Radio Services. (Sec. 10.252 *Modulation*) |
| 6. | Amending Appendix B of Part 2.—General Rules and Regulations. |
| 7. | Amending Part 8.—Rules Governing Ship Service. (Sec. 8.81 *Ship Service*) |

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, March 4. They are subject to change.

### Tuesday, March 5

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Renewal of license, **1200 kc.**, 100 watts, unlimited time.

### Tuesday, March 5

Hearing to be held before Commissioner George Henry Payne, at Austin, Texas

KTBC—State Capitol Broadcasting Association, Inc., Austin, Tex. —In re: Revocation of station license of KTBC.

### Wednesday, March 6

KXL—KXL Broadcasters, Portland, Oregon.—C. P., **740 kc.**, 10 KW, 10 KW LS, limited time (DA—day and night). Present assignment: **1420 kc.**, 250 watts, shares with KBPS.

KTRB—Thomas R. McTammany & William H. Bates, Jr., Modesto, Calif.—C. P., **740 kc.**, 1 KW, 1 KW LS, limited to WSB, Atlanta, Ga. Present assignment: **740 kc.**, 250 watts, daytime.

### Thursday, March 7

Oral Argument before the Commission

Report No. B-75:

NEW—William C. Barnes & Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—J. R. Walker, S. S. Walker & C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

### Thursday, March 7

Hearing to be held before Commissioner George Henry Payne, in the County Probate and Commissioners Court Rooms, Dallas, Tex.

KNET—John Calvin Welch, William M. Keller & Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Texas.—In re: Revocation of station license of KNET.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### March 19

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of license, **810 kc.**, 1 KW, specified hours (6 a. m. to 11 p. m., EST), (DA-daytime). Present assignment: **810 kc.**, 1 KW daytime—WCCO, directional antenna.

### March 26

NEW—William F. Huffman, Wisconsin Rapids, Wisc.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Granted construction permit for new broadcast station to operate on **1200 kc.**, power 250 watts, unlimited time.

WJBW—Charles C. Carlson, New Orleans, La.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts; frequency **1200 kc.**, unlimited time.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts; frequency **1200 kc.**, unlimited time.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va. —Granted construction permit to install new transmitter, increase power from 500 watts to 1 KW, move transmitter site from 5 miles south of corporate limits, east of Valley Pike, to a site to be determined, and install vertical radiator; frequency **550 kc.**

WOR—Bamberger Broadcasting Service, Inc., Carteret, N. H.—Granted extension of special experimental authority to operate Standard Broadcast Station WOR as a facsimile broadcast station between 1 a. m. to 6 a. m., EST, to August 1, 1940; station operates on **710 kc.**, **50 kc.**, unlimited time, using directional antenna.

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Granted construction permit to move studio and transmitter site, increase power from 100 watts to 250 watts, and install new transmitter and antenna; station operates with **1420 kc.**, unlimited time.

### DESIGNATED FOR HEARING

KGDM—E. F. Peffer, Stockton, Calif.—Application for modification of license to change frequency from **1100 kc.** to **1530 kc.**, and increase time of operation from daytime only to unlimited; station operates with 1 KW power.

### RENEWAL OF LICENSES

WTAL—Florida Capitol Broadcasters Inc., Tallahassee, Fla.—Granted renewal of license on temporary basis only until August 1, 1940 pending action on application for renewal of license.

The following stations were granted renewal of licenses for the period ending August 1, 1940:

WCFL (auxiliary), Chicago, Ill.; WHO, Des Moines, Iowa; WKAT, Miami Beach, Fla.; WLB, Minneapolis, Minn.; WSB and auxiliary, Atlanta, Ga.; KGKY, Scottsbluff, Nebr.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Granted further extension of license upon a temporary basis only to April 1, 1940, pending determination upon application for renewal of license.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted further extension of license upon a temporary basis only to April 1, 1940, pending determination upon application for renewal of license.

KSUB—Leland M. Perry, Cedar City, Utah.—Special temporary authorization to Leland M. Perry, surviving partner of Johnson & Perry, a partnership, to operate station KSUB, was further extended upon a temporary basis only to April 1, 1940, subject to whatever action may be taken upon formal application for regular authorization that may be submitted with respect to Station KSUB.

WMFJ—A. Wright Esch, Daytona Beach, Fla.—Granted further extension of license upon a temporary basis only to April 1, 1940, pending determination upon application for renewal of license.

WHO—Central Broadcasting Co., Des Moines, Iowa, and WSM—National Life & Accident Insurance Co., Nashville, Tenn.—Granted further extension of special experimental authorization to operate a regular broadcast transmitter for the experimental transmission of facsimile signals to April 1, 1940.

The following applications for renewal of facsimile broadcast station licenses were renewed for the regular period:

W2XUP, New York, N. Y.; W5XGR, Dallas, Tex.; W8XUJ, Cincinnati, Ohio; W2XBF, New York, N. Y.; W4XIH, Nashville, Tenn.; W9XZY, St. Louis, Mo.; W8XUF, Jackson, Mich.; W8XE, Cleveland, Ohio; W8XA, Buffalo, N. Y.; W8XUM, Columbus, Ohio.

W3XAD—RCA Manufacturing Co., Inc., Portable (Camden, N. J.).—Granted renewal of television broadcast station license for the period ending February 1, 1941.

W3XEP—RCA Manufacturing Co., Inc., Portable (Camden, N. J.).—Granted renewal of television broadcast station license for the period ending February 1, 1941.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted extension of facsimile broadcast station license upon a temporary basis only, to April 1, 1940, pending determination upon application for renewal of license.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Granted extension of facsimile broadcast station license upon a temporary basis only, to April 1, 1940, pending determination upon application for renewal of license.

Licenses for the following television broadcast stations were further extended upon a temporary basis only, to April 1, 1940, pending receipt and/or determination upon application for renewal of licenses:

W9XAL, Kansas City, Mo.; W1XG, Boston, Mass.; W9XG, West Lafayette, Ind.; W2XDR, Long Island City, N. Y.; W9XK, Iowa City, Iowa; W9XUI, Iowa City, Iowa.

### Miscellaneous

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted construction permit to move auxiliary transmitter approximately 5.8 miles from North Snelling Ave., approximately 4½ miles northwest of St. Paul, Minn., to St. Paul, Minn.; use directional antenna as authorized, with auxiliary transmitter.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 3 p. m. to 4 p. m., EST, on March 3 and 10, 1940, in order to broadcast program prepared by the American Association of University Women, St. Lawrence County Branch.

WMAN—Richland, Inc., Mansfield, Ohio.—Granted special temporary authority to operate from 6 p. m. to 12 midnight, EST, on February 27, 1940, in order to broadcast election returns and incidental sustaining music.

E. E. Krebsbach, Miles City, Mont.—Denied petition to intervene in hearing on application of Star Printing Co., Miles City, Mont., for construction permit for new station to operate on **1310 kc.,** 250 watts, unlimited time.

Star Printing Co., Miles City, Mont.—Granted petition for consolidation of hearings in re applications of E. E. Krebsbach, Miles City, Mont., for construction permit for new station to operate on **1310 kc.,** 100 watts night, 250 watts local sunset, unlimited time, and of Star Printing Co., Miles City, Mont., for construction permit for new station to operate on **1310 kc.,** 250 watts, unlimited time.

WFDF—Flint Broadcasting Co., Flint, Mich.—Continued for one week petition to intervene in re hearing on application of Thumb Broadcasting Co., Brown City, Mich., for construction permit for new station to operate on **880 kc.,** 250 watts, daytime.

William F. Huffman, Wisconsin Rapids, Wis.—Granted motion for continuance of hearing now scheduled for February 26, 1940, to new date to be fixed by Office of the Secretary, in re application for construction permit for new station to operate on **1310 kc.,** 100 watts night, 250 watts local sunset, unlimited time.

J. D. Falvey, Ottumwa, Iowa.—Granted supplemental petition for order to take depositions in re application for construction permit for new station to operate on **1210 kc.,** 100 watts night, 100 watts local sunset, unlimited time.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted motion for extension of time to file proposed findings due February 25, 1940, to March 15, 1940, in re application for construction permit to change assignment from 1 KW, local sunset, daytime only, to **830 kc.,** 5 KW, 5 KW local sunset, unlimited time (DA night).

Thumb Broadcasting Co., Brown City, Mich.—Continued for one week opposition to petition of Flint Broadcasting Co. (WFDF) to intervene with proposals of alternate relief in re application of Thumb Broadcasting Co. for construction permit for new station to operate on **880 kc.,** 250 watts, daytime.

WSPA—Virgil V. Evans, tr/as the Voice of South Carolina, Spartanburg, S. C.—Granted construction permit to install auxiliary transmitter, using 500 watts power, at Evanston Heights, Spartanburg, S. C.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted license to cover construction permit for new equipment and increase in power from 250 watts to 500 watts night and 1 KW day, frequency **1260 kc.,** unlimited time; also granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KYSM—F. B. Clements & Co., d/b as Southern Minnesota Supply Co., Mankato, Minn.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

W2XWE—WOKO, Inc., Albany, N. Y.—Granted license to cover construction permit as modified for new facsimile broadcast station, frequency **25050 kc.,** power 500 watts, granted upon an experimental basis only, conditionally.

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—Granted modification of license to move studio locally and insert serial number of both aural and visual transmitters, 3001.

W9XAO—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted license to cover construction permit for new high frequency broadcast station, frequency **42600 kc.,** power 1000 watts, special emission for frequency modulation, maximum band width of not over 200 kc.; granted upon an experimental basis only, conditionally.

WSPA—Virgil V. Evans, tr/as the Voice of South Carolina, Spartanburg, S. C.—Granted special temporary authority to operate from 6:15 p. m., EST, to 11:00 p. m., EST, on February 23, 1940, in order to broadcast Finnish relief program.

Harry Jackson, Harrisburg, Pa. (T-4).—Adopted final order denying the application of Harry Jackson, Harrisburg, Pa., for a permit to construct a general experimental station; order to become effective February 24, 1940.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with Stations WIBW and WCHS, with power of 1000 watts, from 7:30 to 9:30 p. m., CST, on March 2, 1940, from 7:25 p. m. to 9:25 p. m., CST, on March 4, 1940, and from 7:00 p. m. to 11:00 p. m., CST, on March 14, 15, and 16, 1940, in order to broadcast basketball games only.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2:00 to 3:00 p. m., CST, on March 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, and 28, 1940; from 3:00 to 3:30 p. m. CST, on March 4, 11, 18, and 25, 1940, and from 8:00 to 10:30 p. m., CST, on March 8, 1940 (provided KGGF remains silent) in order to broadcast special educational programs; to remain silent from 7:15 p. m. to 9:15 p. m., CST, on March 21, 1940, in order to observe Easter vacation.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent during above periods in order to permit WNAD to broadcast special educational programs; to operate from 7:15 p. m. to 9:15 p. m., CST, on March 21, 1940, in order to allow WNAD to remain silent during Easter vacation (provided WNAD remains silent).

WEAN-WAAB-WNAC-WICC—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to pick up and rebroadcast programs being broadcast by FM stations W1XOJ, W1XPW, W2XMN, W2XAG, or High Frequency Broadcast station W1XER, for the period February 25, 1940, to not later than March 25, 1940, in order to secure information for the high frequency hearing.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Granted special temporary authority to operate test transmitter with power not to exceed 100 watts, on **1350 kc.,** day and night, in order to select transmitter site in accordance with construction permit, for a period not to exceed 30 days.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 10:00 to 11:00 a. m., from 5:00 to 5:30 p. m., and from 6:45 to 10 p. m., CST, on March 1, 1940, to operate from 4:00 to 6:00 p. m. and from 7:15 to 10:00 p. m., CST on March 2, 1940, to operate from 7:15 to 10:00 p. m. CST on March 4, 1940, to operate from 4:00 to 6:00 p. m. and from 7:45 to 10:30 p. m., CST on March 9, 1940, and from 4:00 to 6:00 p. m. and from 7:45 to 10:30 p. m. CST on March 16, 1940, in order to broadcast basketball games only.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 10:45 a. m. to 11:00 a. m. CST on February 29, March 7, 14, and 21, 1940, in order to broadcast lectures by Prof. Frings; to operate from 2:00 to 2:30 p. m. CST on March 2, 1940, in order to broadcast speeches in connection with Lutheran Students' Union Convention; to operate from 10:30 to 12:00 a. m. CST on March 3, 1940, in order to broadcast the LSU convention church service (provided KGCA remains silent).

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted special temporary authority to operate on **1040 kc.,** from 7:25 p. m. to 9:00 p. m. PST on March 1, 2, 15, 16, and 18, 1940, in order to broadcast basketball games only.

WWAE—Hammond-Calumet Broadcast Corp., Hammond, Ind.—Granted special temporary authority to operate simultaneously with radio station WFAM from 5:15 p. m. to 8:00 p. m. CST on February 29, 1940, and from 6:00 p. m. to 8:00 p. m. CST on March 1, 2, 9, and 16, 1940, in order to broadcast basketball games only.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WCBX and WCAB over Station WKAQ on a noncommercial experimental basis only, from February 28, 1940, to not later than March 28, 1940.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast station W2XVT from 9:00 a. m. to 7:00 p. m. EST (provided W2XBS remains silent), in order to make tests and conduct demonstrations for the RMA Committee on television and to conduct demonstration for Commissioner Craven on February 26, 1940.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 10:30 p. m. CST on March 1, 2, 6, 7, 8, 9, 13, 14, 15, and 16, 1940, in order to broadcast basketball games only.

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to operate from 2:00 p. m. to 4:45 p. m. CST on March 8, 1940, and from 9:30 a. m. to 12:30 p. m., from 2:00 p. m. to 4:45 p. m., and from 8:00 p. m. to 11:00 p. m. CST on March 9, 1940, in order to broadcast basketball games only.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted license to cover construction permit and modification thereof for increase in power from 1 KW to 1 KW, 5 KW day, move of transmitter and install new transmitter and antenna; frequency **580 kc.,** unlimited time; also granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted modification of construction permit as modified for changes in transmitting equipment and increase in power from 500 watts to 1 KW, 5 KW local sunset, for extension of required date of completion from February 28, 1940 to April 28, 1940.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, President, Visalia, Calif.—Granted construction permit to make changes in transmitting equipment.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 2 p. m. to 4 p. m. and from 8 p. m. to 10 p. m., EST, on February 29, March 1 and 2, 1940, in order to broadcast basketball games only; to operate from 8 p. m. to 9 p. m., EST, on February 26, 1940, in order to broadcast celebration of University of Maine 100th Anniversary.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF, with power of 250 watts, from 7:30 p. m. to 9:30 p. m., CST, on February 29, 1940, and from 7 p. m. to 8 p. m., CST, on March 1, 1940, in order to permit WGBF to broadcast basketball games.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU as above in order to broadcast basketball games only.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7 p. m. to 11:30 p. m., CST, on March 6, 7, 8 and 9, 1940, in order to broadcast basketball games only.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through high frequency station W2XOY the frequency modulated programs of high frequency station W2XMN, for a period not to exceed thirty days.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted special temporary authority to operate from 6:30 p. m., CST, to the conclusion of basketball games on March 1 and 2, 1940, in order to broadcast basketball games only, using 250 watts power.

W2XB—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through television broadcast station W2XB the television programs to be received from the NBC, Inc., transmitter located atop the Empire State Building, for a period not to exceed thirty days.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 10:45 p. m., CST, on March 6, 7, and 9, 1940, and from 10:30 p. m. to 10:45 p. m., CST, on March 8, 1940, in order to broadcast basketball games only.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted special temporary authority to rebroadcast program to be received from international broadcast station WGEO over station WKAQ from 8:30 p. m., AST, to the conclusion of Professor Vincent Tovar's discussion on "Meditaciones de un Misantrope," written by Rene Jimenez Malaret, on March 7, 1940.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 570 Kilocycles

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 580 Kilocycles

KSAC—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Authority to determine operating power by direct measurement of antenna power.

### 700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-P-2460) for changes in equipment, requesting extension of completion date from 4-22-40 to 10-22-40.

### 780 Kilocycles

WEAN—The Yankee Network, Inc., Providence, R. I.—Construction permit to make changes in directional antenna for day and night use and change power from 1 KW; 5 KW-day to 5 KW day and night. Amended: re: antenna.

### 880 Kilocycles

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Modification of license to increase power from 500 watts; 1 KW-day to 1 KW day and night. Amended to request class III-A station.

### 890 Kilocycles

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit to install new transmitter, make changes in antenna, change hours of operation from specified hours to unlimited time, increase power from 500 watts, 1 KW to 1 KW; 5 KW day, move transmitted from Northwestern Ave., W. Lafayette, Ind. to 1 mile East of No. 43 and 6 miles North of Romeny, Wea Township, Ind. Amended: re: antenna changes (directional antenna at night).

### 900 Kilocycles

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Construction permit to install directional antenna for night use, increase power from 1 KW; 5 KW-day to 5 KW day and night, move transmitter from R.F.D. No. 2, Shawnee Road, near Martinsville, N. Y., to Bush road, Grand Island, N. Y.

### 950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Modification of construction permit (B1-P-1332) as modified for a new station, requesting authority to change type of transmitter, and extend commencement date to 30 days after grant and completion date 120 days thereafter.

### 1040 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for a new station on **1040 kc.** (request **1080 kc.** when Havana Treaty effective), 1 KW, 5 KW day, unlimited time, directional antenna day and night use.

### 1120 Kilocycles

KSAL—KSAL, Inc., Salina, Kans.—Construction permit to increase power from 500 watts; 1 KW-day to 1 KW day and night, changes in directional antenna system.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Construction permit to increase power from 1 KW to 5 KW, install new equipment, and directional antenna for night use.

### 1200 Kilocycles

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesbore, Ark.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

### 1210 Kilocycles

KALB—Alexandria Broadcasting Company, Inc., Alexandria, La.—Authority to determine operating power by direct measurement of antenna power.

NEW—LaGrange Broadcasting Co., LaGrange, Ga.—Construction permit for a new station on **1210 kc.**, 100 watts, unlimited time, site to be determined, LaGrange, Ga.

### 1230 Kilocycles

WFBM—WFBM, Inc., Indianapolis, Ind.—Modification of license to change power from 1 KW; 5 KW-day to 5 KW day and night, using directional antenna at night, change name from Indianapolis Power and Light Co., to WFBM, Inc. Amended: re: directional antenna.

WNAC—Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-P-1083) for increase in power from 1 KW; 5 KW-day to 5 KW day and night, changes in antenna system. Amended to make changes in directional antenna, for use day and nightime.

### 1240 Kilocycles

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—Construction permit for a new station on **1240 kc.**, 250 watts, unlimited time.

### 1290 Kilocycles

WNEL—Juan Piza, San Juan, Puerto Rico.—Construction permit to make changes in transmitter, make changes in antenna, increase power from 1 KW, 2½ KW-day to 5 KW day and night, and move transmitter from 99 Sol St., San Juan, Puerto Rico to Kilometer 3.6, Carolina, Puerto Rico.

### 1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Modification of construction permit (B5-P-2344) as modified for increase in power, move of transmitter, new transmitter and changes in antenna, requesting extension of completion date from 3-10-40 to 5-1-40.

### 1350 Kilocycles

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of construction permit (B2-P-1912) as modified for increase in power, equipment changes, installation of directional antenna for day and night use, requesting further increase in power to 5 KW day and night.

### 1370 Kilocycles

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—License to cover construction permit (B4-MP-895) for increase in power from 100 watts, 250 watts day, to 250 watts day and night.

NEW—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for a new broadcast station to be operated on **1380 kc.**, 500 watts power, daytime operation. Amended to request **1370 kc.**, 100 watts, unlimited time. Change applicant from Ralph M. Lambeth to Greensboro Broadcasting Company, Inc., and equipment changes.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Modification of license to change hours of operation from daily 8:30 a. m. to 10 a. m. and 2 to 3 p. m., EST, to Monday through Friday 8:30 a. m. to 10 a. m., EST.

### 1380 Kilocycles

WING—WSMK, Inc., Dayton, Ohio.—Construction permit to install new transmitter, frequency monitor, and make changes in directional antenna system (night use only), and increase power from 250 watts, 500 watts day, to 5 KW day and night.

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Modification of construction permit (B3-P-2242) as modified for 1 KW power, new antenna, move transmitter, requesting increase in power from 1 to 5 KW, install new equipment and directional antenna for night use, move transmitter from Mobile, Ala., to Mobile County, Ala., and extend commencement date to 30 days after grant and completion date to 90 days thereafter.

### 1420 Kilocycles

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Modification of construction permit (P4-P-1243) for new station, requesting approval of antenna, new transmitter, studio site at 320 Busseron St., Vincennes, Ind., and transmitter at 6th St., U. S. Highway No. 41, Vincennes, Ind.

NEW—Capital Broadcasting Co., Washington, D. C.—Construction permit for a new station on **1310 kc.**, 250 watts power, unlimited time. Amended to request **1420 kc.**

WGPC—Albany Broadcasting Company, Inc., Albany, Ga.—Construction permit to make changes in equipment and increase power from 100 to 250 watts. Amended to install new antenna and move studio and transmitter from 125½ N. Jackson St., Albany, Ga., to Gillionville Road, near Albany, Ga.

### 1460 Kilocycles

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to change corporate name to KSTP, Inc.

### 1500 Kilocycles

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Authority to determine operating power by direct measurement of antenna power.

NEW—MSB Broadcast Co., Omaha, Nebr.—Construction permit for a new broadcast station on **1500 kc.,** 250 watts, unlimited time. Amended: Re: Corporate structure.

NEW—WISH, Inc., Tupelo, Miss.—Construction permit for a new station on **1500 kc.,** 250 watts, unlimited time.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—License to cover construction permit (B2-P-2652) to use old RCA 250-W transmitter as auxiliary transmitter at new site.

### Miscellaneous

NEW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Construction permit for a new high frequency broadcast station, site to be determined, near Chattanooga, Tenn., to be operated on **42600 kc.,** 1 KW, unlimited time, special emission.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to use both amplifiers (Type NRA-25B and Type NRA-25A) simultaneously on two directional antennas on **9670 kc.**

NEW—Wm. Penn Broadcasting Co.. Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.,** 1000 watts, special emission for frequency modulation, site to be determined at or near Philadelphia, Pa.

NEW—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.,** 1000 watts, unlimited time, special emission for frequency modulation, to be located at 20th and Front Streets, Ashland, Kentucky.

NEW—A. Frank Katzentine, area of Miami Beach, Fla.—Construction permit for a new relay broadcast station on **1646, 2090, 2190, 2830 kc.,** 50 watts, A-3 emission.

WENL—Station WIS, Inc., Portable-Mobile.—Voluntary assignment of license from Station WIS, Incorporated, to The Liberty Life Insurance Company.

KABE—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to change name only to KSTP, Inc.

KAIE—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to change name only to KSTP, Inc.

KIGH—National Battery Broadcasting Co., Minneapolis, Minn.—Modification of license to change name only to KSTP, Inc.

W6XAO—Don Lee Broadcasting System, Hollywood, Calif.—Modification of construction permit (B5-PVB-38) to move transmitter and specify frequencies **44000-50000** to comply with new rules, requesting extension of commencement date and completion date from 9-30-39 and 3-31-40, to 3-31-40 and 9-30-40, respectively.

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station, **42600 kc.,** 1 KW, special emission. Located on top Mt. Lee, Hollywood Hills, Los Angeles, Calif.

NEW—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit for a new high frequency broadcast station, **43000 kc.,** 1 KW power, special emission. Located at Ralston Road, Indianapolis, Ind.

W9XAZ—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—License to cover construction permit (B4-PHB-67) as modified, for reinstatement of station: **42260 kc.,** 500 watts power, A-3 emission. Located: 606 W. Wisconsin Ave., Milwaukee, Wisc.

W2XD—General Electric Co., Schenectady, N. Y.—Construction permit to reinstate station. Frequency **156000-162000 kc.,** 40 watts power, emission A-5. Visual transmission. Located at No. 1 River Road, Schenectady, N. Y.

W2XOY—General Electric Co., Albany, N. Y.—Construction permit to increase power from 150 watts to 1 KW, move transmitter from Albany, N. Y., to New Scotland, N. Y., and install new transmitter. Amended to change maximum rated power of transmitter.

W8XAD—WHEC, Inc., Rochester, N. Y.—License to cover construction permit (B1-PHB-81) as modified for new high frequency broadcast station.

NEW—The Metropolis Co., Jacksonville, Fla.—Construction permit for a new high frequency broadcast station, **42800 kc.,** 1 KW, special emission; located in Jacksonville, Fla., exact site to be determined.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Eileen-Joy Fashions, Inc.**—Charging misrepresentation in the sale of women's wearing apparel, a complaint has been issued against two New York corporations, Eileen-Joy Fashions, Inc., 1375 Broadway, and Teen Frocks, Inc., 520 Eighth Ave., and Morris Scharf and Henry Dudkin, individually and as officers of the two corporations, who formerly were co-partners trading as Eileen-Joy Fashions.

It is alleged that the respondents advertised as silk articles composed entirely of rayon by means of terms such as "Taffeta" and "Pure Dye" placed on tags, labels, price lists and in advertising matter; that products composed entirely of rayon were advertised as "Celanese" and "Celanese Clairanese Taffeta", and that these words, when used to designate rayon, are not sufficiently well known and understood by the purchasing public to inform them that they are buying rayon or anything other than silk.

It is alleged that the respondents' practice of furnishing misleading labels, tags and other advertising material to jobbers, retailers and other customers for attachment to the respondents' products, and the use of designations which fail to disclose the rayon content of their products, provide uninformed or unscrupulous dealers with a means of misleading buyers into believing they are purchasing silk instead of rayon garments. (4038)

**Novelty Sales Company**—Simon and Morris Aron and Louis Broudo, trading as Novelty Sales Company, 806 Walnut St., Philadelphia, are charged, in a complaint with use of lottery methods in the sale and distribution of merchandise.

The complaint alleges that the respondents, who are engaged in selling and distributing clocks, knives, flashlights and similar merchandise, sell to dealers assortments of their merchandise so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when the articles are sold to ultimate consumers. Such sales plans or methods, the complaint continues, have a tendency to induce the purchasing public to buy the respondents' merchandise in preference to that of competitors who do not use similar methods, and constitute unfair methods of competition within the meaning of the Federal Trade Commission Act. (4039)

**Hamilton Ross Factories, Inc.,** 666 Lake Shore Drive, Chicago, a dealer in chinaware, glassware, plated silverware and cutlery, has been served with a complaint alleging misrepresentation in the sale of its products.

Through the use of advertising mats and color plates supplied to its department store and other retailer customers for insertion in newspaper advertisements, the respondent company is alleged to represent that silverware sold by it is "heavily plated," a term implying to the purchasing public that such silverware is of a quality and grade superior to the lower grades of plated silverware. The complaint alleges that the silverware sold by the respondent is not heavily plated but corresponds approximately to Grade A-1 of household silverware, the lowest grade to which quality marks are regularly applied.

The complaint also alleges that through the use of the word "Factories" in its corporate and trade name and in letterheads, invoices and other printed matter, the respondent implies that it owns, controls or operates factories where the products it sells are manufactured, when such is not a fact. (4040)

**Teen Frocks, Inc.**—See Eileen-Joy Fashions, Inc.

**Trippe Manufacturing Company**—Misrepresentation in the sale of an electric auxiliary light designed for use on motor vehicles, is alleged in a complaint issued against Trippe Manufacturing Company, 564 West Adams St., and Trippe Sales Company, 600 West Jackson Boulevard, Chicago, both of which have branch offices in Toronto, Canada, and Halifax, England.

The respondents are alleged to represent that the light rays from their "Trippe Safety Light" or "Trippe Speed Light" will penetrate and conquer fog regardless of its density; that fog is thin and less dense close to the ground and that the light rays from their light will cut under and stay under the fog blanket to give greater visibility; that the light will provide adequate illumination in fog, rain, mist or snow regardless of density, and to the extent of 1,000 feet ahead; that a person using the light will have 1,000 feet distance of visibility between the user and danger and that the respondents' light has been officially purchased or used by the United States Coast Guard.

The complaint alleges that the respondents' representations are misleading and in excess of their product's accomplishments. (4037)

**Trippe Sales Company**—See Trippe Manufacturing Company.

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders during the past week:

**Affiliated Products, Inc.,** 257 Cornelison Ave., Jersey City, N. J., has been ordered to cease and desist from misleading representations in the sale of cosmetics designated "Edna Wallace Hopper's Special Restorative Cream" and "Edna Wallace Hopper's White Youth Pack (Clay)."

Findings are that "Edna Wallace Hopper's Restorative Cream," through use of various advertisements and of the word "Restorative" in the trade name, was represented as a discovery of a great French scientist or a famous beauty expert and as being capable of rejuvenating the skin, restoring the oils of youth and a youthful appearance to aged skin and preventing and erasing wrinkles. However, the findings continue, the preparation is not a discovery of a great French scientist, but is made from a formula developed by Dr. A. B. Pacini, a cosmetician and graduate chemist, and it will not accomplish the results claimed.

It was found that much of the advertising involved in this proceeding was prepared and placed by the respondent's predecessor in business.

The respondent is ordered to cease use of advertisements which employ the word "Restorative" in the trade name of the special restorative cream and which represent that this preparation is a restorative cream or the discovery of a great French scientist; that its use will rejuvenate the skin or restore the oils of youth or youthful appearance to aged skin or make one's face appear 10 or any number of years younger or keep the skin young and prevent or erase wrinkles or age lines.

Under the order, the respondent company is also directed to desist from disseminating advertisements which represent that the white youth pack is of French origin, will nourish or revive the skin, remove blackheads or eliminate large pores or have any beneficial effect other than loosening blackheads and thereby aiding in their removal. (3734)

**Buford & Owens College,** 812 North East Third St., Oklahoma City, Okla., distributor of preparations for the hair and scalp, and three of its officers, have been served with an order to cease and desist from misrepresentations in the sale of their preparations. The respondent officers of the corporation are Gussie and George Buford and Mary Owens Boone Wellingham.

According to the findings, the respondents represented their preparations as constituting cures or remedies for dandruff, falling hair, and scalp diseases and as being capable of promoting the growth of hair, when such were not the facts. It was also found that by use of the word "College" in the corporate name of their organization the respondents represented that they conducted an institution of higher learning, when in fact the respondent corporation is not a college.

The order directs the respondents to cease advertising that "Buford & Owns Hair Oil", "Buford & Owns Pressing Oil", "Buford & Owns Special Oil", and "Buford & Owns Shampoo" are cures or remedies for dandruff, falling hair or scalp diseases, or will promote hair growth or prevent hair from falling out, and to discontinue using the word "College" as part of the corporate name or representing that the respondents conduct an institution of higher learning. (3790)

**Curl-O-Wave Company**—An order has been issued requiring J. W. Cooper and James J. Cooper, trading as Curl-O-Wave Company, 201 North Wells St., Chicago, to cease and desist from certain misrepresentations in the sale of a hair curling preparation.

In their advertising matter the respondents are found to have represented that their preparation, "Curl-O-Wave", will make the straightest hair naturally curly, transform obstinate hair into dainty curls, and improve the texture of the hair, and that their product is odorless, beneficial to the hair and not an ordinary hair curling fluid but a new discovery.

Findings are that the product will not accomplish the results claimed, and that it is an ordinary curling fluid and not a new discovery. Under the order, the respondents' representations as made in the aforesaid advertising matter are prohibited. (3524)

**Economy Men's Hat Company, Inc.,** and Rosalind Nissenbaum, Lena Nissenbaum and Nat Gilman, individually and as officers of the corporation, have been ordered to cease and desist from certain misrepresentations in the sale of their products.

The Commission finds that the respondents, with their office and principal place of business located at 5 Elizabeth St., New York, buy old, worn and previously used felt has, the bodies of which are cleaned, steamed, ironed and shaped by the respondents and fitted with new trimmings, sweat bands and size labels and sold to retailers. The respondents cause the words "De Luxe Quality" or similar words to be embossed on the sweat bands of the hats, preceded by the words "Made Over Hat".

Findings are that it is the practice of various manufacturers of hats to manufacture finished hats from new felt material, from hat bodies obtained from shop-worn hats that have not previously been worn or used, and from old, previously used hat bodies. By use of the words "Made Over Hat", and by failure to properly mark its products as having been made from second-hand hat bodies, the respondents fail to disclose that hats sold by them are made from old, worn or previously used hat bodies, as distinguished from hats made from shop-worn hat bodies which had never been worn or used.

The respondents are ordered to cease and dessist from representing that hats composed in whole or in part of used or second-hand materials are composed of new materials by failure to stamp on the sweat bands in conspicuous the legible terms which cannot be removed or obliterated without mutilating the sweat bands a statement that the products are composed of second-hand or used material and provided that if sweat bands are not affixed to the hats, the bodies of the hats must be stamped with such explanation in conspicuous or legible terms which cannot be removed or obliterated without mutilating said bodies. (3837)

**Thomas Quilt Factories**—Chester L. Thomas, trading as Thomas Quilt Factories, Denver, Colo., has been ordered to discontinue certain misleading representations in the sale of quilts or other bed coverings.

Findings are that in advertising matter the respondent made statements implying or representing that "Thomas Feather Quilts" were of a value of $37.50 and that $18.75 was an introductory or special price limited as to time and was one-half the usual or customary price, when in fact the respondent did not sell his quilts for $37.50, and $18.75 was not a special or introductory price but the regular and customary price.

The order prohibits the respondent from representing as the customary or regular prices or values of quilts or other bed coverings prices and values which are in excess of the prices at which the products are customarily sold and from representing that the prices at which he sells his articles constitute a discount to the purchaser or that such prices are special, reduced or introductory prices or are applicable for a limited time only, when in fact they are the usual and customary prices. (3375)

**I. Sekine Company, Inc.,** of New York and Baltimore, has been ordered to discontinue certain misleading representations in the interstate sale of toothbrushes.

The respondent company is found to have imported handles and bristles for its brushes and, in the process of preparing the commodity for sale, to have bored holes for the bristles in the handles in the precise location of marks denoting Japanese origin of the handles, thus obliterating the words "Japan" or "Made in Japan" when the bristles were inserted. When the commodity was finally assembled, the findings continue, the sentence, "This brush is made in U. S. A.", was stamped in bold gold letters in a conspicuous place elsewhere on the handles of the brushes.

This practice was misleading, the findings continue, as the toothbrushes were not wholly "Made in U. S. A." It is pointed out that a substantial portion of the buying public has indicated a decided preference for American-made products, including toothbrushes.

The Commission order directs the respondents to cease and desist from using the words, "This brush is made in U. S. A.", or words of similar import, on toothbrushes made from imported handles, or on containers in which they are packed, or in any other manner. The order also prohibits the representation, directly or by implication through use of the foregoing phraseology or other words of similar meaning, or by unnecessary obliteration or concealment of the words indicating the foreign origin of the handles in processing the brushes, that toothbrushes made from imported handles are of domestic manufacture. (3624)

**W. T. Wagner's Sons Company**—Prohibiting use of the word "English" to designate a soda water made in the United States from domestic ingredients. A order to cease and desist has been issued against W. T. Wagner's Sons Company, 1920-26 Race St., Cincinnati.

The order also directs that the respondent cease representing that its product, which has been designated "Wagner English Club Soda", is imported from, or made of ingredients imported from, England, or that only soda waters made in England have the properties possessed by the respondent's soda water.

The findings point out that a substantial number of American purchasers have a preference for soda waters made in England or from ingredients imported from that country.

According to findings, the respondent, in advertising its "Wagner English Club Soda", made use of pictures of typical British institutions accompanied by phraseology such as "British as the Buckingham Guards" and "British as Big Ben". (3932)

## STIPULATIONS

The following stipulations have been entered into by the Commission:

**Apex Tire, Inc.,** 505 Central Ave., Pawtucket, R. I., has entered into a stipulation to discontinue misleading representations in the sale of rebuilt automobile tires.

In the sale of its "Apex Rebuilt Tires," the respondent corporation agrees to cease advertising that it is the world's largest rebuilder of tires or America's largest quality tire rebuilder, until such are the facts established by competent evidence.

Other representations to be discontinued, under the stipulation, are that Apex Tire, Inc. is the pioneer of the tire rebuilding industry; that its tires are guaranteed against all road hazards, or are unconditionally guaranteed for six months, and that they are as safe or durable as new tires, or will save their owners 50 or nearly 50 per cent of new tire costs, or will give the same trouble-free service as first line new tires. (02515)

**Kirkwood Laboratories, Inc.,** Clifton, N. J., stipulates that it will cease advertising "Har-Ex Capsules" as a competent or effective remedy for hay fever, rose fever or asthma, as a new medicine or method of treatment, as quick to ease suffering or sneezing from hay fever or rose fever or to give relief from trouble due to local irritation. The respondent also agrees to desist from the representation that the misery of rose fever, hay fever or asthma is ended by use of its preparation. (02512)

**Likely Luggage Company**—Sam Skuller, trading as Likely Luggage Company, Columbus, Ohio, in the sale of luggage, stipulates that he will desist from quoting, in his catalogs, price lists, labels, tags or in any other way, fictitious or misleading figures purporting to be the regular sale or list prices of merchandise, or figures which are in excess of the prices at which such articles are normally sold. The respondent also agrees to discontinue representing in any way in catalogs, trade literature or otherwise, that a discount of 50 per cent or any other fictitious reduction from his customary prices is offered to the purchaser, when such is not a fact. (2683)

**Macksoud Importing Company**—James S. Macksoud, trading as Macksoud Importing Company, New York, N. Y., agrees to desist from representing himself in any way to be a manufacturer of handkerchiefs or other merchandise, when he neither owns, operates nor directly controls the factory in which the goods he sells are made; from representing that he has manufacturing plants of his own at Swatow, Shanghai or Chefoo, China, or elsewhere, for the production of these or other goods, when such is not a fact, or from representing that he has an office or place of business in Shanghai, Chefoo or other place where he does not maintain such an establishment. (2682)

**C. E. Twombly,** Medford, Mass., agrees to discontinue representing "Cankerine", a preparation for poultry, as being sure in action, a cure for canker in pigeons or poultry, and as being capable of removing a canker without bleeding or soreness. The respondent also stipulates he will cease advertising that the product is prepared by him, unless and until he actually compounds it.

**M. Williams**—Ada Roehr, trading as M. Williams, Jersey City, N. J., sells a medal designated "Success Emblem", and printed instructions entitled "The Lifetime Guide." The respondent agrees to cease making various representations in the sale of these products, among which are the following: that the alleged psychological teachings embodied in "The Lifetime Guide", if followed, will enable one to attain love, success, prosperity, a new start in life, increased income, the mastery of difficult occupations, an easy living, and power to overcome jealousy, banish sickness, overthrow evil influence, stop others from taking advantage of one's kind disposition and cause undesirable persons to leave, move or go away, or that these teachings do other than offer instructions designed to influence the mental attitude of the student. (02511)

## FTC CLOSES CASE

The Federal Trade Commission has closed its case against Ardell Razor Blade Corporation, Newark, N. J., and its selling agent, Fuller Blade Company, Inc., New York, which were charged with unauthorized use of well-known trade names in the sale of razor blades.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 10, March 8, 1940

## Eight More for BMI

With the addition of eight more subscribers to BMI this week, the total amount now paid for stock subscriptions and pledged on license agreements was swelled to $1,226,225.00. These additions brings to 276 the number of stations that have now subscribed and paid for BMI stock. Another 102 stations have indicated their approval and are expected to subscribe.

The latest subscribers are as follows (previous lists were printed in NAB REPORTS February 16, 1940, p. 4030 and March 1, 1940, p. 4064).

District 4
WGNC, Gastonia, North Carolina
District 7
WCKY, Cincinnati, Ohio
WKRC, Cincinnati, Ohio
District 9
WGN, Chicago, Illinois
District 12
WIBW, Topeka, Kansas
District 15
KROW, Oakland, California
District 17
KGA, Spokane, Washington
KHQ, Spokane, Washington

### TOMPKINS HEADS BMI

Merritt E. Tompkins, president of the Associated Music Publishers, Inc., and former vice president and general manager of G. Schirmer, Inc., will become general manager of Broadcast Music, Inc., radio's new music enterprise.

Mr. Tompkins, as head of Associated Music Publishers, has directed the building of a catalog of more than 500,000 musical compositions and has had extensive experience in providing both popular and classical music suitable for radio programs.

Mr. Tompkins said that he had been attracted by the opportunity presented by the new undertaking to create a reservoir of music designed particularly for the radio public, as he had had this thought in mind for many years.

"The present situation in the broadcast industry in respect to the supply of music," he said, "is neither in the interest of the listener or in the interest of the composer. Broadcasters have been drawing their music from an ever-narrowing, instead of widening, circle of composers. This has led to the repetitious performance of a relatively small number of compositions and has failed to encourage creative talent throughout the country. Through Broadcast Music, Inc., the industry has the means of offering to creative artists, on terms profitable to them, an opportunity to use radio to obtain public acceptance of their works.

"The ability to write music with popular appeal is not, in my opinion, limited to those few hundred composers who today have the full benefit of popularization by radio, and who are selected, not on the basis of inherent merit, but because their works have been published by a small group of popular music publishers.

"To diversify our program content and to add interest to radio programs, we intend to draw on classical and standard works, many of which have hitherto been neglected. We feel that the musical taste of the American people is already high, and that public standards are consistently being raised through the medium of radio. In addition to the encouragement of the popular field, we believe that the encouragement of sound standards of musical taste and of writers who gratify such tastes is one of our duties.

"Up to the present time broadcasters have been in the unfortunate position of being compelled to secure one of their most important raw materials, namely, popular music, almost entirely from a single source. The constructive job of Broadcast Music, Inc., lies in uncovering and fostering fresh sources of music which will continue to supply broadcasters, irrespective of whether or not a contract is entered into with the American Society of Composers, Authors and Publishers (ASCAP) at the end of the present year. The agreement of broadcasters to invest more than a million and a quarter dollars in Broadcast Music, Inc., is an assurance of the company's effective and permanent operation."

(Continued on page 4080)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## TOMPKINS HEADS BMI

*(Continued from page 4079)*

In outlining the plans of the new company, Mr. Tompkins explained that it would deal not only with individual writers, but also with publishing houses, transcription companies, groups and associations here, in Europe and South America, and with everyone who has music available for public performance. Both full and part time employment will be afforded by the company to arrangers and others engaged in the popular music field, and in making its music available in published and in recorded form. Cooperation will be carried on to the fullest extent with all other industries offering music to the public.

"I view my task as a constructive one," Mr. Tompkins said, "which should have the backing not only of the broadcasting industry and of other users of music, but also that of the great body of the American people which is interested in the encouragement of the art of music and the development of creative talent."

## BMI LICENSE AMENDMENT

As the plan of Broadcast Music was declared effective on February 7, 1940, and the commencement date on the performing right licenses fixed at April 1, 1940, it is necessary for stations now wishing to subscribe to BMI to amend the license agreement somewhat to reflect these facts.

Paragraphs IV and IX should be changed to read as follows:

> IV. The term of this license should commence on April 1, 1940, and shall continue for such period of time as may be designated in writing by MUSIC, provided, however, that the term of this license shall be for not less than one year from the commencement date thereof. This license shall be non-assignable, except to the person, firm, or corporation legally acquiring the Federal Communications Commission license of the broadcasting station designated in Article I hereof.
>
> IX. This agreement shall become effective as a license agreement upon the execution and delivery of a copy hereof by MUSIC. In consideration of MUSIC using its best efforts to obtain the signature of agreements similar to this by other broadcasters, and in consideration of the signature of agreements similar to this by other broadcasters, BROADCASTER agrees that this instrument shall constitute a continuing offer which cannot be revoked by BROADCASTER for twenty days from the date of the receipt of this agreement by MUSIC.

*These changes affect only those stations whose agreements were not accepted before March 2, 1940.*

## FCC AMENDS RECORD RULES

The FCC on February 29, 1940, amended Section 3.93(e) of the Standard Broadcast Rules, effective immediately, to read as follows:

> "(e) The identifying announcement shall accurately describe the type of mechanical record used, i.e., where an electrical transcription is used it shall be announced as a 'transcription' or an 'electrical transcription', or as 'transcribed' or 'electrically transcribed', and where a phonograph record is used it shall be announced as a 'record'."

It will be noted that this amendment modifies the amendment to this rule adopted January 4, 1940, so as to permit the use of the word "transcribed" or "electrically transcribed" in announcing the use of electrical transcriptions. However, no change has been made in the provision with respect to the announcement of phonograph records.

The FCC expects all broadcast station licensees to comply strictly with the requirements set forth above.

## CHILDREN'S PROGRAM SURVEY STARTED BY MRS. LEWIS

The national survey on children's programs which was approved by the NAB Board of Directors at its last meeting, gets under way next week. The survey is jointly sponsored by the NAB and the Radio Council on Children's Programs.

Mrs. Edwin C. Lewis, vice-chairman of the Council, and radio chairman of the National Society of New England Women, will be the field representative of the Council. She will visit stations, sponsors, and teacher and women's club groups in forty-four states in the next six months. She was formerly connected with a radio station and was in the advertising agency business before devoting her full time to club work. She is nationally known in several fields and brings a rich background of practical and social knowledge to the problem.

In March and April her itinerary is as follows:

March 12—Chicago
March 13, 14, 15, 16—Michigan
March 17, 18, 19, 20—Chicago area
March 21—Racine, Wisc.
March 22, 23—Milwaukee, Wisc.
March 24, 25—Madison, Wisc.
March 26—La Crosse
March 27—Rochester, Minn.
March 28—Minneapolis and St. Paul
April 1, 2—Omaha
April 3, 4—Des Moines
April 5—Ames and Cedar Rapids
April 6, 7—Davenport
April 8—Chicago
April 9, 10, 11—Pittsburgh
April 12—Altoona
April 13—Harrisburg
April 14—Lancaster
April 15, 16—Philadelphia

Carrying out the intent of the children's program section of the Code "to establish acceptable and improving standards for children's programs," the Radio Council was voluntarily set up by outstanding women's leaders and organizations last fall, to cooperate with the NAB in this important field.

Fully appreciative of the social as well as the economic foundation of the American system of broadcasting, the Council is available for consultation with sponsors, advertising agency people and broadcasters, in the development and preparation of contemplated children's programs, in an advisory capacity.

The Council has no commercial interest whatever; no scripts or programs are for sale. Its address is 45 Rockefeller Plaza, New York City.

In a statement of policy, Mrs. Harold V. Milligan, radio chairman of the General Federation of Women's Clubs, and head of the Council, said:

> "While the Council will do all in its power to make the present system of broadcasting effective in America, and deplores any move calculated to destroy it, the Council has determined that children, as future consumers, should develop high standards of buying ethics.
>
> "Working in cooperation with the Council, broadcasters, sponsors and advertisers will find that in radio, as in other industries, the principle of adhering to the highest standards of good taste and ethical integrity will make for better business.
>
> "The Council is prepared to undertake practical measures for the attainment of this end, even to encouraging the purchase of products of sponsors providing approved children's programs."

In order to coordinate all efforts for improving children's programs in line with the policy of the NAB Code, the following vice-chairmen serve under Mrs. Milligan as chairman: Mary Gould Davis, American Library Association, public libraries and librarians; Miss Rita Hochheimer, National Education Association, schools; Dr. Alice V. Keliher, Progressive Education Association, teachers' organizations; Mrs. Dorothy Lewis, New England Colony of Women, patriotic women's organizations; Mrs. Dorothy L. MacFadden, founder-director of Junior Programs, Inc., children's program producers; Mrs. Nathaniel Singer, United Parents' Associations, parents' groups.

The Code Committee is happy to report that several agencies and advertisers have already availed themselves of the benefits of this influencial consultative service.

### EDUCATIONAL RECORD EXHIBIT

The deadline is near for entries in the Fourth American Exhibition of Recordings of Educational Radio Programs. Records must be in the hands of I. Keith Tyler at Ohio State University, Columbus, Ohio, not later than March 15. The exhibition is held at the university in connection with the Eleventh Institute for Education by Radio, scheduled this year for April 29 to May 1.

Two general classes of records may be entered in the exhibition: those intended for adult listening and programs intended for the use of children, either in or out of school.

Adult programs are classified also by type of presentation. Lectures, talks and speeches will be judged together, with demonstration and participation programs in another class. A third division includes dialog, round table conversation, interview, debate and question and answer programs. All forms of dramatization are grouped together in a fourth classification.

School broadcasts are classified as follows: (1) any type of out-of-school program for children of any age; (2) programs intended for use in school, in Grades one to three; (3) In-school programs aimed at Grades four to six, and (4) programs intended for use in junior and senior high schools.

The entry fee is one dollar per program.

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### FDR PRAISES RADIO

President Roosevelt said this week that radio was making an "ever-increasing contribution . . . to a better understanding of public affairs."

This statement was included in a letter to William S. Paley, CBS president, congratulating Columbia on completion of a new 50,000 watt transmitter for WJSV.

## Pepper, Bailey, Introduce New Radio Bills

On Monday, Senator Pepper (D-Fla) introduced a bill (S. 3512) to amend section 309 of the Communications Act by adding a requirement that no station license shall be granted, modified or renewed until after four weeks' notice published by the FCC. A hearing on the applications must be held by the Commission if any person so requests, and an opportunity to be heard afforded to "all interested persons."

Senator Bailey (D-NC) on Tuesday introduced a bill (S. 3515) to amend the Communications Act in order to preserve and protect liberty of expression in radio communication. It differs from the bill (H. R. 8509) introduced by Representative Ditter (R-Penna) (NAB Reports, Feb. 23, 1940, p. 4048) only in providing a ten year maximum term for licenses instead of five—both provide three-year minimums—and in limiting the President's powers to take over broadcast stations to actual war in which the United States is engaged. The Ditter bill would give this power to the President also in event of armed insurrection equivalent to war. Section 4 of this bill and Section 4 of the Ditter bill seek to accomplish the same result as the Pepper bill.

The NAB is carefully studying all this proposed legislation. It is generally understood, however, that no bills of this kind will come to a vote at this session.

Here are the bills:

76th CONGRESS
3d Session
S. 3512

### IN THE SENATE OF THE UNITED STATES

March 4, 1940

Mr. Pepper introduced the following bill; which was read twice and referred to the Committee on Interstate Commerce

### A BILL

To provide for public hearings on applications for licenses under the Communications Act of 1934.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 309 of the Communications Act of 1934, as amended, is amended by adding at the end thereof the following new subsection:

"(c) No application for a station license or for the renewal or modification of a station license shall be approved prior to the expiration of four weeks after the first notice of such application is published. The Commission shall cause such notice to be published once a week for four consecutive weeks in a newspaper of general circulation in the town or city in which the station is or is to be located, or if it is not located or is not to be located in a town or city, in a newspaper of general circulation in the county in which it is or is to be located. The expense incident to such publication shall be paid for by the applicant at the time such application is filed. Such notice shall contain a statement that objections in writing to any such application may be filed with the Commission prior to the expiration of the four weeks' publication period and that a public hearing will be held if a request is made therefor prior to the expiration of such period. If any person so requests a hearing on any such application, the Commission shall hold a public hearing in such town, city, or county or in the District of Columbia, as the Commission may determine. Notice of such hearing, including the time and place thereof, shall be given to the applicant and to any such person requesting a hearing, and an opportunity to be heard at such hearing shall be afforded to all interested persons. Such hearing may be held by the Commission, by an individual commissioner, or by any officer or employee of the Commission designated by it for that purpose."

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76th CONGRESS
3d Session
S. 3515

### IN THE SENATE OF THE UNITED STATES

March 5 (legislative day, March 4), 1940

Mr. Bailey introduced the following bill; which was read twice and referred to the Committee on Interstate Commerce

### A BILL

To amend the Communications Act of 1934 in order to preserve and protect liberty of expression in radio communication.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 301 of the Communications Act of 1934 is hereby amended by inserting after the words "It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission" the words "To preserve to radio communication, and to persons subject to the provisions of this Act, freedom from governmental abridgement of, or interference with, liberty of expression, including freedom of speech and of the press, and other rights guaranteed under the Constitution of the United States and the amendments thereof".

Sec. 2. Section 305 (a) of the Communications Act of 1934 is hereby amended by adding thereto the following:

"The President may not, however either permanently or temporarily assign a frequency to any Government station or class of Government stations if the use of such assignment will make impossible the further operation of, or cause objectionable interference to, any radio station duly licensed or authorized to be constructed by the Commission under this Act unless (a) another frequency assignment of substantially equal or superior desirability is made immediately available for use by such licensed or authorized radio station or (b) the Commission, after notice and hearing pursuant to the procedure prescribed in section 312 (b) of this Act, shall have determined that public interest, convenience, or necessity will be promoted by such assignment and shall have entered an order modifying the permit or license accordingly: *Provided, however,* That nothing in this section shall be construed to limit the powers conferred on the President by this Act during the continuance of a war in which the United States is engaged."

Sec. 3. Section 307 (d) of the Communications Act of 1934 is hereby amended to read as follows:

"No license granted for the operation of any class of station shall be for a longer term than ten years, and any license granted may be revoked for cause as hereinafter provided. No license granted for the operation of a station regularly engaged in broadcasting (other than a station of experimental, auxiliary, or temporary character) shall be for a term less than three years. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term not to exceed ten years, and, in the case of stations regularly engaged in broadcasting, not less than three years."

Sec. 4. Section 309 (a) of the Communications Act of 1934 is hereby amended to read as follows:

"If upon examination of any application for a construction permit, for a station license, or for the renewal or modification of a construction permit or a station license and the securing of full information with respect thereto the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance of such construction permit or station license, or of such renewal or modification thereof, in accordance with said finding. In the event the Commission does not reach such a decision with respect thereto, or in the event that the issuance of a construction permit or a station license or of any modification thereof would aggrieve or adversely affect the interests of the holder of any permit or license or any applicant therefor, the Commission shall notify the applicant and other interested parties, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant and other interested parties an opportunity to be heard under such rules and regulations as it may prescribe."

Sec. 5. Section 312 (a) of the Communications Act of 1934 is hereby amended to read as follows:

"Sec. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this Act or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States: *Provided, however,* That no such order of revocation shall be entered unless the Commission shall first have given the licensee written notice stating clearly and definitely the charges against the licensee and fixing a time and place for a hearing thereon, and shall have given the licensee an opportunity for hearing. Such hearing shall be held not less than fifteen days after service of such notice on the licensee, and the Commission shall sustain the burden of proving the truth of the charges."

Sec. 6. Section 326 of the Communications Act of 1934 is hereby amended by adding thereto the following:

> "No construction permit or station license shall be revoked, modified, or otherwise adversely affected by any action of the Commission, and no application for construction permit, station license, renewal or modification of station license, or other instrument of authorization required or authorized by the Act shall be refused in whole or in part, because of the character or contents of any program or other communication transmitted or proposed to be transmitted by a radio station, unless such program or other communication contains matter expressly forbidden by specific provision of this Act or by regulation of the Commission authorized by this Act and then only after the licensee has been finally adjudged guilty by a Federal court of one or more violations of such provision or provisions and the offense is of so serious or repeated a nature as to show clearly that the licensee or applicant is not qualified in character to operate or to continue to operate a radio station."

Sec. 7. Section 606 (c) of the Communications Act of 1934 is hereby amended by adding thereto the following:

> "Nothing in this section, however, shall be construed to modify or affect section 326 of this Act. No station regularly engaged in broadcasting shall be closed, nor shall its apparatus or equipment be removed, nor shall the use or control of any such station or of its apparatus or equipment by any department of the Government be authorized, in whole or in part because of the character or contents of any program or other communication transmitted or proposed to be transmitted by such station, or in order to permit the Government or any department or agency thereof to engage in or control broadcasting or otherwise to communicate with the public, or for any cause other than imperative military need for such radio-communication facilities on the part of the armed forces of the United States and then only upon proclamation by the President that there actually exists war in which the United States is engaged."

## NAB CHOOSES SALES MANAGERS' COMMITTEE FOR 1940

Neville Miller has announced the selection of a new Sales Managers' Committee of the NAB for 1940, under the national chairmanship of William R. Cline, Commercial Manager of WLS, Chicago.

The Committee consists of seventeen District Chairmen, one for each NAB District, appointed by the NAB Director in that District. Also chosen was a Steering Committee, consisting of both present and retiring National Chairmen, three District Chairmen and one other commercial manager, who will meet occasionally with Samuel J. Henry, Jr., of the Bureau of Radio Advertising and other NAB staff members, to discuss industry sales problems and the work of the recently organized bureau. Mr. Cline is expected to call a meeting, probably in Chicago, within the next few weeks.

The Steering Committee members are:

William R. Cline, WLS, Chicago, Ill., Chairman; Craig Lawrence, KSO. Des Moines, Iowa; Ellis Atteberry, KCKN, Kansas City, Kansas; Charles Caley, WMBD, Peoria, Illinois; Barney Lavin, WDAY, Fargo, North Dakota, and Owen Uridge, WJR, Detroit, Michigan.

The District Chairmen are as follows:

*District*

1. William Malo, WDRC, Hartford, Connecticut
2. Clifford M. Taylor, WBEN, Buffalo, New York
3. Lester W. Lindow, WCAE, Pittsburgh, Pennsylvania
4. John H. Dodge, WRC, Washington, D. C.
5. Maurice Coleman, WATL, Atlanta, Georgia
6. Vernon Anderson, WJBO, Baton Rouge, Louisiana
7. Edward Y. Flanigan, WSPD, Toledo, Ohio
8. Ford Billings, WOWO-WGL, Fort Wayne, Indiana
9. Charles Caley, WMBD, Peoria, Illinois
10. Karl Koerper, KMBC, Kansas City, Missouri
11. Barney Lavin, WDAY, Fargo, North Dakota
12. Ellis Atteberry, KCKN, Kansas City, Kansas
13. Sam Bennett, KGKO, Fort Worth, Texas
14. W. E. Wagstaff, KDYL, Salt Lake City, Utah
15. Wilt Gunzendorfer, KSRO, Santa Rosa, California
16. Wilbur Eickelberg, KHJ, Los Angeles, California
17. Loren B. Stone, KIRO, Seattle, Washington

## BUREAU OF RADIO ADVERTISING

The Bureau of Radio Advertising this week mailed an order blank, and sample copy of the most recent "Results from Radio" study, to all members who have not ordered their supply of these success stories. Releases to date cover department stores, laundries, miscellaneous, and furniture stores. Several new studies are now in production.

Stations are again earnestly requested to send in their orders, so that future printing requirements may be accurately gauged.

# Labor

## WAGE AND HOUR AMENDMENTS

Representative Kramer (D-Calif) has introduced a Wage and Hour Act amendment which would remove the restrictions on the working hours of some broadcasting employees. First, it would exempt from the overtime provisions all employees regularly paid $50 or more a week, or $200 or more a month (if paid on a monthly basis). Secondly, it would define "executive" and "professional." The "executive" definition would be about the same as that issued by the Administration, except that the salary qualification would be raised from $30 to $50 a week. It would also exempt assistant executives and administrators if they did no substantial amount of work of the same character as that performed by those under them. The "professional" definition would be slightly liberalized, but not sufficiently to exempt very many broadcasting employees.

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Certain types of bonuses, for example, Christmas gifts and bonuses for being on time to work regularly, need not be included in regular wages for the purposes of computing overtime. Bonuses "computed on the basis of measured work," however, must be included.

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The A. F. of L.'s campaign to stop Thurman Arnold from prosecuting labor unions under the Sherman Act is in full swing. At a federation mass meeting in Atlanta last week, Joseph Padway, chief A. F. of L. counsel, said Arnold was in for "the damnedest fight he ever had." At a meeting here early this week, building union leaders accused Arnold of having fascist ideas, and urged Congress to trim his sails.

The American Association of Advertising Agencies says that advertising agencies "do not, in the vast majority of cases, deduct from the pay of talent when they handle talent." The Four-A's took exception to a statement on page 4033 of NAB Reports.

## SAMPLE WAGE AND HOUR RECORD FORM

(Suggested by Wage and Hour Division, U. S. Department of Labor)

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Work Week Ended.............................................. 19..........

Date of Payment.............................................. 19..........

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| Name | Hours of Work | | | | | | | Total Hours | Regular Rate of Pay[1] | Earnings at Regular Rate for Total Hours Worked | Extra for Overtime | Total | Deductions | | Total Cash Wages Paid |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | M | T | W | T | F | S | S | | | | | | Soc. Sec. Tax | Other | |
| 1. John Jones | 8 | 8 | 8 | 8 | 8 | – | – | 40 | $1 per hour ($40 for 40 hour week) | $40.00 | .... | $40.00 | $.40 | .... | $39.60 |
| 2. Jim Smith | 10 | 8 | 8 | 6 | 8 | 10 | – | 50 | $1 per hour ($50 by custom for 50 hour week) | $50.00 | $4.00 | $54.00 | $.54 | .... | $53.46 |

[1] If the employee is hired on any other basis than a straight hourly rate, this column should include a brief explanation of how the "regular rate" is arrived at.

# Legislation

### FEDERAL LEGISLATION

S. 3512 (Pepper, D-Fla) COMMUNICATIONS ACT—To provide for public hearings on applications for licenses under the Communications Act of 1934. Referred to Committee on Interstate Commerce.

S. 3515 (Bailey, D-NC) TO AMEND THE COMMUNICATIONS ACT OF 1934 IN ORDER TO PRESERVE AND PROTECT LIBERTY OF EXPRESSION IN RADIO COMMUNICATION—Prohibits Federal Communications Commission's taking adverse action for alleged program offenses; establishes for broadcast stations minimum license period of 3 years and maximum of 10 years; requires hearing where the Commission's action would adversely affect the interest of any holder of a license or any applicant therefor; requires a hearing prior to any order of revocation of license; limits powers of the President in time of peace and war. Referred to Committee on Interstate Commerce.

### STATE LEGISLATION

Kentucky:

H. 289 (Waterfield) LIBEL—An act relating to libel and to actions for libel. Provides that punitive damages may be recovered only when the plaintiff proves malice in fact and that retraction or correction has been requested and refused. Referred to Judiciary Committee.

Kentucky:

H. 553 (Ennis) LOTTERIES—An act relating to legalizing lotteries to finance and pay old age pensions and needy blind. Referred to Rules Committee.

New Jersey:

A. 264 (Herbert) MUSIC COPYRIGHTS—MONOPOLY LICENSES—To license and regulate pools and monopolies selling rights to use copyrighted musical works. Referred to Corporations Committee.

New York:

A. 1821 (Gugino) LEVY AND EXECUTION—EXEMPTIONS—Exempts from levy and execution a wedding ring, engagement ring, man's watch valued at not more than $35, radio valued at not more than $25, automobile valued at not more than $200 when used for business and motor truck used in connection with the earning of a livelihood and valued at not more than $200. Referred to Codes Committee.

New York:

A. 1878 (Goldstein) LIBEL AND SLANDER—Includes in definition of libel, malicious publications which expose persons to hatred, contempt or ridicule by reason of race, color, religion or manner of worship or causes them to be shunned or avoided; defines slander; double penalty is imposed on a member of National guard, police department, state trooper or person in civil service for such offenses. Referred to Codes Committee.

New York:

A 1995 (Goldberg) (Same as S. 445) RADIO RECORDINGS—Prohibits the recording or offering for sale a recording of any radio broadcast without consent of performer or the person broadcasting same, violation being made larcency. Referred to Codes Committee.

New York:

S. 1603 (Mahoney) (Same as A. 1821) LEVY AND EXECUTION—EXEMPTIONS—Exempts from levy and execution a wedding ring, engagement ring, watch valued at more than $35, radio valued at not more than $25, automobile valued at not more than $200 when used for business and motor truck used in connection with the earnings of a livelihood and valued at not more than $200. Referred to Codes Committee.

Rhode Island:

H. 801 (DiSandro) LOTTERIES—Proposing an amendment to the constitution of the state. Would allow lotteries for relief purposes only. Referred to Committee on Special Legislation.

### E. M. MATHEWS

An individual, E. M. Mathews, has called at several stations representing himself as an inspector of the Federal Communications Commission Field Division. He has offered to sell supplies and equipment. The FCC Field Division has had numerous complaints concerning the activities of this person, and advises that he is not connected with the FCC.

All members of the Field Division of the FCC can properly identify themselves. They have a certificate showing their name and address, with a photograph attached with the seal of the Secretary of the Commission embossed over the photograph. In addition they have a badge which they are required to wear while on active duty and it is suggested that if the individual claiming to be an inspector of the FCC is not known personally as such to the Station Manager that he require proper identification and be satisfied that the person representing himself is properly authorized before allowing an inspection of his books, records or equipment.

This notice is being placed in the Reports at the request of the Field Supervisor's Office.

## FCC MAILBAG

The FCC has issued the following release on letters it has received recently:

From Pittsburgh comes a letter asking the Federal Communications Commission to bar all "Confucius Says" jokes from the air. However, the Commission does not have authority under the law to direct radio station licensees to broadcast or to refrain from broadcasting such programs.

A New York man complains that a local station declined to give him time on the air to broadcast a particular speech. Under the Communications Act, broadcast station licensees are not deemed to be common carriers and they may therefore, with the exception of certain broadcasts by legally qualified candidates for public office, refuse to accept material offered.

Another New Yorker inquires whether it will be permissible to broadcast a particular program. The Commission does not have authority to censor programs, and it is not the policy of the Commission to render such advance opinions. It is the duty of each station to determine whether the broadcasting of a certain program will be in the public interest and in accordance with the law.

A Shickshinny, Pa., woman charges that a certain station broadcast two musical compositions similar to those composed by herself. This is a matter of private concern between the woman and the station, and the Commission has no jurisdiction.

Several letters imply that the Commission has "ruled" various persons off the air. The Commission has entered no order denying any individual the right to broadcast, nor would it have authority under its statute to do so.

A McGuffy, Ohio, firm inquires if it can use telegraph facilities in connection with the proposed gift of a carload of onions to the holder of a lucky number. Though the Communications Act prohibits broadcast of "any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance," the Act does not contain a similar prohibition with respect to the use of wire facilities of common carriers engaged in communication service.

A Purdin, Mo., letter inquires as to the cost of construction permit and license for a broadcast station, also for radio operator. The Commission makes no charge for these authorities. Likewise, the Commission advises a London, Ohio, inquirer that no Federal license is required to cover the ownership of radio receivers in the United States.

A Jerome, Ariz., writer asks the Commission to recommend a radio receiver. The Commission does not maintain facilities for the testing of radio receiving equipment and is not in a position to advise with respect to the relative merits of receivers of different manufacture.

Regarding Government station assignments, an inquirer is advised that the Commission merely assigns blocks of frequencies, as well as certain call letters, to the Government departments, and that these facilities are in turn allocated various activities at the discretion of the department having jurisdiction.

A New York corporation is advised that although vessels of Philippine registry fly the United States flag, they are registered in the Philippines, and their radio equipment is licensed by the Philippine authorities. Various sections of the Communications Act exclude the Commission from jurisdiction in those islands.

Bethany College makes application for modified license for amateur station W8PME with a view to making it a memorial to Amos Dolbear in recognition of his radio pioneering and work at that college.

## FCC WORK ASSIGNMENTS

FCC has announced that the work, business and functions of the Commission for the month of March have been assigned as follows:

| | |
|---|---|
| Commissioner Thompson | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations. |
| Commissioner Walker | Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1,231 to 1,232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings. |

## WITNESSES FOR FM HEARING

Following named parties have requested time at the informal engineering hearing to be held before the FCC beginning Monday, March 18:

Edwin H. Armstrong, Alpine, N. J.
Columbia Broadcasting System, Inc., New York City
Commercial Radio Equipment Co., Kansas City, Mo.
FM Broadcasters, Inc., New York City
International Business Machines Corp., New York City
William G. H. Finch, New York City
John V. L. Hogan, New York City
Jansky & Bailey, Washington, D. C.
McNary & Chambers, Bethesda, Md.
Muzak Corporation, New York City
National Life & Accident Insurance Co., Inc., Nashville, Tenn.
Carman R. Runyon, Jr., Yonkers, N. Y.
Radio Pictures, Inc., New York City
Radio Corporation of America, New York City
Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.
WDRC, Inc., Meriden, Conn.
Westinghouse Electric & Manufacturing Co., East Springfield, Mass.
Zenith Radio Corp., Chicago
Association of State Foresters; (States of Pennsylvania, New Jersey, and New York), and Northeastern States Forest Protection Radio Association.
Brown Bay Phones, San Francisco
Department of Forests and Waters, State of Pennsylvania
Office of Education, Federal Security Agency
Mackay Radio & Telegraph Co., New York
National Association of Educational Broadcasters
National Congress of Parents and Teachers, Chicago
National Committee on Education by Radio, New York City
National Council of Chief State School Officers, Atlanta
National Education Association, Washington
Ohio State University, Columbus.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases during the week beginning Monday, March 11. They are subject to change.

### Monday, March 11

NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—C. P., **1370 kc.,** 250 watts, unlimited time.

Hearing to Be Held Before Commissioner George Henry Payne, in the County Probate and Commissioners Court Rooms, Dallas, Texas

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, Pres.), Lufkin, Tex.—In re: Revocation of station license of KRBA.

### Tuesday, March 12

Hearing to Be Held Before Commissioner George Henry Payne, in the County Probate and Commissioners Court Rooms, Dallas, Texas

KSAM—Sam Houston Broadcasting Assn. (H. G. Webster, Pres.), Huntsville, Tex.—In re: Revocation of station license of KSAM.

### Wednesday, March 13

Hearing to Be Held Before Commissioner George Henry Payne, in the County Probate and Commissioners Court Rooms, Dallas, Texas

KAND—Navarro Broadcasting Assn. (J. C. West, Pres.), Corsicana, Tex.—In re: Revocation of station license of KAND.

### Thursday, March 14

Oral Argument Before the Commission

Report No. B-75:

NEW—William C. Barnes and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

### Thursday, March 14

Hearing to Be Held Before Commissioner George Henry Payne, in the County Probate and Commissioners Court Rooms, Dallas, Texas

KGKB—East Texas Broadcasting Co., Tyler, Tex.—In re: Revocation of station license of KGKB.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### April 1

NEW—E. E. Krebsbach, Miles City, Mont.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Star Printing Co., Miles City, Mont.—C. P., **1310 kc.,** 250 watts, unlimited time.

### April 3

NEW—Harold Thomas, Bridgeport, Conn.—C. P., **1420 kc.,** 250 watts, unlimited time.

### April 4

(Consolidated Hearing)

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time.

### April 15

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.,** 250 watts, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no regular meeting of the Commission this week.

## MISCELLANEOUS

WWRL—Long Island Broadcasting Co., Woodside, Long Island, N. Y.—Adopted order extending effective date of Provision (3) of Commission order of December 5, 1938, till 30 days from February 29, 1940, thus continuing temporary authority to station WWRL to operate during the hours formerly used by station WMBQ.

WCLA—Larus & Brother Co., Inc., Portable-Mobile (area of Richmond, Va.).—Granted license to cover construction permit as modified for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.,** power 40 watts.

WFDF—Flint Broadcasting Co., Flint, Mich., and Thumb Broadcasting Co., Brown City, Mich.—Continued for two weeks petition to intervene of WFDF, Flint Broadcasting Co., and opposition with proposals of alternate relief of Thumb Broadcasting Co., in the hearing of Thumb Broadcasting Co., Brown City, Mich., application for construction permit for new station to operate on **880 kc.,** 250 watts, daytime.

WSB—Atlanta Journal Co., Atlanta, Ga.—Dismissed without prejudice to the filing of a proper petition to enlarge the issues, the petition to intervene in the hearing of KXL Broadcasters (KXL), Portland, Ore., on the application for construction permit to change frequency from **1420 kc.,** 250 watts, shares KBPS, to **740 kc.,** 10 KW night, 10 KW local sunset, limited time, directional antenna for day and night.

WSB—Atlanta Journal Co., Atlanta, Ga., and Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Dismissed without prejudice to the filing of a proper petition to enlarge the issues, the petition to intervene of WSB and the opposition thereto of McTammany and Bates, in the hearing of Thomas R. McTammany and William H. Bates, Jr. (KTRB), Modesto, Calif., application for construction permit to change power from 250 watts, daytime only, to 1 KW night, 1 KW local sunset, limited to WSB, Atlanta, Ga., using **740 kc.**

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 (for main transmitter).

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 (for auxiliary transmitter).

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted authority to determine operating power by direct measurement of antenna input in complianec with Section 3.54.

Tulare-Kings Counties Radio Associates, Portable-Mobile (area of Visalia, Calif.).—Granted construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.,** power 25 watts.

KUOA, Inc., Portable-Mobile (area of Siloam Springs, Ark.).—Granted construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.,** power 7.5 watts.

Isle of Dreams Broadcasting Corp., Portable-Mobile (area of

Miami, Fla.).—Granted construction permit for new relay broadcast station, frequencies **1606, 2022, 2102, 2758 kc.,** power 2 watts; also granted license to cover above construction permit.

WBAR—Bamberger Broadcasting Service, Inc., Portable-Mobile (area of Newark, N. J.).—Granted license to cover construction permit for new relay broadcast station, frequencies **31620, 35260, 37340, 39620 kc.,** power .2 watt.

WDAS—Bamberger Broadcasting Service, Inc., Portable-Mobile (area of Newark, N. J.).—Granted license to cover construction permit for new relay broadcast station, frequencies **31620, 35260, 37340, 39620 kc.,** power .2 watt.

WENN—WPTF Radio Co., Portable-Mobile (area of Raleigh, N. C.).—Granted license to cover construction permit for changes in equipment.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Granted construction permit to make changes in equipment.

WHAS—The Louisville Times Co., Louisville, Ky.—Granted modification of license to change corporate name of licensee from The Louisville Times Co. to Courier-Journal and Louisville Times Co.

W9XAZ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted license to cover construction permit as modified for reinstatement of station, frequency **42260 kc.,** power 500 watts, granted upon an experimental basis only, conditionally.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KSAC—Kansas State College of Agriculture & Applied Science, Manhattan, Kans.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Granted motion for extension of time to March 12 to file proposed findings of fact and conclusions in the matters of Lillian E. Kiefer, Metropolitan Broadcasting Corp. (WMBQ), Long Island Broadcasting Corp. (WWRL), Paul J. Gollhofer, and Arthur Faske (WCNW), all of Brooklyn, N. Y.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted license to cover construction permit for new frequency broadcast station; frequency **43200 kc.;** power 1000 watts; granted upon an experimental basis only, conditionally.

W9XWT—The Louisville Times Co., Eastwood, Ky.—Granted license to cover construction permit as modified for new facsimile broadcast station; frequency **25250 kc.;** power 500 watts; granted upon an experimental basis only, conditionally.

WNCU—National Broadcasting Co., Inc., Portable-Mobile (area of Washington, D. C.).—Granted license to cover construction permit for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.;** power 25 watts.

WNEP—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago, Ill.).—Granted license to cover construction permit for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.;** power 25 watts.

L & M Broadcasting Co., Ottumwa, Iowa.—Granted motion for continuance of hearings of Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., and of J. D. Falvey, both of Ottumwa, Iowa; new date to be fixed by the Office of the Secretary.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Continued without date, on Commission's own motion, the hearing on the application for renewal of license of WTAL scheduled for March 12, 1940.

The Mayflower Broadcasting Corp., Boston, Mass.—Extended time for the filing of proposed findings of fact in Docket No. 5618 to April 6, 1940.

The Yankee Network, Inc., Boston, Mass.—Extended time for the filing of proposed findings of fact in Docket No. 5640 to April 6, 1940.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9:00 a. m. to 11:00 a. m. and from 2:00 p. m. to 6:00 p. m. AST on March 10, 17, 24, and 31, 1940, in order to broadcast a series of semi-pro baseball games only.

WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast commercial programs to be received from International Broadcast Stations WNBI and WBCA over Station WNEL, as sustaining programs, for the period ending in no event later than March 11, 1940.

WMOB—S. B. Quigley, Mobile, Ala.—Granted special temporary authority to operate from local sunset (March 6:00 p. m. CST) to 10:00 p. m., CST on March 9 and 11, 1940, in order to broadcast election returns and matters incident thereto.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 8:00 p. m. to 9:00 p. m. CST on April 18, 1940, in order to broadcast a lecture by James G. Rowell of Kansas City.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with Station KTHS on **1060 kc.,** from 9:00 p. m. to 10:00 p. m. EST on March 7, 1940, in order to broadcast a meeting of the Young Democrats Club of Baltimore County.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 7:15 p. m. to 11:00 p. m. CST on March 8 and 9, 1940, in order to broadcast the Regional High School Basketball Tournament only.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from local sunset at Abilene, Kans. (March, 6:30 p. m. CST), to 8:30 p. m. CST on March 11, 1940, in order to broadcast political talks of various candidates for public office.

WOI—Iowa State College of Agriculture and Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m. CST on March 16, 1940, instead of from 7:00 p. m. to 9:45 p. m. CST, as authorized by grant of February 9, 1940, in order to broadcast basketball games only.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 8:00 p. m. to 10:00 p. m. EST on March 9, 1940, in order to broadcast the State Championship basketball game only.

KIIS—Houston Printing Corp., Houston, Tex.—Granted special temporary authority to use Relay Broadcast Station KIIS on March 2, 1940, in order to relay broadcast events incident to the celebration of Texas Independence Day to Radio Station KPRC.

Martinsville Broadcasting Co., Martinsville, Va., and Patrick Henry Broadcasting Co., Martinsville, Va.—Postponed oral argument scheduled for March 7, 1940, in re applications for construction permits, and directed that said oral arguments be held on March 14, 1940. (Dockets Nos. 5425 and 5497.)

KALE—KALE, Inc., Portland, Ore.—Granted modification of construction permit for increase in power from 1 KW to 1 KW night, 5 KW day; new transmitter, changes in antenna and move of transmitter, extending completion date from March 10 to May 1, 1940.

KEJP—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco).—Granted license to cover construction permit for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.;** 25 watts; to be used with applicant's broadcast stations KGO and KPO.

WNEQ—National Broadcasting Co., Inc., Portable-Mobile (area of Cleveland, Ohio).—Granted license to cover construction permit for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.;** 0.25 watts, and to be used with applicant's broadcast station WTAM.

WNJC—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago, Ill.).—Granted license to cover construction permit for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.;** 0.25 watts, and to be used with applicant's stations WENR and WMAQ, Chicago.

WNKF—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago, Ill.).—Granted license to cover construction permit for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.;** 2 watts, and to be used with applicant's broadcast stations WENR and WMAQ, Chicago.

KEJQ—National Broadcasting Co., Inc., Portable-Mobile (area of Denver, Colo.).—Granted license to cover construction permit for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.;** 0.25 watts, and to be used with applicant's station KOA.

WNTJ—National Broadcasting Co., Inc., Portable-Mobile (area of Cleveland, Ohio).—Granted license to cover construction permit for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.;** 25 watts; to be used with applicant's station WTAM, Cleveland.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5:45 to 6:30 p. m., EST, on March 16, in order to broadcast an Evacuation Day Parade.

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Granted license to cover construction permit for increase in power from 100 watts night, 250 watts day to 250 watts day and night.

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted license to use formerly licensed Western Electric, Type D-94995 transmitter for auxiliary purposes only (**1130 kc.,** 50 KW, auxiliary purposes only).

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted license to cover construction permit for installation of new transmitter.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted license to cover construction permit for authority to use old RCA 250-W transmitter as auxiliary transmitter for emergency use only, at new site (**1500 kc.,** 250 watts power, auxiliary purposes only).

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted modification of construction permit for new broadcast station for approval of antenna, transmitter and studio sites at Bay and Weiss Sts., Saginaw, Mich., and change in type of transmitter.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to determine operating power of main transmitter by direct measurement of antenna input in compliance with Section 3.54.

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, Va.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted modification of license to change corporate name from National Battery Broadcasting Co. to KSTP, Inc.

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Granted modification of license to move studio from R.F.D., Fort Dodge, Iowa, to Warden Bldg., Fort Dodge, Iowa.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted special temporary authority to operate on **1040 kc.** from 7:25 p. m. to 9 p. m., PST, on March 8, 9, and 11, 1940, instead of March 15, 16, and 18, 1940, as authorized by grant of February 24, 1940, in order to broadcast basketball games only.

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit for equipment changes, for extension of completion date from April 22, 1940, to October 22, 1940.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of construction permit for move of transmitter and specify frequencies in accordance with new rules, for extension of commencement date from September 30, 1939, to March 31, 1940, and completion from March 31, 1940, to September 30, 1940; granted upon an experimental basis only, conditionally.

KXL—KXL Broadcasters, Portland, Ore.; KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted petition of KXL Broadcasters for consolidation of applications for construction permits, and consent of McTammany and Bates thereto.

KIOA-KAIE-KABE—National Battery Broadcasting Co., Portable-Mobile (area of St. Paul, Minn.).—Granted modification of license to change name to KSTP, Inc.

KADA—C. C. Morris, Ada, Okla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted license to cover construction permit for equipment changes, increase in power from 100 to 250 watts, and change in hours of operation; frequency **1500 kc.,** 250 watts, unlimited time.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit to change frequency from **560 kc.** to **740 kc.;** increase power from 1 KW, 5 KW day, to 50 KW day and night; move transmitter from approximately southeast corner Seawall Lot No. 344, San Francisco, Calif., to 2½ miles southwest of Alvarado, Calif.; install new equipment and directional antenna for day and night use.

### 630 Kilocycles

WGBF—Evansville on the Air., Inc., Evansville, Ind.—Construction permit to install new transmitter and directional antenna for night use; change frequency from **630 kc.** to **1250 kc.,** power from 500 watts and 1 KW, to 1 KW night and 5 KW day: change time from simultaneous day, shares with KFRU night, to unlimited; move transmitter from 10 miles north of Evansville, Ind., on U. S. Highway No. 41, to near Evansville, Ind. (contingent on KXOK and KFRU). Amended: changes in directional antenna.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Modification of construction permit (B1-MP-831) for changes in equipment, changes in directional antenna, and increase in power, requesting extend commencement date to 30 days after grant and completion date 90 days thereafter, and changes in directional antenna.

### 850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Construction permit for reinstatement of construction permit (B2-P-1767) as modified for new transmitter, changes in antenna, and increase in power and move of transmitter.

### 1020 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Modification of license to change hours of operation from daytime to 5 a. m. to local sunset.

### 1040 Kilocycles

NEW—Mid-America Broadcasting Corporation, Louisville, Ky.—Construction permit for new broadcast station to be operated on **1040 kc.,** 1 KW, 5 KW day, unlimited time. Use directional antenna day and night. Amended to specify transmitter site as 1½ miles north-northeast of New Albany, Ind.

### 1080 Kilocycles

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license to change hours of operation from limited, shares with WCBD, to limited time only, contingent on WCBD going to new frequency. Amended to request limited WBT and KFAB, contingent on KFAB going to **1080 kc.**

### 1100 Kilocycles

WOV—Greater New York Broadcasting Corporation, New York, N. Y.—License to cover construction permit B1-P-2198, for a new station.

### 1120 Kilocycles

NEW—Robert V. Lee, Bradenton, Fla.—Construction permit for a new station on **1120 kc.,** 250 watts, unlimited time. Request Class IV Station.

### 1180 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW, 10 KW day; change in hours of operation from limited to unlimited time; change frequency from **1180 kc.** to **1100 kc.;** changes in equipment; move transmitter from Wayzate Blvd. and Louisiana Ave., Minneapolis, Minn., to Richfield Twp., Minn. Amended to make changes in transmitting equipment.

### 1200 Kilocycles

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Authority to determine operating power by direct measurement of antenna power.

KADA—C. C. Morris, Ada, Okla.—Authority to determine operating power by direct measurement of antenna power.

WBAB—Press Union Publishing Co., Atlantic City, N. J.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

NEW—Dalton Broadcasting Corporation, Dalton, Ga.—Construction permit for a new broadcast station to be operated on **1200 kc.,** 250 watts, unlimited.

### 1210 Kilocycles

NEW—Grady Lee Hall, Bethel, Ala.—Construction permit for a new station on **1210 kc.,** 100 watts, unlimited time, transmitter and studio at U. S. 31 Highway, Bethel, Ala. (Sections 15c, 15d, 19, 21, 22, 24, 25, 28dl, 28d2, 30, 33a and jurat.)

WHAI—John W. Haigis, Greenfield, Mass.—Authority to determine operating power by direct measurement of antenna power.

NEW—John Memolo, Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1210 kc.,** 250 watts, unlimited time. Facilities of WBAX if WBAX license revoked.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—License to cover construction permit (B1-P-2639) for increase in power and equipment changes.

KWAT—Midland National Life Insurance Co., Watertown, S. D. —Authority to determine operating power by direct measurement of antenna power.

KWAT—Midland National Life Insurance Co., Watertown, S. D. —License to cover construction permit (B4-P-2614) as modified, for a new station.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Authority to determine operating power by direct measurement of antenna power.

KWAT—Midland National Life Insurance Co., Watertown, S. D. —Modification of construction permit (B4-P-2614) for a new station requesting new transmitting equipment and changes in antenna.

### 1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit to install directional antenna for night use, increase power from 1 KW; 5 KW day to 5 KW day and night. Amended: Re antenna.

### 1260 Kilocycles

KGVO—Mosby's Inc., Missoula, Mont.—Authority to determine operating power by direct measurement of antenna power.

### 1300 Kilocycles

WLOL—Independent Merchants Broadcasting Co., St. Paul, Minn. —Modification of construction permit (B4-P-2482) for a new station, requesting approval of transmitter site at Myrtle Ave. & Emerald St., St. Paul, Minn.

KFH—Radio Station KFH Co., Wichita, Kans.—Construction permit to increase power from 1 KW; 5 KW day to 5 KW day and night and install directional antenna for night use. Move transmitter 1.6 miles NW of present site. Amended: changes in directional antenna.

### 1310 Kilocycles

NEW—Keys Broadcasting Co., Key West, Fla.—Construction permit for a new station on **1310 kc.,** 250 watts, unlimited time, studio at La Concha Bldg., Duval St. at Fleming, Key West, Fla., and transmitter at foot of Duval St., Key West, Fla.

KSRO—The Press Democrat Publishing Co., Santa Rosa, Calif.—Voluntary assignment of license from The Press Democrat Publishing Company to Ernest L. Finley,

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 1320 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to install new transmitter, move transmitter from North of Des Moines, Iowa to E. 36th Street and Granger Street, Des Moines, Iowa. Install directional antenna for night use and increase power from 1 KW; 5 KW-day to 5 KW day and night. Amended to give transmitter location as S. E. 22nd St. & Park Ave., Des Moines, Iowa.

### 1370 Kilocycles

WATW—WJMS, Inc., Ashland, Wisc.—Modification of construction permit (B4-P-2160) for a new station, requesting approval of antenna and approval of new transmitter, approval of studio site at 212 Second St., West, Ashland, Wisconsin, and approval of transmitter at .8 miles South of corner Second St. & Ellis Ave. (Northland College Campus), Ashland, Wisconsin. Amended to change transmitter site to 24th St. & Highway No. 13, Ashland, Wisconsin.

WJHO—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Company, Opelika, Ala.—Modification of construction permit (B3-P-2373) for a new station, requesting approval of transmitter and studio sites at 1400 Opelika-Auburn Road, Opelika, Ala., and installation of new equipment and approval of antenna.

### 1380 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—Authority to determine operating power by direct measurement of antenna power.

### 1400 Kilocycles

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Construction permit to make changes in equipment, and increase power from 500 watts to 1 KW.

### 1420 Kilocycles

KRLH—Clarence Scharbauer, Midland, Texas.—Construction permit to change frequency from **1420 kc.** to **630 kc.,** increase power from 100 watts to 500 watts, 1 KW day, install new transmitter and vertical antenna. Move transmitter from 2125 W. Wall St., Midland, Texas, to west of City on U. S. 80, Midland, Texas, and change in class of station from IV to III-B.

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1420** to **590 kc.,** and increase power from 250 watts to 1 KW. Amended: Re: antenna.

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Ore.—Authority to determine operating power by direct measurement of antenna power.

NEW—Allegheny-Kiski Broadcasting Co., Inc., New Kensington, Pa.—Construction permit for a new station on **1420 kc.,** 100 watts, unlimited time, studio and transmitter to be determined, New Kensington, Pa.

### 1430 Kilocycles

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to install new transmitter, move transmitter from North of Des Moines, Iowa to E. 36th St. and Granger St., Des Moines, Iowa. Install directional antenna for night use and increase power from 1 KW; 5 KW-day to 5 KW day and night. Amended to give transmitter site as S. E. 22nd St., & Park Ave., Des Moines, Iowa.

### 1500 Kilocycles

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—Construction permit to erect a new station on **1500 kc.,** 250 watts, unlimited time.

WKNY—Kingston Broadcasting Corporation, Kingston, N. Y.—License to cover construction permit (B1-P-2651) for equipment changes, increase in power and change in hours of operation.

NEW—George F. Meyer, Medford, Wis.—Construction permit for a new station on **1310 kc.,** 250 watts, daytime. Amended to request **1500 kc.**, 100 watts, unlimited time, changes in equipment.

### MISCELLANEOUS

W2XVP—City of New York, Municipal Broadcasting System, New York, N. Y.—License to cover construction permit (B1-PHB-53) as modified for a new high frequency station.

WPIT—Westinghouse Electric & Manufacturing Co., Saxonburg, Pa.—Construction permit to move transmitter from 1.2 miles south of Saxonburg on Saxonburg-Culmerville Road, Pa., and studio from Grant Building, Pittsburgh, Pa., to Newport Road, Hull, Mass.; increase power from 40000 watts to 50000 watts, and make changes in equipment.

NEW—Boston Edison Company, Boston, Mass.—Construction permit for new Class II television broadcast station, frequencies **78000-84000 kc.**, power 10 KW, A-3 and A-5 emission, located at 182 Tremont St., Boston, Mass.

NEW—Central States Broadcasting Company, Omaha, Nebr.—Construction permit for a new relay broadcast station on **1606, 2022, 2102, 2758 kc.**, 2 watts, A-3 emission. Located: Portable-Mobile, area of Omaha, Nebr.

NEW—Central States Broadcasting Company, Omaha, Nebr.—Construction permit relay broadcast station: **1606, 2022, 2102, 2758 kc.**, 10 watts, A-3 emission, area Omaha, Nebr., Portable-Mobile.

NEW—Central States Broadcasting Company, Omaha, Nebr.—Construction permit for relay broadcast station on **1606, 2022, 2102, 2758 kc.**, 100 watts, A-3 emission. Located: Omaha, Nebr., area, Portable-Mobile.

NEW—WKZO, Inc., Kalamazoo, Mich.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.**, 1 KW power, special emission. Site to be determined, Kalamazoo, Mich.

NEW—WKZO, Inc., Grand Rapids, Mich.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.**, 1 KW power, special emission. To be located at or near Grand Rapids, Mich.

WHMA—Harry M. Ayers, Anniston, Ala.—License to cover construction permit (B3-P-2548) for changes in equipment and increase in power (signature and jurat).

NEW—Robert G. LeTourneau, Toccoa, Ga.—Construction permit for a new station on **1420 kc.**, 250 watts, unlimited time, to be located at Toccoa, Georgia. (Sections 15c, 25, 26, 28dl, 28d2, 29 and 33a.)

NEW—Harry K. Hirashima, San Francisco, Calif.—Construction permit for new high frequency broadcast station on **43000 kc.**, 100 watts, special emission for frequency modulation, to be located at 2020 Pine St., San Francisco, Calif. (Filed on wrong form).

NEW—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Construction permit for a new high frequency broadcast station on **42800 kc.**, 1 KW, special emission, located at 1501 Western Ave., Nashville, Tenn.

NEW—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Construction permit for new high frequency broadcast station, on **43200 kc.**, 500 watts, special emission, located at 7134-36 Main St., Kansas City, Missouri.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**A1 Viola Products**—Engaged in the interstate sale of a preparation for tightening dental plates, Garey Carr, trading as A1 Viola Products, 1225 Keniston Ave., Los Angeles, has been served with a complaint alleging misrepresentation.

In the sale of his "A1 Viola Dental Plate Tightener and Reliner", the respondent is alleged to represent that use of his product constitutes a competent and effective method of tightening dental plates; that its use is certain to result in a perfect fit of such plates; that the product may be applied effectively by any person, and that no expert assistance is required in its use, when such are not the facts. (4045)

**Crown Distributing Company**—Alleging violation of the Federal Trade Commission Act, in the sale of merchandise by methods involving lottery, a complaint has been issued against Marvin Alan Koolish, trading as Crown Distributing Company and Crown Sales Company, 8742 Holloway Drive, Los Angeles.

Selling radios, cameras, pen and pencil sets and other articles, the respondent is alleged to furnish to operators and the purchasing public various devices and plans of merchandising which involve the operation of games of chance when the merchandise is sold to the ultimate consumer. Among the devices allegedly so distributed are push cards bearing feminine names. The purchaser selecting the name corresponding to that under a master seal allegedly receives, wholly by lot or chance, an article of merchandise as a prize. (4041)

**Crown Sales Company**—See Crown Distributing Company.

**A. & G. Karl Company**—Adolph Karl and Gertrude Karl, trading as A. & G. Karl Company, engaged in the manufacture, sale and distribution of a cosmetic preparation intended for application to the nails and designated "Never Break", formerly located at 179 North 7th Street, Newark, N. J., are charged in a complaint with misrepresentation.

In advertising circulars, folders and other printed matter, the complaint alleges, the respondents have represented, among other things, that their product is "The ONLY Nail-Root Food" and that "All Nails Need Calcium. This product is scientifically compounded of the finest oils and chemicals needed to correctly nourish, preserve and strengthen the nails."

Through use of these statements and others, the complaint alleges, the respondents have represented that the product supplies food and nourishment to the nails; that it will preserve and strengthen them, and that it is a tonic for the nails and will promote the health thereof.

The complaint declares that these representations are false and misleading; that the respondents' product is wholly incapable of supplying any food or nourishment to the nails, and that it possesses no therapeutic value and is without any substantial value except as a covering or polish for the nails. (4044)

**Conrad Schickerling Research Laboratory**—A complaint has been issued against Conrad Schickerling, an individual trading as Conrad Schickerling Research Laboratory, 589 Central Ave., Orange, N. J., alleging misrepresentation in the sale of incandescent lamps.

Among representations allegedly employed in the respondent's advertisements were that his "Mushroom Bulb Photo Flood Lamp", sometimes described as "Schickerling Full Sun Spectrum Photo Flood Krypton Lamp", is 8 amperes and has a lumen output of 38,000 lumens; that, as an exclusive feature not to be found in ordinary lamps, it contains a cooling coil between the wire and filament, and that it contains crypton gas, has a 10-hour peak performance, brings about color balance, and is protected by patent rights owned by the respondent, when such are not the facts. The complaint points out that the respondent's lamp does not contain crypton gas except for the small amount found in argon gas as used in incandescent lamps of this kind or type.

The respondent allegedly represented, among other things, that his "Schickerling Photo Enlarging Lamp" contains a cooling coil arrangement not to be found in ordinary lamps; that his "'1000 Flash' Photo-Flash-Flood Lamp" is a flash bulb and has Dufay color correction, and that his "'200 Flash' Photo Lamp" will flash 200 times and replace 200 ordinary flash light bulbs and is covered by patent, when such are not the facts. The respondent's advertised flash lamps are not flash lamps but primarily flood lamps, according to the complaint.

It is alleged that by use of the name "Conrad Schickerling Research Laboratory", the respondent represents that he owns, controls and directs a laboratory for research work in connection with the production of his lamps, when such is not a fact. (4042)

## CEASE AND DESIST ORDERS

The following cease and desist orders have been issued during the past week:

**Rathjen Bros., Inc.**—Prohibiting misleading use of the word "distilling" in the sale and distribution of liquor, an order to cease and desist has been issued against Rathjen Bros., Inc., 135 Berry St., San Francisco. The respondent, a rectifier and wholesaler, sells part of its liquor under the trade name United States Distilling Company.

Through the use of representations on labels and letterheads, including use of the word "Distilling" in its trade name, United States Distilling Company, the respondent is found to have represented its business as that of a distiller, and that its whiskies, gins and other alcoholic beverages were manufactured by it through the process of distillation from mash, wort or wash.

Findings are that the respondent is not a distiller and does not operate or control a place where alcoholic beverages are manufactured by a distillation process.

The order directs the respondent corporation to cease using the word "distilling" on labels, letterheads or any advertising matter, or in its corporate or trade name, unless it actually is engaged in the manufacture of alcoholic beverages by original and continuous distillation from mash, wort or wash, through continuous closed pipes and vessels, until the manufacture thereof is complete. The order also prohibits the representation, through use of the word "distilling", that the respondent is a distiller, that its beverages are manufactured by it through a process of distillation, or that it owns, operates or controls a place where such products are manufactured by a process of distillation, unless and until it actually does own and operate such a place. (3909)

**United States Distilling Company**—See Rathjen Bros., Inc.

**Universal Studios, Inc.**—An order prohibiting the use of misleading sales respresentations in connection with a mail order photography business, has been issued against Universal Studios, Inc., 187 East Seventh St., St. Paul, and Harry I. and Sander R. Smith, who, since 1938, have conducted the business as a partnership under the name Universal Studios. They maintain studios in Minneapolis and in Flint and Holland, Mich.

Findings are that the respondents, through advance agents or crew managers, distributed coupons free to various local merchants, and that the coupons were redistributed free by the merchants to their own customers, who were granted an opportunity to acquire photographs of themselves represented variously as "portraits in oil colors", "oil portraits", "gold tone oil paintings", and "oil colored portraits", for only 59 or 69 cents upon presentation of a coupon. Such advertising coupons, the findings continue, were represented as having a value of $4.41, and the "oil colored portraits" or "gold tone paintings" to be obtained through the medium of the coupons were represented as having a $5 value.

The Commission finds that the respondents' pictures described as oils worth $5 with coupon were not reasonably worth more than the 59 or 69 cents charged, which amounts were approximately the regular prices for pictures of that class, and that the advertising coupons, used solely as devices for inducing customers to have their pictures taken, were not worth $4.41 or any other amount.

The Commission order directs the respondents to cease representing that colored or tinted photographs or enlargements are hand-painted or are paintings, and to discontinue using the terms "gold tone oil painting", "oil portrait", "portrait in oil colors" or "oil colored portrait" in any way to refer to colored or tinted photographs or enlargements.

The order also prohibits the respondents from representing as the customary or regular prices or values for pictures, amounts which are fictitious and greatly in excess of the normal prices; from representing that any merchandise regularly sold in connection with a purported certificate has any value in excess of the actual money price required to be paid, and that any coupon has a monetary value in the purchase of an article which is regularly sold by the respondents with the coupon at the price required to be paid.

The Commission ordered that its proceeding be closed as to the respondent Lorraine H. Smith, named in the complaint. Findings are that this respondent has had no financial or other interest in the recent partnership. (3684)

## STIPULATIONS

During the week the Commission entered into the following stipulations:

**Anchor Manufacturing Company**—Henry and Miller Bronsther, trading as The Anchor Manufacturing Company, New York, N. Y. manufacture glassware and glass and metal novelties. They agree to desist from branding, or otherwise designating as "Sterling Silver" or "Sterling" any product or the metal content thereof which is not in fact throughout a homogenous alloy containing not less than 92.5 per cent pure silver. The stipulation recites that the respondents marketed glassware filigreed or decorated with metal branded by them as "Guaranteed Sterling Silver" and "Guaranteed Untarnishable Sterling," when in fact the metal was not of the standard implied by use of the designation "Sterling," but instead was made up of four separate layers of metals, the silver layer constituting approximately 67 per cent of the whole content. (2689)

**Bastian Brothers Company,** Rochester, N. Y., agrees to cease and desist from stamping, branding or otherwise designating articles manufactured from any alloy of gold of less than 10 karat fineness as "gold" or, by the use of any other "quality mark", indicating or purporting to indicate that any such article is gold. The stipulation points out that "Commercial Standard CS67-38 for Marking Articles Made of Karat Gold", as adopted by representative manufacturers, distributors and users of karat-gold articles, states, among other things, that "'Gold' includes any alloy of the element gold of not less than 10 karat fineness"; that "'karat gold' means an alloy of the element gold of not less than 10 karat fineness", and that "no gold article of less than 10 karat fineness shall have applied to it any quality mark." A "quality mark," it is explained means any mark "indicating or purporting to indicate that any article is composed of gold, or indicating or purporting to indicate the quality, fineness, quantity, weight, or kind of gold in an article". (2694)

**Cambridge Handkerchief Works, Inc.**—See Embassy Handkerchief Co., Inc.

**Dairy Association Company, Inc.,** Lyndonville, Vt., engaged in the distribution of stock preparations designated "Bag-Balm" and "Kow-Kare", agrees to discontinue representing that "Bag-Balm" is completely antiseptic, or that it is healing, unless the latter representation is limited to its aid to nature in the process of healing; that it is a competent treatment or effective remedy for acute mastitis or inflamed or caked udders, unless limited to its value as a massage and counter-irritant, or that it cannot taint milk. The respondent also agrees to cease representing that "Kow-Kare" will prepare a cow for freshening or prevent calving disasters, unless limited to such aid as it may afford these conditions when cows are not assimilating or digesting feed properly, or that "Kow-Kare" will assure any specific increase in milk production or profits. (02518)

**Embassy Handkerchief Company, Inc.**—Four New York companies engaged in the interstate sale and distribution of handkerchiefs have entered into stipulations to cease misrepresentations in the sale of their products. The respondents are Embassy Handkerchief Company, Inc., 9 East 38th St.; Cambridge Handkerchief Works, Inc., 325 Fifth Ave.; Henry Goldberg and Murray Van Praag, trading as Goldberg & Van Praag, 2 West 37th St., and Samuel Franco, sole trader as S. Franco Company, 19 West 30th St.

Embassy Handkerchief Company, Inc., and Goldberg & Van Praag agree to cease misleading use of the word "Manufacturer" in their trade representations to represent or imply that they manufacture, or own or control factories for the manufacture of, their products, when such are not the facts.

Cambridge Handkerchief Works, Inc. stipulates that it will cease representing that it maintains foreign offices at Shanghai or Swatow, China, or offices and stock rooms in Chicago, or a factory at Passaic, N. J.; Goldberg & Van Praag, that they own or maintain factories at Mayaguez, Puerto Rico, or at Swatow or Chefoo, China, and Samuel Franco, trading as S. Franco Company, that he operates offices or establishments at Swatow or Chefoo, China, when such are not the facts. (2686-2687-2690-2693)

**E. O. Eshelby Tobacco Company**—James and Isabel S. Eshelby, executors of the estate of Fanny L. Eshelby and as such executors trading under the name E. O. Eshelby Tobacco Company, Covington, Ky., in the sale of their product, "Colonial Smoking Mixture," agree to cease using on packages or containers either the words "British Office" or the purported address, "2 Wembley Road, Northumberland." so as to imply that their business has connected with it a British office or one which is located at the address specified, when such is not a fact. (2685)

**Farmco Chemicals**—C. A. Blair, Jr., trading as Farmco Chemicals, Joplin, Mo., agrees to cease representing that his preparation, "Farmco Poultry Tablets", is an effective or competent treatment to prevent or fight fowl cholera, diarrhea, flu, coccidiosis, roup, typhoid or blackhead; or to stop poultry losses, build healthy flocks or strengthen growing chicks. The respondent also stipulates that he will cease advertising that the preparation is the very best poultry antiseptic tablet. (02514)

**S. Franco Company**—See Embassy Handkerchief Co., Inc.

**General Electric Company,** Schenectady, N. Y., has entered into a stipulation to discontinue certain misrepresentations in the sale of radios.

The stipulation relates that one of the respondent corporation's dealers, Vim Electric Co., Inc., of Brooklyn, published advertisements of General Electric radios showing that a certain 8-tube set would be sold for $39.95 or at a saving of $30 from what was the regular or "manufacturer's list" price of $69.95; that certain radios were "made to sell for 50 per cent more", and that the buyer of a certain set with automatic tuning would save $25 by paying $44.95 when the regular price was $69.95.

In its stipulation, the General Electric Company admits that its practice is to suggest, approve and share the cost of some but not all of the advertising published by its dealers to promote the sale of its radios; that it suggested the list price set out in the Vim Electric Company's advertisement of a $69.95 radio for $39.95, and that it paid a share of the cost of publication of the other two advertising items, and that the radios referred to as having a list price of $69.95 were never regularly sold for that price but at the customary retail prices of $39.95 and $44.95 respectively.

The respondent corporation agrees to cease and desist from representing that prices for radios made by or for it and specified in catalogs or advertising literature, are the prices at which such radios are currently sold or intended by it to be sold, unless such stated prices are the true and correct prices employed in the regular course of current business, or that stated prices are the regular prices at which such radios were formerly sold, unless such is a fact.

The General Electric Company further agrees that it will not supply to its distributors, wholesalers, retail dealers, or others, any information, data, advertising copy or suggestions, calculated to induce such dealers to incorrectly state the former price or list or regular price of any of the radios sold by it, and that it will not approve or pay any portion of the cost of advertising prepared or published by or for its distributors or dealers, which, to its knowledge, incorrectly states or misrepresents the former, list or regular price of such radios. (02520)

**Goldberg & Van Praag**—See Embassy Handkerchief Co., Inc.

**Jamaica Milling Company**—Warren E. Lair, trading as Jamaica Milling Company, and Ralph D. Schultz and Arthur J. Reeder, who formerly were in business under the name of Min-Ro-Lac Sales Company, in the sale of "Min-Ro-Lac," a prepared yeast culture feed offered as a supplement to grain for the growing and fattening of cattle, hogs, poultry and other domestic animals, agree to desist from the representation that use of this product will reduce or cut feeding costs one-half; is a remedy for infectious diseases of the digestive tract; will remove the blackhead or cholera hazard from turkey raising, and will cause the production of larger eggs or appreciably increase egg production. Other representations which the respondents agree to discontinue are that the addition of one tablespoonful of the product to each grain ration feed for milk cows will result in a marked difference in the milk flow or condition of the cows so fed or that the addition of such quantity of the product to the feed rations of horses or mules will act as a wonderful conditioner or will renew the life and vigor of such livestock; that the respondents' product is a new discovery; that 96 pounds of properly balanced feed or any other quantity of such feed in excess of 32 1/3 pounds is obtainable from the admixture of water to 1/3 pound of the product and one bushel or 32 pounds of ground oats; that the respondents' yeast concentrate product will produce a sweet culture instead of an ordinary or usual fermentation of feeds, and that the normal vitamin content of the average ordinary home grown rations is so supplemented by the addition of the respondents' product as to assure more rapid daily gains by beeves fed therewith. (2691 and 2692)

**Manhattan Soap Company, Inc.,** 441 Lexington Ave., New York, engaged in selling a soap designated "Sweetheart Toilet Soap," agrees to cease representing that research experts or laboratories have tested, in connection with their quality rating of soaps, all brands of soap; that beauty experts endorse the use of Sweetheart Toilet Soap, or that doctors prescribe its use; that use of the soap will cause the skin to become healthy or keep it healthy, or that its use will cause one to become or stay young; or, by use of such terms as "skin diet" or other similar words or phrases, that Sweetheart Toilet Soap contains anything that will nourish or feed the skin; and that any premium is gold plated, when in fact it is gold electroplated. (02516)

**Irving L. Odman Company,** Chicago, Ill., in the sale of corrugated shipping boxes, stipulates that it will cease marking or stamping its products with its corporate or trade name together with the phrase, "Certificate of Box Maker," or the word "Maker," or any words of similar meaning so as to imply that it manufactures such containers or owns and operates a factory in which they are made, when such is not a fact. (2688)

**Oskamp Nolting Company,** Cincinnati, Ohio, stipulates that it will cease representing its business as that of "Wholesale Jewelers" or its merchandise as "Wholesale Jewelry" and will desist from use in advertisements of the words "Wholesale Jewelers" or "Wholesale Jewelry" or other words of similar meaning so as to imply that the merchandise it sells is obtainable by the purchaser at wholesale prices. The respondent company also agrees to desist from representations the effect of which may convey the idea that merchandise bought from the corporation under an alleged 50 per cent discount is purchasable at the price at which such goods or comparable competitive articles are sold to the jobbing or retail trade in the usual course of business, when such is not a fact. The stipulation recites that the respondent arbitrarily fixed alleged list prices, purportedly allowing a fixed discount of 50 per cent to the purchasing consumer so as to imply that he was able to obtain merchandise at regular wholesale prices, when in fact he paid the customary or even greater than the customary retail price. (2695)

**Plymouth Hosiery Company**—H. J. Esch, doing business under the trade names of Plymouth Hosiery Company and Plymouth Sales Company, Minneapolis, and engaged in the sale of hosiery, agrees to cease representing that Plymouth hosiery is new, improved hosiery, stronger in the foot, possesses a built-in quality, more stretch, or wears longer than any other hose offered for sale, and that hosiery all parts of which are not knitted entirely from the thread manufactured from the cocoon of the silkworm, is silk or pure silk; that hosiery knitted on a bar less than 15 inches in size, is outsize of regular hosiery; that certain of the respondent's hosiery, made with a mock seam, has a fashion seam up the back; that Plymouth socks will outwear two pairs of ordinary socks; that no retail store can possibly compete with Plymouth prices, and to desist from misrepresentations concerning the profits or earning capacity of agents, salesmen or dealers.

H. J. Esch further agrees that in computing the period of time during which specified earnings or profits were made by salesmen, he will include all of the time actually used for demonstrations, solicitations and other services performed in connection with the sale, delivery or collection of the purchase price by agents, salesmen, distributors or dealers alleged to have made such earnings or profits. (02517)

**Plymouth Sales Company**—See Plymouth Hosiery Company.

**F. A. Salamy Company, Inc.,** 330 Fifth Ave., New York, N. Y., agrees, in connection with the sale and distribution of its merchandise, to cease and desist from representing that it is a "manufacturer" of handkerchiefs or other merchandise, or in any other way importing or implying that it owns or controls the plant or factory in which the products sold by it are made, when such is not a fact. (2698)

**C. Tischhauser, Inc.,** 66 Worth St., New York, N. Y., agrees to cease describing or referring to itself as a "manufacturer" of handkerchiefs or other merchandise, when it neither owns nor controls the plant or factory in which the goods sold by it are made, or in any manner representing that it has a manufacturing plant of its own for the production of these or other goods, when such is not a fact. (2697)

**John C. Welwood Corporation,** New York, N. Y., in the sale of ribbons, agrees to cease using the words "Moire Taffeta," "Satin Taffeta" or any other word connoting silk in a manner implying that the fabrics to which such designations refer are composed of silk, when such is not a fact. The stipulation provides that if any of the words "Moire," "Taffeta," or "Satin" is used properly as descriptive of the construction of a fabric containing fiber other than pure silk, then the word so used shall be accurately and non-deceptively qualified by conspicuous language clearly disclosing the constituent fibers in the order of their predominance by weight, beginning with the largest single constituent. The respondent corporation also stipulates that it will desist from selling products made of rayon without clear disclosure of such rayon content in all published representations, and that it will discontinue advertising, branding or selling any product composed in whole or in part of rayon unless full and non-deceptive disclosure of the fiber and other content is made by clearly naming each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber which is present in less than a substantial amount (2684)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 11, March 15, 1940

## Campaign Use of Radio

Repeated requests for information as to the use of broadcast facilities for discussion of political issues and by candidates for public office prompts the FCC to explain:

Broadcast stations are licensed to serve the "public interest, convenience and necessity." This carries with it obligation on the part of stations to provide opportunity for well-rounded rather than one-sided discussion of public controversial issues and to render a program service in the general public interest. However, there is no requirement, express or implied, that the broadcast facilities must be afforded for the use of any particular individual or organization.

Section 3(h) of the Communications Act of 1934, as amended, expressly provides that a person engaged in radio broadcasting shall not be deemed a common carrier. In this respect broadcasting is unlike telephone, telegraph, or cable service. Accordingly, a broadcast station may refuse the use of its facilities to any particular person or group, even though offer is made to pay for the time.

However, Section 315 of the Act stipulates:

> "If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

This provision does not apply to persons other than the legally qualified candidates themselves but does require that, if a broadcast station permits the use of its facilities by a candidate, equal opportunities in the use of the station shall be afforded all other legally qualified candidates for the same office.

The Commission's Rules Governing Standard Broadcast Stations more specifically define broadcasts by candidates for public office in the following language:

> "Section 3.101 *General requirements.*—No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities, provided that such licensee shall have no power of censorship over the material broadcast by any such candidate.
>
> "Section 3.102 *Definitions.*—The following definitions shall apply for the purpose of Section 3.101:
>
> "(a) 'A legally qualified candidate' means any person who has met all the requirements prescribed by local, state, or federal authority, as a candidate for the office which he seeks, whether it be municipal, county, state, or national, to be determined according to the applicable local laws.
>
> "(b) 'Other candidates for that office' means all other legally qualified candidates for the same public office.
>
> "Section 3.103 *Rates and practices.*—The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.
>
> "Section 3.104 *Records; inspection.*—Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted."

The Commission's Rules and Regulations do not impose any requirements as to the rendering of free service by broadcast stations. This is a matter to be determined by the individual stations themselves.

With respect to program content, Section 326 of the Communications Act provides:

> "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

The express prohibitions contained in the Communications Act with respect to program content are: the prohibition against the broadcasting of lottery information contained in Section 316, and the provision of Section 326 that no person "shall utter any obscene, indecent, or profane language" on the air.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## Four More Stations Join in BMI

Completed stock and license agreements to Broadcast Music, Inc., were received from four additional stations during the past week. This brings the total number of stations that have subscribed and paid for stock in BMI to 280. Another 99 stations have committed themselves to subscribe.

The latest four stations to subscribe are as follows:

District 3
WIP—Philadelphia, Pennsylvania

District 5
WSFA, Montgomery, Alabama
WJHP, Jacksonville, Florida

District 14
KGVO, Missoula, Montana

With the addition of these stations, the total amount which has now been paid for in stock and pledged as license fees is $1,238,620.00.

## Code Manual Goes to All Members

The NAB Code Manual, containing Code interpretations and an interchange of program and operating experiences gathered from various stations throughout the country, is being mailed to member stations.

The Code Committee, which has compiled the material, believes it will be a valuable source of useful information for management, the station program director, and the sales department.

The book itself is divided into six sections to correspond with the six sections of the NAB Code. The material is in loose-leaf form and bound in a stiff-back cover. As new information is developed, it will be promptly sent out for insertion in the Manual in the proper section.

In a foreword, Edgar Bill, WMBD, Peoria, Illinois, chairman of the Committee, declares:

> "Few businesses are confronted with such a complex intermingling of social, public and economic interest as is the business of broadcasting. Of necessity, then, the NAB Code must be a continuous evolution of interpretation and policy to meet changing conditions of taste and circumstance. Moreover, in an industry which may be revolutionized overnight by new technical discoveries from the laboratory, a social-minded vigilance is needed at all times, and in all directions.
>
> "The development of the broadcasters' Code has won the greatest degree of public confidence the industry has ever enjoyed. The public declarations of those organized groups in many diverse and oft-times competing fields bear witness to this. Here is an industry Code which has won support of both liberal and conservative, press and government, business and consumer, Catholic and Protestant. It is, in effect, an insurance policy for the American system of private and competitive broadcasting. It is an insurance policy whose beneficiary is, as well, the American public itself.
>
> "In this Code Manual, the Committee has collected significant experiences and program policies, gathered from stations in all parts of the country confronted by many problems similar to those confronting each station. It believes that from this interchange of information, a broader concept of "public interest" will continuously emerge.
>
> "The work of the Committee is advisory and interpretative. It has not been—nor will it ever be—dictatorial or arbitrary. It has endeavored to be helpful to each station which has asked its advice. It has been mindful of the delicate responsibility entrusted to it by the entire industry. It has not sought to assume responsibility delegated solely to the broadcast licensee. It has sought to place at his disposal information and accepted industry policy as it developed. It has recognized at all times those geographic, economic and operating differences characteristic of American radio. Such authority as it may possess comes only as favorable public opinion is earned in support of industry policy."

The Code Compliance Committee will meet in Washington, April 11, at the call of Chairman Bill. Problems of political broadcasting during the coming election campaign will be among the more important subjects to be discussed.

## Labor

### ABT CERTIFIED AT WCPO; AFRA ELECTION ORDERED

The National Labor Relations Board today announced certification of Associated Broadcast Technicians Unit of the International Brotherhood of Electrical Workers (A. F. of L.) as the sole collective bargaining agency for the broadcast technicians of Scripps-Howard Radio, Inc., Station WCPO, Cincinnati, upon the basis of documentary evidence submitted by the union, and an admission of the company that its four technicians were members.

At the same time, the Board announced that a secret ballot election would be held within 30 days among all the company's announcers and radio artists, excepting the "hillbillies," to determine whether or not they desire to be represented for collective bargaining purposes by American Federation of Radio Artists (A. F. of L.).

The Board ruled that Andre Carlon, the station's program director and chief announcer, and Glen A. Davis, chief engineer, should be included in the appropriate units in view of the time each devotes to non-supervisory functions. The Board excluded, however, a group of unpaid musicians known as "hillbillies" and Albert Stephan, a writer in the program department.

Although the AFRA introduced evidence to show that it represented a substantial number of the company's employees, it nevertheless conceded that an election by secret ballot is necessary to resolve the question concerning representation.

No election was necessary among the technicians in view of the company's admission and the documentary proof presented by the ABTU, the Board said.

## WAGE AND HOUR RECORDS FOR TRANSMITTER ENGINEERS

Col. Philip B. Fleming, Wage and Hour Administrator, rules that abbreviated wage and hour records for transmitter engineers must be kept at the transmitter when the transmitter is away from the station offices.

These abbreviated records need show only two items: total hours worked and total wages paid each week.

"Since you state no executive or clerical assistance is available at such transmitter station, it is suggested that each employee keep an individual wage and hour book showing the required abbreviated information," Col. Fleming says in his ruling, requested by the NAB Labor Relations Director.

The information required for the complete record of each employee covered by the Act was listed in the NAB Reports, February 23, page 4051.

## COST OF LIVING

The NAB Labor Relations Director now has available Labor Department statistics showing how the cost of living compares among the 31 largest cities in the country. Such figures sometimes are useful in collective bargaining.

## FREE OFFERS

Only one "free offer" and one "cost-per-inquiry" proposal were reported to the Bureau of Radio Advertising by member stations during the past week. Driver & Company, advertising agency of Omaha, Nebraska, has asked stations to run free publicity as a "test" on behalf of its client, Miller Cereal Mills. The implication is that if the test is successful, stations may get considerable advertising. National Vocational Institute, New York City, offers to pay stations fifty cents for every one dollar order they produce for the Institute. The Bureau has sent the usual letter to these concerns, implying that if they want real results from radio, they can't do better than buy time at regular rates, as so many thousands of successful advertisers are doing.

## ACCOUNTING COMMITTEE

The NAB Accounting Committee is meeting in New York on Tuesday, March 19. At this time the final draft of the proposed program log will be submitted to the Committee for adoption. The Committee also will adopt standardized accounting forms, copies of which will be sent to members by April 1.

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The proposed new accounting manual will enable station accountants to adjust their accounting system so that the information requested by the FCC Accounting Department in the financial forms 705-6 will readily be available and help in answering the questionnaire.

## FM HEARING

The High Frequency hearing, originally scheduled for February 28, will open Monday, March 18, before the whole FCC. The notice of hearing was in NAB Reports, December 29 (page 3922).

Lynne C. Smeby, Director of Engineering, will attend the hearing as NAB observer and will report the proceedings in "Reports."

## CENSUS REQUESTS

The following communication was received by Mr. Neville Miller from Roscoe Wright, Chief of Public Relations, Bureau of the Census, Department of Commerce under date of March 8:

Dear Mr. Miller:

I thought you might be interested in the fact that the Bureau of the Census is asking the cooperation of radio stations conducting programs in foreign languages, in relaying information about the 1940 Census to their listeners.

For your information I am enclosing a copy of a letter we have written to the radio stations which conduct foreign language programs.

It is our thought that you might wish to give notice to this in the Bulletin of the National Association of Broadcasters. If you see your way clear to doing so, we will be grateful if you will urge the hearty cooperation of all station managers and foreign language program directors.

Very sincerely yours,
(Signed) Roscoe Wright,
*Chief of Public Relations.*

The Census this year includes a question on radio ownership which will be of great value to the broadcasting industry.

## Clifford Taylor

Clifford M. Taylor, commercial manager of station WBEN, Buffalo, N. Y., and a member of the NAB Sales Managers Division, died of a heart attack March 11 in Jacksonville, Fla. Mr. Taylor was on his way home with Edgar Twamley, WBEN manager, from a fishing trip when stricken.

## CLUBWOMEN LEAVE COMMITTEE

The NAB has been informed by Mrs. Saidie Orr Dunbar, President of the General Federation of Women's Clubs, that the General Federation and Mrs. Harold V. Milligan, radio chairman of the Federation, have withdrawn from the Women's National Radio Committee.

## NEW RECORDER

A new film recorder developed by RCA was demonstrated to the NAB staff last week. The recording is made on "Leader Stock" film, costing 1¢ a foot and using 13 feet of film per hour. The machine will record for 24 hours without reloading. The machine demonstrated had a frequency range up to 3,000 cycles and therefore is not suitable for rebroadcast purposes. However, Mr. Payne said that the machine probably would be developed for such purposes later. The machine in its present form was developed for information recording purposes only. The film is fed around a mandrill and the mandrill with the film reels rotate. An engraving then occurs diagonally across the film. The machine features instantaneous play back and has one button for spacing back a short time and two other buttons which will advance or rewind the film at the rate of one hour per 15 seconds. There are numbers on the film so that records can be kept and the film can be wound back to any section desired. Mr. Payne said that the machine will be available in about six months, probably on rental basis of about $50 per month. The fee will include all maintenance and normal replacement but not the cost of the film.

## RECORD COMPANIES

The NAB has been asked about the United States Record Corporation, 1780 Broadway, New York City, and the Aurora Record Company, 145 West 45th Street, New York City. Both companies manufacture and release for sale, phonograph records. Anyone interested in receiving further information concerning these two companies may obtain it from headquarters.

## FCC APPROVES FM EXPERIMENTS

The Crosley Corporation has been granted a construction permit by the FCC for a new experimental high frequency broadcast station to employ frequency modulation, to be located in Cincinnati. The applicant proposes a broad investigation of the relative merits of frequency modulation and the present standard broadcast system, and of wide and narrow band frequency modulation in transmitting high fidelity programs, with attention to receivers suitable for dual operation.

The station proposes to operate on 43200 kilocycles, 1 kilowatt special emission for FM, unlimited operation. The antenna is planned atop the Carew Tower, Cincinnati. The permit is granted upon an experimental basis only, subject to change or cancellation by the Commission at any time, without notice or hearing, if need for such action arises.

This application was filed by the Crosley Corporation pursuant to announcement by the Commission on December 19, 1939, that, pending outcome of the informal engineering hearing on aural broadcasting to begin March 18, it would grant the following classes of applications:

> (a) Applications for permission to carry out programs of fundamental research not authorized in the past and which show satisfactory promise of being able to contribute substantially toward the development of aural broadcasting service, and
>
> (b) Applications filed by existing licensees to experiment with aural broadcasting on frequencies above 25000 kilocycles, provided the request to operate additional stations involved a program of experimentation directly related to the existing station.

At the same time the Crosley application was granted, the Commission authorized Westinghouse Electric & Manufacturing Co. high frequency broadcast station WIXK to move its transmitter from Boston to Hull, Mass., for operating on 42,600 kilocycles, 1,000 watts, special emission for FM, and approved request by General Electric Co. to move the transmitter of its high frequency broadcast station W2XOY from Albany, N. Y., to New Scotland, N. Y., to increase its power from 150 to 1,000 watts and install new equipment for operating on 43,200 kilocycles, special emission for FM.

## ANTENNA POWER MEASUREMENT

The FCC has sent the following notice to licensees of all standard broadcast stations:

> Under date of January 25, 1940, Mexico ratified the North American Regional Broadcasting Agreement. In order to place the allocation plan set forth in this Agreement in effect, the frequency assignments of a majority of standard broadcast stations must be changed. Resistance measurements made in accordance with the Standards of Good Engineering Practice for the presently assigned frequencies will not be sufficiently accurate for the frequencies assigned under the Agreement.
>
> The time within which *existing* standard broadcast stations shall have made the necessary measurements and obtained authority to determine the operating power by direct measurement of the antenna power as required by Section 3.51(a) (2) is hereby extended from July 1, 1940, to December 1, 1940.
>
> This in no way affects the requirements as now set forth in Section 3.51 with respect to new standard broadcast stations, nor does it affect the requirements of the Standards of Good Engineering Practice in that the power shall be determined by the direct method when making field intensity measurements.

## KWBD ORDER ISSUED

On the ground that he apparently made false and misleading statements relative to his financial condition, the Federal Communications Commission has ordered W. B. Dennis to show cause on or before March 29, why the construction permit issued to him July 12 last for a radio broadcast station at Plainview, Texas, should not be cancelled.

The call letters KWBD were assigned to the station, which proposed to operate on 1200 kilocycles, 100 watts power, daytime only.

## NEW FORM APPROVED

The FCC has approved a revised form of application for admission to practice before it, prescribed pursuant to Section 1.34 of the Rules of Practice and Procedure, which includes a provision for statement by the applicant as to whether or not he has been suspended or disbarred from practice before any governmental agency.

## RULES AMENDED

Section 3.51(a) (2) of the Rules Governing Standard Broadcast Stations of FCC was amended extending the time within which existing stations are required to determine the operating power by the direct method, from July 1 to December 1, 1940.

## NEW JERSEY COPYRIGHT BILL

A bill introduced in the New Jersey Assembly March 4 (Assembly Bill No. 264), is intended to control licensing of performing rights in copyrighted works when two or more owners of separate copyrights pool their interests for the purpose of fixing prices, collecting fees or issuing blanket licenses. Such pools are prohibited unless their license fees are based on per piece usage and in proportion to the use made of their works. A complete list of their copyrighted works and prices is required to be filed annually with the Secretary of State, with additions or revisions made monthly. A 5 per cent tax on gross receipts from sale of performing rights is imposed.

## STATE LEGISLATION

New York:

A. 2251 (Fite) SMALL LOANS—MISLEADING ADVERTISING—Empowers banking supt. to revoke licenses of any small loan lender, on conviction for violations relating to false, misleading or deceptive advertising, displaying, publishing or broadcasting of statements; no license so revoked may be reinstated or new license issued for three years following revocation. Referred to Rules Committee.

Rhode Island:

H. 862 (Shein) (same as S. 139) OPTOMETRISTS AND OPTICIANS—LICENSING—In amendment of sections 1, 2, 3, 5, 9, 11, 12 and 13 of chapter 277 of the general laws, entitled "Licensing and regulation of optometrists and opticians," as amended. Referred to Committee on Judiciary.

## 821 STATIONS

The FCC issued operating licenses to two stations and granted four permits for the construction of new stations during the month of February, 1940. A comparative table by months follows:

| | Mar. 1 | April 1 | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ....... | 729 | 732 | 734 | 735 | 735 | 738 | 739 | 743 | 751 | 755 | 765 | 769 | 771 |
| Construction ..... | 37 | 37 | 38 | 38 | 43 | 56 | 59 | 57 | 58 | 57 | 49 | 48 | 50 |
| | 766 | 769 | 772 | 773 | 778 | 794 | 798 | 800 | 809 | 812 | 812 | 817 | 821 |

# FEDERAL COMMUNICATIONS COMMISSION

## DECISIONS

Federal Communications Commission has affirmed a finding of fact authorizing the Salt River Broadcasting Company, licensee of Station KOY, of **Phoenix, Ariz.,** to change that station's frequency from **1390** to **550 kilocycles;** the present 1000 watts power to remain. Opposition to the grant was presented to the Commission by KOAC, **Corvallis, Oregon,** operating with 1000 watts on 550 kilocycles.

---

Presque Isle Broadcasting Company has been granted a construction permit for a new station at **Erie, Penn.,** to operate unlimited time, **1500 kilocycles,** daytime power 250 watts, nighttime 100 watts. Commission granted the permit this week following adoption of its proposed findings of fact.

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## PROPOSED FINDING

The Commission has tentatively denied the application of C. T. Sherer Company, Inc., for a construction permit to erect a new station at **Worcester, Mass.,** to use 100 watts night, 250 day, unlimited time, on **1200 kilocycles.**

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, March 18. They are subject to change.

### Monday, March 18

Informal Hearing Before the Commission En Banc

In the Matter of Aural Broadcasting on Frequencies Above **25,000 kc.** (An inquiry into the possibilities of Frequency and Amplitude Modulation).

### Tuesday, March 19

WNYC—City of New York, Municipal Broadcasting Svstem, New York, N. Y.—Modification of license, **810 kc.**, 1 KW, specified hours (6 a. m. to 11 p. m. EST), (DA-Daytime). Present assignment: **810 kc.**, 1 KW, daytime-WCCO, directional antenna.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral argument. They are subject to change.

### March 28

Oral Argument Before the Commission

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of Station License of WSAL.

### April 1

NEW—E. E. Krebsbach, Miles City, Mont.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Star Printing Co., Miles City, Mont.—C. P., **1310 kc.**, 250 watts, unlimited time.

NEW—Lookout Mountain Co. of Georgia, Lookout Mountain, Ga.—C. P., **1370 kc.**, 250 watts, unlimited time.

### April 16

NEW—Miami Broadcasting Co., Miami, Fla.—C. P., **1420 kc.**, 250 watts, unlimited time.

### April 19

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Modification of license to move main studio to Louisville, Ky.—**1370 kc.**, 250 watts, unlimited time.

### April 22

NEW—West Virginia Newspaper Publishing Co., Morgantown, W. Va.—C. P., **1200 kc.**, 250 watts, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted construction permit to install new equipment, increase power from 1 KW to 5 KW day and night, employing DA at night, on **890 kc.**

WRUW—World Wide Broadcasting Corp., Scituate (Boston), Mass.—Granted modification of license of international station WRUW to add frequencies **11790** and **15250 kc.** to the presently licensed frequencies.

WMOB—S. B. Quigley, Mobile, Ala.—Granted modification of license to add power of 100 watts for nighttime operation, and increase hours from daytime only to unlimited time.

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Granted modification of construction permit for change in studio and transmitter sites, new equipment and antenna changes, increase in night power from 100 to 250 watts, extending commencement date to 30 days after date and grant and completion date to 180 days thereafter.

W2XD—General Electric Co., Schenectady, N. Y.—Granted construction permit to reinstate television broadcast station W2XD, which expired September 16, 1939, on the assignment **156000-162000 kc.**, 40 watts, A5 emission, hours of operation in accordance with Sec. 4.4(a).

WEAF—National Broadcasting Co., Inc., New York City.—Granted modification of construction permit to install directional antenna system for day and nighttime operation on **660 kc.**

Puerto Rico Advertising Co., Inc., San Juan, P. R.—Granted construction permit for new station to operate on **1500 kc.**, 250 watts, unlimited time; exact transmitter and studio site and type of antenna to be determined with Commission's approval.

KMA—May Seed & Nursery Co., Shenandoah, Ia.—Granted voluntary assignment of license from May Seed & Nursery Company to May Broadcasting Company.

WHO—Central Broadcasting Co., Des Moines, Ia.—Granted extension of special experimental authority to operate standard broadcast station WHO as a facsimile broadcast station from 12 midnight to 6 a. m., CST, using 50 KW, for the period ending August 1, 1940.

W1XK—Westinghouse Electric & Mfg., Co., Hull, Mass.—Granted modification of construction permit of high frequency broadcast station authorizing move of transmitter from Boston to Hull, Mass.

The Crosley Corp., Cincinnati, Ohio.—Granted construction permit for new high frequency broadcast station to operate on **43200 kc.**, 1 KW, special emission for frequency modulation; hours of operation in accordance with Sec. 4.4 of the Comm. rules.

W2XOY—General Electric Co., New Scotland, N. Y.—Granted construction permit to increase power, and install new equipment for high frequency broadcast station and move station from Albany to New Scotland, N. Y.

## DESIGNATED FOR HEARING

Abraham Binneweg, Jr. (World Peace Foundation), Oakland, Calif. —Application for construction permit for new developmental broadcast station to operate on **1614, 2398, 6425, 8655, 9135, 17310** and **12862.5 kc.**, 250 watts, unlimited time. Applicant proposes to conduct research on various types of directional antenna systems.

WJHL—WJHL, Inc., Johnson City, Tenn.—Application for construction permit to make changes in equipment; install directional antenna for night use; increase power from 250 watts to 1 KW; change frequency from **1200 kc.** to **880 kc.;** and move transmitter 500 feet east of present site.

WFDF—Flint Broadcasting Co., Flint, Mich.—Application for construction permit to install new transmitter and directional antenna for night use; increase power from 100 watts to 1 KW; change frequency from **1310 kc.** to **880 kc.;** and move transmitter locally; application to be heard jointly with that of Thumb Broadcasting Co. for a new station to operate on **880 kc.**, 1 KW, daytime only, and WJHL listed above, all applying for **880 kc.**

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period April 1 to August 1, 1940:

KARK, Little Rock, Ark.; KFKA, Greeley, Colo.; KFDY, Brookings, S. Dak.; KFEL, Denver, KFPY, Spokane, Wash.; KFRC and auxiliary, San Francisco; KFRU, Columbia, Mo.; KFSD, San Diego; KFYR, Bismarck, N. Dak.; KGFX, Pierre, S. Dak.; KGHL, Billings, Mont.; KGKO, Fort Worth, Tex.; KLX, Oakland, Cal.; KLZ, Denver; KMJ, Fresno, Cal.; KOAC, Corvallis, Ore.; KPOF, Denver; KPRC, Houston, Tex.; KSD, St. Louis; KSEI, Pocatello, Ida.; KTKC, Visalia, Cal.; KTSA, San Antonio; KVI, Tacoma, Wash.; KWTO, Springfield, Mo.; WAAF, Chicago; WBEN and auxiliary, Buffalo; WCHS, Charleston, W. Va.; WCLE, Cleveland, Ohio; WDAF, Kansas City, Mo.; WDBO and auxiliary, Orlando, Fla.; WDEV, Waterbury, Vt.; WEAN, Providence, R. I.; WEEI, Boston; WFIL and auxiliary, Philadelphia; WGBI and auxiliary, Scranton, Pa.; WIBW, Topeka, Kans.; WILL, Urbana, Ill.; WIND, Gary, Ind.; WIP and auxiliary, Philadelphia; WIS, Columbia, S. C.; WKBN, Youngstown, Ohio; WKRC, Cincinnati, Ohio; WKY and auxiliary, Oklahoma City; WLBZ, Bangor, Me.; KMTR, Los Angeles; KTAR, Phoenix, Ariz.

Renewal of licenses were also granted for the following high frequency stations:

W5XAD, Dallas, Tex.; W6SDA, Los Angeles; W9XHW, Minneapolis; W9XA, Kansas City, Mo.; W2XWF, New York; W2XQR, Long Island City; W3XO, Georgetown, D. C.; W4XA, Nashville; W9XPD, St. Louis, Mo.; W9XH, South Bend, Ind.; W8XVB, Rochester, N. Y.; W1XPW, Meriden, Conn.; W1XEQ, Fairhaven, Mass.; W9XER, Kansas City, Mo.; W3XIR, Philadelphia.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of facsimile broadcast station license for the period ending March 1, 1941.

W9XAL—First National Television, Inc., Kansas City, Mo.—Granted renewal of television broadcast station license for the period ending February 1, 1941.

W9XUI—State University of Iowa, Iowa City, Ia.—Granted renewal of television broadcast station license for the period ending February 1, 1941.

## MISCELLANEOUS

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 8:15 p. m., March 12, 1940, to 1:00 a. m., EST, March 13, 1940, in order to broadcast a performance of the Metropolitan Opera to be given for the benefit of the New York City Milk Fund.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of nine hours daily for the period beginning March 21, 1940 and ending not later than March 25, 1940, in order to observe the Easter vacation period at the University.

W2XWF—William G. H. Finch, New York, N. Y.—Granted extension of special temporary authority to change from A-3 emission to special emission frequency modulation **75 kc.** swing to make comparative tests on amplitude modulation for the period ending in no event later than April 3, 1940, in order to complete installation of FM unit.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts from 8:30 p. m. to 10:00 p. m., CST, on March 7, 1940, from 7:30 p. m. to 10:00 p. m., CST, on March 8, 1940, and from 8:00 p. m. to 10:00 p. m., CST, on March 9, 1940, during broadcast of basketball games only.

WSOY—Commodore Broadcasting Inc., Decatur, Ill.—Granted special temporary authority to operate with power of 250 watts from 7:00 p. m., CST, to the conclusion of basketball games on March 14, 15, and 16, 1940, in order to broadcast basketball games only.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Granted petition to intervene in the hearing on the application of Harold Thomas for a new station in Bridgeport, Conn., to operate on **1420 kc.**, 250 watts, unlimited time.

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted petition to intervene in the hearing on the application of WNYC for modification of license to change hours of operation from daytime to specified hours (6 a. m. to 11 p. m., EST), on **810 kc.**

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Granted petition to intervene in the hearing on the application of J. D. Flavey, for a new station in Ottumwa, Iowa, to operate on **1210 kc.**, 100 watts, unlimited time.

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Granted petition to intervene in the hearing on the application of L & M Broadcasting Co., for a new station in Ottumwa, Iowa, to operate on **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

Lookout Mountain Co. of Ga., Chattanooga, Tenn.—Granted petition for continuance of hearing on application for new station to operate on **1370 kc.**, 250 watts, unlimited time, from March 11 to April 1.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to determine operating power of auxiliary transmitter by direct measurement of antenna input in compliance with Section 3.54.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9:00 a. m. to 11:00 a. m. and from 2:00 p. m. to 6:00 p. m., AST, on March 16, 1940, in order to broadcast athletic meet of the College of Agriculture and Mechanical Arts and the University of Puerto Rico only.

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special temporary authority to operate from local sunset (March 6:45 p. m., EST) to 10:30 p. m., EST, on March 29, 1940, in order to broadcast the annual concert of the Pontiac High School Band and Orchestra.

WRUW—World Wide Broadcasting Corp., New York, N. Y.—Granted special temporary authority to operate on frequency **11790 kc.** for a period not to exceed 10 days, in order to eliminate the interference supposedly caused by character beat frequency resulting from simultaneous operation of WRUW on **11730 kc.**, and WRUL on **6040 kc.**

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 9:00 p. m. to 9:15 p. m., CST, on March 20, 1940, (provided WNAD remains silent) in order to broadcast a concert from Bethany College, Lindsborg, Kans.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent from 9:00 p. m. to 9:15 p. m., CST, on March 20, 1940, in order to permit KGGF to broadcast a concert from Bethany College, Lindsborg, Kans.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts, from 7:30 p. m. to 10:15 p. m., CST, on March 15, 16, and 17, 1940, during broadcasts of basketball games only.

KFGQ—Boone Biblical College, Boone, Iowa.—Denied special temporary authority to operate from 4:00 p. m. to 5:00 p. m., 6:00 p. m. to 6:30 p. m. and 7:30 p. m. to 8:30 p. m., CST, for the period beginning March 31, 1940, and ending not later than April 7, 1940, in order to broadcast programs in connection with Fiftieth Anniversary (provided KVFD remains silent).

WLOW—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted modification of construction permit for new station, for approval of transmitter site at Myrtle Ave. and Emerald St., St. Paul, Minn.

KWAT—Midland National Life Insurance Co., Watertown, S. D.—Granted modification of construction permit for new station, for authority to install new transmitting equipment and make changes in antenna.

KWAT—Midland National Life Insurance Co., Watertown, S. D.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KWAT—Midland National Life Insurance Co., Watertown, S. D.—Granted license to cover construction permit and modification thereof, for new station; frequency **1210 kc.**, power 250 watts, unlimited time.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted modification of construction permit for new broadcast station, for approval of antenna, transmitter site, and change type of transmitter.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test high frequency broadcast equipment of Station W1XOJ authorized by modification of construction permit, on **43000 kc.**, power in the range 2000 watts to 50000 watts, from March 15, 1940, to not later than April 13, 1940, in order to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400 foot mast.

WLAW—Hildreth & Rogers, Lawrence, Mass.—Denied petition for rehearing in re application of WPTF, Raleigh, N. C., for modification of license to operate on **680 kc.** with 5 KW power, unlimited time, granted by the Commission January 9, 1940.

KFI—Earl C. Anthony, Los Angeles, Calif.—Denied petition for rehearing in the matter of the applications of McClatchy Broadcasting Co. (KERN), Bakersfield, Calif., for construction permit to install new equipment, change operating assignment from **1370 kc.** to **1380 kc.**, and power from 100 watts to 1 KW, unlimited time, and The Bee, Inc. (KOH), Reno, Nevada, for construction permit to move locally and change operating assignment from **1380 kc.** with 500 watts power, unlimited time, to **630 kc.**, 1 KW, unlimited time, using a directional antenna at night, which applications were granted by the Commission on December 20, 1939.

William Amesbury, Minneapolis, Minn.—Dismissed petition for hearing, protest and request to vacate the Commission's action of January 17 in granting the application of Independent Merchants Broadcasting Co., for a new station in Minneapolis, Minn., to operate on **1300 kc.**, with 1 KW power, unlimited time.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied petition insofar as it requests immediate grant of application for construction permit to increase power from 250 watts to 1 KW, on **780 kc.**, and extended for ten days from date of order, the time for filing proposed findings herein.

KWBD—W. B. Dennis, Plainview, Tex.—Ordered applicant to show cause, by written answer duly verified, filed at the offices of the Commission on or before March 29, 1940, why the order of the Commission of July 12, 1939, granting the application for a new station to operate on **1200 kc.**, 100 watts power, daytime only, should not be rescinded and construction permit cancelled, because of alleged misleading statements made by applicant in re his financial status.

WEVD—Dobs Memorial Fund, Inc., New York, N. Y., and WBBR —the Watchtower Bible & Tract Society, Inc., Brooklyn, N. Y.—Denied petitions for reconsideration and rehearing filed by WEVD and WBBR in re application of Greenville News-Piedmont Co. (WFBC), for construction permit to install directional antenna for night use and increase night power from 1 KW to 5 KW; and, the Commission on its own motion modified its order of December 5, 1939, granting the application of WFBC for increase in power, so as to make the grant conditioned upon applicant obtaining from the Commission specific approval of antenna and site thereof before any construction or installation is commenced.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Denied petition for rehearing in re application for construction permit to install new transmitter, make changes in antenna system, change transmitter site, and change frequency from **1310 kc.** to **1240 kc.**, power from 100 watts night, 250 watts day, to 1 KW, unlimited, which was denied by the Commission November 9, 1939.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.; and KOY, Salt River Valley Broadcasting Co., Phoneix, Ariz.—Denied petitions for rehearing filed by KTAR and KOY in the matter of the application of M. C. Reese for a new station in Phoneix, Ariz., to operate on **1200 kc.**, 100 watts night, 250 watts LS, unlimited time, granted by the Commission January 26, 1940.

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Granted license to cover construction permit for new station, frequency **1100 kc.**, power 5 KW, unlimited time.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted license to cover construction permit to make changes in equipment and increase power from 100 watts to 250 watts; frequency **1210 kc.**, unlimited time.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y. —Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast on a sustaining basis the programs to be received from international broadcast stations WMBI and WRCA over station WNEL, for the period beginning March 12, 1940, to not later than April 10, 1940.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m., CST, March 11, 1940, in order to broadcast a special meeting of interest concerning the 100th anniversary of dentistry to be held, using 1 KW power.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m., AST, March 17, 1940, to 1 a. m., AST, March 18, 1940, in order to broadcast a mass meeting.

KLPM—John B. Cooley, Minot, N. Dak.—Granted special temporary authority to operate with power of 1000 watts at night (local sunset March 6:45 p. m., CST) on March 14, 15, and 16, 1940, in order to serve the large area interested in Annual Class B Basketball Tournament to be held in Minot, in order to broadcast basketball games only.

WEHN-WENM—The Evening News Ass'n, Detroit, Mich.—Granted special temporary authority to use relay broadcast stations WEHN and WENM for coordination between measuring car and high frequency station W8XWJ for the period March 11, 1940, to not later than March 15, 1940, in connection with additional W8XWJ field work.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency experimental broadcast station W2XWG to utilize amplitude modulation on frequency **42600 kc.**, for the period March 17, 1940, to not later than April 15, 1940, in order to accumulate data for direct comparison of the effectiveness of frequency modulation versus amplitude modulation for presentation at the High Frequency Hearing.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted oral argument on the proposed findings in re revocation of station license, to be held March 28, 1940.

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Denied special temporary authority to operate with power of 250 watts nighttime for a period not to exceed 30 days.

WQDM—A. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 7 p. m. to 10 p. m., EST, on March 14, 15, 16, 1940, in order to broadcast New England Basketball Tournament games only.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9:45 p. m., CST, on March 14, 1940, in order to broadcast a speech by Richard Lyons, candidate for Governor of State of Illinois.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

### 590 Kilocycles

WKZO—WKZO, Inc., Kalamazoo, Mich.—License to cover construction permit (2-P-B-3134) as modified to change hours of operation, install directional antenna for night use.

### 610 Kilocycles

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Transfer of control of corporation from Metropolis Publishing Co. to Miami Daily News, Inc.

### 780 Kilocycles

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 890 Kilocycles

WGST—Georgia School of Technology, Atlanta, Ga.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use.

### 920 Kilocycles

KPRC—Houston Printing Corp., Houston, Tex.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use.

### 950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Modification of construction permit (B1-P-1332) as modified for a new station, requesting authority to change type of transmitter; extend commencement date to 30 days after grant and completion date 120 days thereafter. Amended re corporate structure.

### 1010 Kilocycles

WNAD—University of Oklahoma, Norman, Okla.—Authority to determine operating power by direct measurement of antenna power.

### 1100 Kilocycles

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Construction permit to change hours of operation from daytime to unlimited, using 1 KW power day and night, and install directional antenna for night use.

### 1180 Kilocycles

WMAZ—Southeastern Broadcasting Company, Inc., Macon, Ga.—Construction permit to change frequency from **1180 kc.** to **1250 kc.**; change hours of operation from limited to unlimited time; install directional antenna for night use.

NEW—Albuquerque Broadcasting Co., Albuquerque, N. Mex. (KOB).—Construction permit to make changes in equipment and increase power from 10 to 50 KW.

### 1200 Kilocycles

NEW—The Huntsville Times Co., Inc., Huntsville, Ala.—Construction permit for a new station on **1200 kc.**, 100 watts, unlimited time, facilities of WBHP.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction permit for changes in equipment.

### 1210 Kilocycles

KPFA—The Peoples Forum of the Air, Helena, Mont.—Authority to determine operating power by direct measurement of antenna power.

WFAS—Westchester Broadcasting Corporation, White Plains, N. Y. —Construction permit to install new transmitter and increase power from 100 to 250 watts.

NEW—The Maryland Broadcasting Co., Baltimore, Md.—Construction permit for new broadcast station on **1210 kc.,** 250 watts, unlimited time, Class IV.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Authority to determine operating power by direct measurement of antenna power.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—License to cover construction permit (B5-P-2412) as modified for a new station.

KWAT—Midland National Life Insurance Company, Watertown, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

### 1230 Kilocycles

NEW—The Herald Publishing Co., Albany, Ga.—Construction permit for a new station on **1230 kc.,** 1 KW, unlimited time, using directional antenna. Amended to specify transmitter site as Albany, Ga.

### 1290 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night. Class III-A.

### 1340 Kilocycles

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—License to cover construction permit (B3-P-2709) for new transmitter.

### 1370 Kilocycles

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Construction permit to change frequency from **1370** to **1040 kc.** (**1080** if North American Regional Agreement becomes effective prior to action), increase power from 250 watts to 1 KW, 5 KW day, install new transmitter and antenna, and move studio from Indiana Theatre Bldg., 407 Vincennes St., New Albany, Ind., to 5th and Jefferson Sts., Louisville, Ky., and transmitter from McCullough Pike, near Silver Creek, New Albany, Ind., to site to be determined, New Albany, Ind. (Requests Class II Station).

WARM—Union Broadcasting Co., Scranton, Penna.—Modification of construction permit (B2-P-2366) for a new station requesting changes in antenna, increase in power from 100 watts, 250 watts day to 250 watts day and night. Move transmitter from Washington Ave. and Center St., Scranton, Penna. to 701 North Blakely St., Dunmore, Penna. Extend commencement date 60 days after grant, and completion date 180 days thereafter.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Modification of construction permit (B-P-1941) as modified, for change in frequency, increase in power, change in hours of operation, move transmitter, changes in equipment, and antenna, further requesting extension of completion date from 3-26-40 to 4-26-40.

NEW—Stephen R. Rintoul, Stamford, Conn.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time.

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—License to cover special experimental authority B1-SA-192, as extended for a synchronous station.

### 1410 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Modification of license to increase power from 500 watts, 1 KW-day to 1 KW day and night.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of license to increase power from 500 watts; 1 KW-day to 1 KW day and night.

WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Modification of license to increase power from 500 watts; 1 KW-day to 1 KW day and night.

### 1420 Kilocycles

WHMA—Harry M. Ayers, Anniston, Ala.—License to cover construction permit (B3-P-2548) for changes in equipment and increase in power.

NEW—Scott Howe Bowen, Rome, N. Y.—Construction permit for new broadcast station on **1420 kc.,** 250 watts, unlimited time, Class IV.

### 1460 Kilocycles

KSTP—National Battery Broadcasting Company, St. Paul Minn. —Modification of construction permit (B4-P-1828) as modified, for move of transmitter, installation of new equipment, directional antenna and increase in power, requesting extension of completion date from 3-8-40 to 5-8-40.

KSTP—National Battery Broadcasting Company, St. Paul, Minn. —License to cover construction permit (B4-P-2744) for move of auxiliary transmitter, and to use directional antenna as authorized under B4-MP-759 for auxiliary transmitter.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C. —License to cover construction permit (B1-P-1827) as modified for installation of new transmitter, move transmitter, increase power and install directional antenna.

### 1490 Kilocycles

NEW—Luther E. Gibson, Vallejo, Calif.—Construction permit for a new station to be operated on **1490 kc.,** 250 watts unlimited time. Contingent on North American Regional Agreement. Request Class IV station.

### 1500 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Construction permit to change frequency from **1500** to **1330 kc.** (**1360 kc.,** under North American Regional Agreement), increase power from 250 watts to 1 KW, install new transmitter and antenna, move transmitter from 1759 N. Bay Road, Miami Beach, Fla., to site to be determined, Miami Beach, Florida. (Request III-B Station)

NEW—The Peninsula Broadcasting Co., Salisbury, Md.—Construction permit for new broadcast station on **1200 kc.,** 250 watts, unlimited time, facilities of WSAL. Amended: To change requested frequency from **1200** to **1500 kc.,** omit request for facilities of WSAL, make changes in antenna system and changes in corporate structure.

WGTC—J. J. White, tr/as Greenville Broadcasting Co., near Greenville, N. C.—Modification of construction permit (B3-P-2053) as modified, for a new station, requesting change in hours of operation from daytime to unlimited time, using 250 watts power, day and night.

NEW—Atlantic Broadcasting Corp., Miami Beach, Fla.—Construction permit for a new station, on **1500 kc.,** 250 watts, unlimited time. Contingent on WKAT's application being granted for change in frequency.

## MISCELLANEOUS

W10XF—National Broadcasting Co., Inc., Portable.—Modification of license to add emission A-4 and A-5 and special types to emission already in use.

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to add emission A-4, A-5 and special types to emission already in use.

W9XWT—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

WALM—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

WALN—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

WAUJ—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

WAIC—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

NEW—Columbia Broadcasting System, New York, N. Y.—Construction permit for new television station of portable Mobile operation in area of New York, N. Y., on **336000-348000 kc.**, 25 watts for visual and 10 watts for aural operation, special and A-5 emission. Amended: To omit request for aural operation.

W3XE—Philco Radio and Television Corp., Philadelphia, Penna.—Modification of license to change frequencies to **50000-56000 kc.** Amended: To request frequencies of **66000-72000 kc.**

NEW—WOAX, Incorporated, Morrisville, Fall Township, Pa.—Construction permit for new high frequency broadcast station, 1 KW power, special emission. To be located: Lincoln Highway No. 1, Morrisville, Fall Township, Pa. Amended: To specify frequency of **42600 kc.**

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit to move transmitter from 1450 Broadway to 500 Fifth Ave., New York, N. Y.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to use both amplifiers simultaneously on two directional antennas on **9670 kc.** Amended to operate an additional 35 KW on additional antenna oriented on Central America on **9670 kc.**

NEW—World Broadcasting System, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station on **41800 kc.**, 1 KW, special emission, site to be determined, New York, N. Y.

NEW—WHP, Inc., Harrisburg, Pa.—Construction permit for a new relay broadcast station on **33380, 35020, 37620, 39820 kc.**, 25 watts, A-3 emission, to be located in area of Harrisburg, Pa.

NEW—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit for a new high frequency broadcast station on **43200 kc.**, 1 KW, unlimited time, special emission, to be located in Scranton, Pa., exact site to be determined.

NEW—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Construction permit for a new relay broadcast station on **1622, 2058, 2150** and **2790 kc.**, 25 watts, A-3 emission, portable-mobile, area of Birmingham, Ala.

WAUV—The Louisville Times Co., Louisville, Ky.—Modification of construction permit B2-PRY-194, for new relay broadcast station, requesting change in corporate name from The Louisville Times Company to Courier-Journal and Louisville Times Company.

NEW—World Broadcasting System, Inc., Hollywood, Calif.—Construction permit for a new high frequency broadcast station on **43400 kc.**, 1000 watts, special emission, site to be determined at or near Hollywood, Calif.

NEW—World Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station on **42200 kc.**, 1 KW power, special emission, site to be determined at or near Chicago, Ill.

W9XEN—Zenith Radio Corp., Chicago, Ill.—License to cover construction permit (B4-PHB-139) for move of transmitter.

NEW—WSIX, Inc., Nashville, Tenn.—Construction permit for a new high frequency station on **43200 kc.**, 1 KW power, special emission, to be located at corner 3rd and Union Streets, Nashville, Tenn.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**D. M. Alachuzos Company**—Charging misrepresentation in the sale and distribution of sponge products, a complaint has been issued against D. M. Alachuzos Company, 336 South 4th St., Philadelphia.

It is alleged that the respondent, a dealer in sponge and chamois skin products, represented its business as that of a producer and packer of sponges, maintaining and operating its own packing houses for the processing and packing of its sponge products at Tarpon Springs, Fla., Nassau, Bahama Islands, and at Calymnos in the Aegean Sea and represented that it maintained its own force of trained workmen expert in selecting and grading sponges, and that it held membership in "sponge exchange markets."

The complaint charges that the respondent's representations are false and misleading in that it has not maintained the facilities, equipment and membership described.

**M. N. Arnold Shoe Company**—See Stetson Shoe Company, Inc.

**Bray Chemical Company**—A complaint has been issued against Bray Chemical Company, 2010 South Marshall Blvd., Chicago, a packer and distributor of chemical cleansing compounds, alleging misrepresentation in the sale of a lye-product.

The respondent is alleged to have represented that a 6-ounce can of its preparation, or 6 ounces thereof, will make hard soap when mixed with 6 pounds of grease, when such is not a fact.

The respondent's representations are alleged to provide jobbers and retail sellers a means whereby they may mislead retail purchasers. (4052)

**Lenoir Solvent Company**—See Lenoir Woodfinishing Co., Inc.

**Lenoir Woodfinishing Company, Inc.**, of Lenoir, N. C., and Arthur G. Spencer, its president and sales manager, individually and trading under the name Lenoir Solvent Company, are charged, in a complaint, with unlawful payment of fees to certain officials and employees of their customers so as to induce the purchase by such customers, through such officials or employees, of the respondents' products.

The respondent corporation manufactures paints, varnishes, stains, thinners, sealers and other wood finishing products and sells them to wood finishing concerns and furniture manufacturers.

It is alleged that the respondents have given substantial sums of money and other things of value to certain officials and employees of their customers or prospective customers, without the knowledge or consent of such customers, for the purpose of inducing such officials and employees to purchase the respondents' wood finishing materials for use by their employers or to recommend the purchase of such products by their employers, or as payments to such officials and employees for having induced the purchase or recommended the use of the respondents' products by their employers.

In some instances, it is alleged, the respondents have offered to pay and have paid to finishing room foremen employed by their customers or prospective customers a fixed fee of $5 a drum for every drum of wood finishing materials purchased by their employers from the respondents. In other instances, it is alleged, the respondents have given some employees of the respondents' customers 7 per cent or 10 per cent of the purchase price of all materials bought from the respondents by such customers. All of the payments and offers of payments are alleged to have been made without the knowledge and consent of the respondents' customers whose employees have been so paid.

The complaint alleges that in violation of the Federal Trade Commission Act the respondents' practices have tended to divert trade unfairly to the respondents from competitors who have not indulged in such methods. (4048)

**Hydrosal Company**—Alleging misrepresentation in the sale of medicinal preparations, a complaint has been issued against The Hydrosal Company, 333 East Eighth St., Cincinnati, distributor of "Hydrosal Liquid" and "Hydrosal Ointment."

In newspaper and other periodical advertisements the respondent company is alleged to have represented its preparations as possessing remedial, curative or healing properties with respect to eczema, piles, athlete's foot, poison ivy and disorders associated with pimples, skin rashes, outbreaks and itches which such preparations do not possess. The complaint points out that these products have no therapeutic value in connection with treatment of the ailments mentioned in excess of affording temporary and palliative relief from the symptoms of itching.

Contrary to a further representation of the respondent, in its advertisements, its preparations have not been adopted by and used generally in hospitals or by physicians, according to the complaint. (4049)

**M & M Bag and Suit Case Co.**—Misrepresentation in the sale of luggage is alleged in a complaint issued against Meyer Brodie and Morris White, trading as M & M Bag and Suit Case Company, 26 Exchange Place, Jersey City, N. J.

Among and typical of misleading representations allegedly made by the respondents in the sale of their products is the statement that "This Article is Made of Genuine Buffalo Walrus Leather." Through use of the foregoing and other representations of similar import the respondents are alleged to represent that certain of their suit cases and traveling bags are made of walrus leather, when in fact they are not made of walrus leather but are made of buffalo leather. (4046)

**Perfect Voice Institute**—Alleging misrepresentation in the sale of a course in voice culture, a complaint has been issued against Perfect Voice Institute and Eugene Feuchtinger, its president, 64 E. Lake St., Chicago, and Walter A. Jordan, chairman of the board of directors, and Mary E. Murphy, secretary and treasurer, both of 307 N. Michigan Ave., Chicago.

The complaint relates that the respondents sell their course designated "Physical Voice Culture," consisting of thirty lessons contained in fifteen printed volumes entitled "A Manual for the Perfection of the Human Voice," and that as a part of the course they furnish a so-called outfit consisting of mirror, electric torch, tongue depressers, thyhedron tongue support, breath measure and special chromatic pitch pipe.

In advertisements the respondents allegedly offer a "wonderful voice book free," as a means of making contacts with prospective purchasers. In advertising their course of instruction they are alleged to have represented that "We build, strengthen the vocal organs—not with singing lessons, but by fundamentally sound and scientifically correct silent exercises—and absolutely guarantee to improve any singing or speaking voice at least 100%."

Other representations alleged to have been made are that by use of the respondents' method strong tongue muscles can be developed and controlled and that this results in perfect voice production; that the strengthening of tongue and throat muscles by silent physical exercises is a method of physical voice culture; that the respondents' course brings out a new quality, new power and force to the voice, cures stammering and overcomes positive physical defects. (4047)

**Stetson Shoe Company, Inc.**, South Weymouth, Mass., trading as M. N. Arnold Shoe Company, has been served with a complaint alleging misleading representations with respect to the materials of which certain of its shoes are made.

By means of catalogs and price lists distributed among prospective purchasers, the respondent corporation is charged with misleading use of the legend "Alligator Calf" to describe certain of its shoes. Through use of this legend the respondent allegedly represents that such shoes are made from the hide of an alligator when in fact they are made from a leather material other than that hide and which has been embossed in a manner simulating alligator leather.

Pointing out that there is a marked preference on the part of a substantial portion of the public for shoes made from the hide of an alligator instead of shoes made from other leather materials, the complaint alleges that the respondent's representations tend to mislead purchasers in violation of the Federal Trade Commission Act. (4050)

**United Art Studio**—L. L. Gwin, trading as United Art Studio, Chattanooga, Tenn., and engaged in the business of selling portraits or products of photography, is respondent in a complaint charging misrepresentation.

The complaint charges that for the purpose of inducing the purchase of portraits or photographic products the respondent has supplied coupons to retail merchants in various States for use by them in inducing or encouraging the purchase of their merchandise in accordance with the plan or method formulated by the respondent. The name and address of the merchant appears at the top of the coupon with explanatory matter reading: "This card, when signed by merchant issuing same, entitles holder to one Enlarged Portrait designed, proportioned and colored as requested below * * *" and "A $3.00 Enlarged Technitone Hand Colored Portrait in Leatherette Frame for only $5.00 in trade and 39¢. Reproduced from your favorite photo, kodak or penny picture * * *."

Through these statements, the complaint alleges, the respondent has represented that his portraits and photographs are of the value of $3.00; that the coupon is worth $2.61 to the purchaser of a portrait, and that the price of 39¢ represents a special offer which is available for a limited time only. The complaint alleges that the portraits do not have a value of $3.00 or any value approximating such amount; the coupons are not worth $2.61 or any other amount in the purchase of the portraits, and the price of 39¢ does not represent a special offer which is available for a limited time only. In truth, the complaint continues, the respondent sells his portraits or photographs in the usual and customary course of business for 39¢ without any limitation as to time and regardless of whether the prospective purchaser possesses one of the coupons.

These acts and practices, the complaint declares, are to the prejudice and injury of the public and constitute unfair and deceptive acts and practices within the meaning of the Federal Trade Commission Act. (4043)

**U. S. Drug Laboratories**—See U. S. Drug & Sales Company.

**U. S. Drug & Sales Company**—Charging misrepresentation of the properties and therapeutic values of certain medicinal products and failure to reveal that certain preparations offered for sale contain dangerous drugs, a complaint has been issued against Edwin L. Leisenring, trading as U. S. Drug & Sales Company, also as U. S. Drug Laboratories, and as U. S. Drug Company, and against Gordon Leisenring, both of 1534 Lawrence St., Denver, Colo.

Preparations sold by the respondents are "Man's Pep Tonic", also advertised as "Man's Tonic" and sold as "U. S. Special Tablets", and "Man's Pep Tonic (Double Str. Capsule)", also advertised as "Man's Tonic (Double Str. Capsule)" and sold as "Sextogen Capsules for Men or Women."

Through advertisements in newspapers and by mail, the respondents are alleged to represent that their preparations are safe, competent and reliable tonics; are effective, safe and scientific as aphrodisiacs and as treatments for strengthening and rejuvenating the glands and sexual organs of man or woman, and that the preparations possess therapeutic value in the treatment of debility.

Alleging that the respondents' representations are exaggerated, misleading and untrue, the complaint charges that the preparations are practically without value as tonics, because drugs possessing tonic properties are not present sufficiently to give tonic value. These preparations are alleged to possess neither any value for strengthening or rejuvenating the glands or sexual organs nor for treating debility.

The complaint alleges that the respondents' representations constitute false advertisements in that they fail to reveal that "Man's Pep Tonic" contains the dangerous drugs, extract nux vomica and yohimbine hydrochloride; that "Man's Pep Tonic (Double Str. Capsule)", sold as "Sextogen Capsules for Men and Women", contains extract nux vomica, yohimbine, and extract of thyroid, and in that they do not disclose facts with respect to the consequences which may result from use of such commodities under conditions prescribed in the advertisements or under customary conditions.

Charging violation of the Federal Trade Commission Act, the complaint grants the respondents 20 days in which to answer the allegations.

A preliminary injunction restraining the respondents from the same practices, pending disposition of the Commission's case, was obtained by the Commission February 13, in the United States District Court, Denver. (4053)

**Western Auto Supply Company**, 2107 Grand Ave., Kansas City, Mo., is charged in a complaint with misrepresentation in the sale of automobile tires and tubes.

In advertisements concerning sales conducted through its retail stores, the respondent corporation is alleged to have misleadingly represented that its tires and tubes were being sold at purported discounts and savings from the regular prices.

It is alleged that the respondent represented that by paying the advertised sales price the customer could obtain a discount or saving of 20 per cent on "Davis DeLuxe Tires", based on the regular sales price, when in fact such discount was exaggerated and untrue because the listed "regular price" made no allowance for the trade-in value of the purchaser's old tires, which, by the terms of the advertisement, were required to be turned in at the time of sale. Giving effect to the minimum trade-in allowance of 10 per cent for used tires, the saving or discount was about 11 per cent instead of the 20 per cent as advertised, according to the complaint.

It is also alleged that the respondent represented that in the purchase of a "Davis DeLuxe Tire" during a sale the purchaser would receive a Davis tube free and save the difference between the advertised sale price for tire and tube and the listed price for nationally advertised tire and tube. However, the complaint alleges, such saving was exaggerated and untrue because the advertised price made an allowance of 10 per cent for the purchaser's old tires, while the listed price for nationally advertised tire and tube made no such allowance, although it was customary for dealers selling nationally advertised tires to make an allowance of at least 10 per cent as the trade-in value for old tires. (4054)

**Western Novelty Company**—A complaint has been issued charging Max Levin, trading as Western Novelty Company, 1729 Lawrence St., Denver, Colo., with selling to dealers assortments of merchandise so packed and assembled as to involve the use of a lottery scheme when sold to ultimate consumers. It is alleged that the respondent also furnished such dealers with punchboard devices for use in selling the merchandise. Among articles sold and distributed by the respondent were knives, cameras, razors, pens, pencils and cigarette lighters. (4055)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders during the past week:

**Carlyle Service**—See Supreme Manufacturing Company.

**Mary T. Goldman Company**—See Monroe Chemical Company.

**Harmony Centre**—Jessie F. Springer, trading under the name of Harmony Centre, 604 West 112th St., New York City, has been ordered to discontinue misrepresentations in connection with the sale and distribution of a book written by one Johanna Brandt, entitled "The Grape Cure," and formerly entitled "The Grape Cure (How I Cured Myself of Cancer)."

The Commission's findings are that the respondent's book purportedly tells how Johanna Brandt cured herself of cancer through the use of the method or system of treatment narrated in the book which is based on the use of grapes as a foundation and which method of treatment, the respondent represents, will cure cancer and practically all other diseases, ailments and conditions which may afflict the human body.

Among representations in the advertising disseminated by the respondent, the findings continue, are that most diseases originate in the intestines and are caused by poisons due to uneliminated waste; that grapes dissolve, or are a solvent of mucus; that those who develop malignant growths in most cases have been suffering from constipation; that salt, inorganic drugs, and patent medicines cause cancer, and that the system or method of treatment outlined in the book will restore one's health.

The Commission finds that these representations are false and misleading; that grapes do not dissolve, and are not a solvent of mucus; that salts, inorganic drugs and patent medicines do not cause cancer, and that the system or method of treatment outlined in the book is not a competent treatment or an effective remedy for various ailments.

The respondent is ordered to cease and desist from representing, in connection with the sale and distribution of the book entitled "The Grape Cure," that the system or method of treatment outlined in the book constitutes a cure or remedy for or a competent and effective treatment for constipation, cancer, heart trouble, kidney trouble, bladder trouble, angina pectoris, sinus trouble, goiter, stomach ulcers, rheumatism, asthma, gall stones or tuberculosis, and from representing that grapes dissolve, or are a solvent of mucus. (3933)

**W. H. Maze Company**—An order has been issued requiring W. H. Maze Company, Peru, Ill., to cease and desist from certain misrepresentations in the sale of roofing nails. The Commission found that, although the respondent company advertised its "Maze Lead Head Anchor Shank Nails" as having twice the holding power under normal conditions of all other nails ordinarily used for roofing, and four times the holding power of certain other roofing nails, such representations were untrue. The respondent company was directed to discontinue these claims and to cease representing that its roofing nails have any designated holding power in excess of that possessed by other roofing nails, when such is not a fact. (3953)

**Monroe Chemical Company**—An order has been issued against Monroe Chemical Company, Quincy, Ill., and Mary T. Goldman Company, St. Paul, Minn., prohibiting misrepresentation in the sale of a hair preparation.

Through newspaper and other periodical advertising and through use of the word "restorer" in designating the preparation, the respondents are found to have represented that their product is capable of restoring the original or youthful color to gray, streaked, or faded hair, and will remove all trace of gray hair.

Findings are that the preparation does not restore the original color to gray, faded, or streaked hair; that the preparation acts as a dye or stain producing an artificial color; that it will not color or restore color to gray, faded, or streaked hair except in the sense that it may dye the hair, and that all trace of gray, faded, or streaked hair is not removed because repeated applications are required to prevent the new growth of hair from showing gray, faded, or streaked above the scalp line. The Commission also finds that Mary T. Goldman was the originator of the formula for producing the "Mary T. Goldman's Gray Hair Color Restorer" sold by the respondents; was their predecessor in business, and was not living at the time that her name was used in the respondent's advertising.

The order directs the respondents to cease and desist from representing that their preparation is not a dye or that it will cause gray or faded or streaked hair to change color without dyeing the hair; or that it will restore the natural, original or youthful color to gray hair, or remove all trace of gray hair in any other manner than as a dye.

The order also prohibits the representation that anything less than repeated applications of the respondents' preparation will change the color of the user's hair or cause it to maintain the color imparted by the product, and forbids use of the word "restorer" as part of the brand name for the product.

Representation that Mary T. Goldman is a living person personally recommending the respondents' preparation, or personally corresponding with the users or prospective users thereof, is also prohibited under the order. (3274)

**Morton Salt Company**—Cease and desist order issued against Morton Salt Company, 208 West Washington St., Chicago, in October 1939, has been modified.

Under that order, the respondent company was directed to cease using the words "smoked" or "smoke" or any other words signifying smoke or implying use of smoke to describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described had been directly subjected to the action and effect of the smoke from burning wood during the course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

The order has now been modified to add the following proviso: "Nothing in this order shall prohibit the respondent from using the terms 'wood smoke' and 'refined condensed smoke' in enumerating or stating the ingredients of such salt when such salt has been directly subjected to the action and effect of the smoke of burning wood during its process of combustion and there has been added thereto a refined concentrate resulting from the destructive distillation of wood, and where the application of each of such products is in sufficient quantity to impart to such salt the flavor of smoke." (2150)

**Peerless Manufacturing Company**—See Supreme Manufacturing Company.

**M. Seidel & Son**—An order has been issued against Maurice Seidel and Charles Seidel, trading as M. Seidel & Son, 243 West 30th St., New York, prohibiting misrepresentation and the use of lottery methods in the sale of furs and fur garments.

The findings are that the respondents sold women's fur garments made from rabbit peltries so dressed and dyed as to resemble fur products made from the peltries of seal, beaver, leopard, ermine, mink, squirrel, sable, or karakul sheep; that they failed to disclose the true zoological names of such fars and fur products so sold but instead misrepresented them by means of misleading and deceptive designations such as "Black Seal," "Mendoza Beaver," "Leopardine," "Erminette," "Ermine Coney," "Squirrelette," "Dark Sable Coney," "Broadtail" and other names.

It was also found that the respondents, in the sale of their merchandise furnished plans of merchandising which involved operation of games of chance by use of devices such as push cards.

For the purpose of inducing salesmen or representatives to sell their products by means of such push cards, the findings continue, the respondents represented the possible and average earnings of such salesmen as $1,300 a week or more, and that an investment of $12 would bring $1,300.

The order directs the respondents to cease and desist from placing in the hands of others, push or pull cards, punch boards or other lottery devices which are to be used or may be used in selling merchandise, and from selling merchandise by use of such devices; representing any specified sum of money as possible earnings or profits of agents for any given period of time which is not a true representation of the average net earnings or profits consistently made by full-time representatives under normal business conditons; representing any specified sum as earnings or profits of a specified salesman which has not in fact been consistently earned net by such salesman; describing furs or fur garments in any other way than by the use of the true name of the fur as a last word of the description thereof, and describing fur or fur garments wherein the fur has been dyed or processed to simulate another fur, without using the true name of the fur as a last word of the description immediately preceded by the word "dyed" or "processed," as the case may be, compounded with the name of the simulated fur. (3961)

**Standard Containers Mfg. Association, Inc.**—An order has been issued against the Standard Container Manufacturers' Association, Inc., Jacksonville, Fla., a trade association, three of its officers and 26 Florida and Georgia manufacturers or distributors of wooden containers for fruits and vegetables, prohibiting the maintenance by combination and agreement of uniform and minimum prices for their products, the curtailment of production, and the intimidation of industry members to induce them to become parties to the agreements.

Association officer respondents are James B. Adkins, Gainesville, Fla., former president; Charles P. Chazal, Ocala, Fla., president; and Russell W. Bennett, Jacksonville, Fla., secretary, treasurer, and general manager. (3289)

**Supreme Manufacturing Company**—C. C. Johnson, trading as Supreme Manufacturing Company, Carlyle Service, Marvo Manufacturing Company, and Peerless Manufacturing Company, Omaha, Nebr., has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of a product represented as a preservative of silk hosiery and lingerie.

The findings of the Commission are that the respondent has for several years been engaged in the sale and distribution of a product under the trade names "Supreme," "Marvel," "Marvo" and "Peerless." In making representations with respect to his business status and to the quality and effectiveness of his product, by means of sales talks to prospective customers by agents of the respondent, and in other ways, the respondent has claimed that use of the product "Prevents the runs and snags in your silk hosiery and lingerie * * * strengthens the heel and toe of your hosiery, thereby making them last 4 or 5 times longer * * * this treatment is permanent * * * now this product will cut your hosiery and lingerie expense in half * * * also prevents the silk from rotting, and one treatment is sufficient for the life of the hose," and has used the names "Supreme Manufacturing Company," "Marvo Manufacturing Company" and "Peerless Manufacturing Company."

The findings are that the foregoing representations of the respondent are false and misleading and that his product will not prevent or stop runs or snags in silk hosiery or lingerie; will not prevent silk from rotting or fading; will not save approximately 50 per cent of hosiery and lingerie expense; is not permanent, and does not strengthen the heels and toes of silk hosiery, and that the respondent is not the manufacturer of said product.

The respondent is ordered to cease misrepresentations of the efficacy of his product, and to desist from use of the term "manufacturing" or any other term of similar import or meaning as part of any trade or corporate name or representing that he is the manufacturer of said product, unless he actually owns and operates, or absolutely controls, the manufacturing plant wherein said product is actually manufactured by the respondent. (3712)

**Wardell Piano Company**—Prohibiting certain misrepresentations in the sale of pianos, a cease and desist order has been issued against Clayton L. Wardell, trading as Wardell Piano Company, 909 Pierce St., Sioux City, Iowa.

Through newspaper and other advertisements the respondent is found to have represented that certain of his pianos, having been previously sold on a deferred payment plan, had been repossessed by the respondent from the original purchasers because of their failure to meet the payments due, and were being offered for resale at prices which represented only the unpaid payments due and which were substantially less than the prices at which such pianos ordinarily would be sold.

Commission findings are that many of the pianos sold by the respondent in this manner were not instruments which had previously been sold by the respondent and repossessed from such original purchasers but had been taken from the respondent's regular stock. The prices were not in any sense sacrifice prices, and did not represent any balance due thereon by former purchasers, the findings continue, but were in fact the usual prices.

The Commission order directs that the respondent cease and desist from representing that the prices at which he sells his products constitute a discount to the purchaser, or that they are special or reduced prices, or represent only an unpaid balance due from the original purchaser, when in fact they are the usual prices; from representing as the customary prices or values amounts which are in excess of the regular prices, and from representing that pianos have been repossessed from the purchasers thereof, when such is not a fact. (3967)

## STIPULATIONS

The following stipulations have been entered into by the Commission:

**Abilene Flour Mills Company,** Abilene, Kans., stipulates that it will cease participating in the cost of, or in any way supplying to or placing in the hands of others, premium flour or other merchandise for use in conducting lotteries in the sale and distribution of flour or other products and that it will discontinue participating in the cost of, or in any way placing in the hands of others, prize-drawing cards or other lottery devices to enable such persons to sell merchandise by the use thereof. (2700)

**Ace Equipment Company**—L. B. Patterson and Jack Wolfe, trading as Ace Equipment Company, Des Moines, Iowa, agree to cease representing that the "Ace Spark Plug Cleaner" will clean one or any number of spark plugs in less time than it actually takes for the average auto mechanic to clean such plugs under usual conditions prevailing in the average small oil and gas station, and including the time required to remove such plugs from the cylinder block of an automobile engine and to replace them after they have been cleaned. Among other representations to be discontinued are that the respondents' cleaner is the finest and quickest ever made and will clean spark plugs as well as the higher priced cleaners will do. The respondents also agree to discontinue misleading representations concerning the earnings to be expected by prospective sales agents. (02519)

**Book Match Company**—See Chicago Match Company.

**Chicago Match Company**—Fayette H. Lawson and William A. Lawson, trading as Chicago Match Company and as Book Match Company, Chicago, Ill., agree to cease representing that they are "the quality leader" in the book match industry, when such is not a fact; that they sell their book matches at any price other than the price actually charged; that no extra charge is made for "deLuxe designs," "three color covers," or any other styles, such as "union labels" and "special red, white and blue covers," when in fact extra charges are made. The respondents also stipulate that they will cease stating that their catalogs contain "over 865 special book match cuts" or any other number greater than is actually a fact, and that they will cease using in their advertisements the term "three color covers" with the effect of creating the impression that the number of colors printed or otherwise inscribed upon the stock is greater than is actually a fact. The respondents agree to cease representing that any article is given "free" when receipt of such article is contingent upon any consideration, such as payment of money or rendering of services, not clearly disclosed in direct connection with the representation, and to discontinue the use in advertising of the words "bronzing" or "bronze" as descriptive of match book covers so as to imply that such printed products are the result of imparting a gold, silver or other metallic color by means of powders, painting, or chemical process, when such is not a fact. (2701)

**Claxton Candy Company, Inc.,** Atlanta, Ga., agrees to cease selling and distributing to jobbers and wholesale dealers for resale to retail dealers, or to retail dealers directly, candy so packed and assembled that its sale to the public is to be made or may be made by means of a lottery or gift enterprise. The respondent company also agrees to cease placing in the hands of dealers candy assortments which are used or which may be used without alteration to conduct a lottery in sales of such candy to the public, and to discontinue placing in the hands of others, punch boards, push or pull cards or other lottery devices to enable such persons to sell merchandise by the use thereof. (2699)

**Dental Research Company**—Melvin E. Page, trading as Dental Research Company, Muskegon, Mich., has made a stipulation in which he agrees to discontinue misleading representations in the sale of a kelp preparation advertised as "Ce-Kelp, the Gift of Nature to Man" and "A Vegetable Sea Food Rich in Minerals."

Among representations which the respondent agrees to discontinue are that his product is "rich in minerals"; that it prevents or corrects what physicians call the deficiency diseases; and that heart trouble, tuberculosis, anemia, high and low blood pressure, hardening of the arteries, rheumatism, neuritis, arthritis, kidney and bladder trouble, frequent colds, nervousness, constipation, acidosis, pyorrhea, over and underweight, cataract or cancer are recognized or properly classified as being deficiency diseases.

The respondent also stipulated that he will cease representing that the main cause of deficiency diseases is lack of mineral elements in ductless glands, or that his commodity or any other kelp product is "literally packed" with such essential elements.

The respondent stipulates that he will desist from designating himself as "Dr." or "Doctor" unless it be clearly disclosed that he is a doctor of dentistry and not of medicine.

The stipulation points out that, according to reliable medical authority the respondent's various claims and inferences are contrary to the weight of scientific evidence and are based upon premises that cannot be substantiated. (2704)

**Jones Pulmotor Arch Support Company,** Kansas City, Mo., stipulates that it will desist from advertising that the "Jones Pulmotor Arch Support" strengthens the feet or the foot muscles, rebuilds the feet, corrects or cures any foot disorder or any condition which causes foot or leg ailments, stimulates circulation of the blood or aids in the elimination of poisons, and increases energy or vitality. The respondent also agrees to cease representing that its arch supports are complete "air cushions" or that they cause any massaging effect or vacuum-suction action which is of therapeutic, remedial or palliative value or effect, or which aids in the elimination of fatigue or is beneficial to any part of the system. (02521)

**Kamazin Manufacturing Company**—Agreeing to discontinue misrepresentation in the sale of a medicinal preparation, Israel Freed, trading as Kamazin Manufacturing Company, 145 West Kingsbridge Road, New York, has entered into a stipulation. The respondent agrees to cease representing that use of his preparation "Kamazin Powder" affords relief from the condition known as athlete's foot for a long period of time or affords permanent relief, and that doctors prescribe or endorse Kamazin Powder. (02522)

**Manfield Handkerchief Company**—See M. Zwaifler & Company, Inc.

**Verard Company**—Stipulation has been accepted from Ruth Cecil Arden trading as The Verard Company, 119 West 227th St., New York, distributor of a medicinal preparation to discontinue certain misleading representations.

In the sale of "Verard Solution," the respondent agrees to cease representing that the preparation is of itself a competent treatment or effective remedy for athlete's foot; that any person using such medication will no longer suffer from red or swollen feet or certain other discomforts; that beneficial results may be expected by the user without regard to the stage of infection, the presence of accompanying factors or the necessary hygienic measures which must attend any type of medication for such conditions. The respondent also agrees to discontinue misleading uses of the word "guaranteed." (2696)

**M. Zwaifler & Co., Inc.,** and M. Joseph Rosen, trading as Manfield Handkerchief Company, New York, N. Y., stipulate that they will desist from referring to their businesses as those of manufacturers of handkerchiefs when neither respondent owns, operates, or controls the plants in which the products sold are made. M. Joseph Rosen also agrees to discontinue representing that he has factories in Passaic, N. J.; Chicago, Minneapolis, Los Angeles, Boston, or elsewhere; or maintains foreign offices in Paris, France; Manchester, England; Swatow, China; Mayaguez, Puerto Rico; Belfast, Ireland, or elsewhere, when such are not the facts, or from representing that he has offices of his own at Passaic, Chicago, Minneapolis, Los Angeles, Boston, or elsewhere, when in fact the offices referred to are those of salesmen and are not financed and controlled by the respondent. (2702 and 2703)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 12, March 22, 1940

# ASCAP Demands 100 Per Cent Increase; Miller Replies

ASCAP on Thursday demanded a 100 per cent increase for a new agreement with the broadcasting industry, and Neville Miller immediately made the following statement:

"The American Society of Composers, Authors and Publishers made public today its demands for a 100 per cent increase in the payments made to it by the broadcasting industry. This increase is demanded by ASCAP despite the fact that the radio broadcasting industry is already making payments to ASCAP at the rate of five million dollars a year. This sum is five times as great as that paid by any other industry. It represents over two-thirds of ASCAP's total revenue and is an increase of 900 per cent over the sums paid by broadcasters in 1931.

"Although most of ASCAP's statement talks about the alleviation of certain abuses which ASCAP itself admits exist in its present licensing system, when the camouflage is stripped away the proposal boils down to a demand that the broadcasting industry should double its payments for the radio performing rights in the compositions controlled by ASCAP's publisher and composer members.

"ASCAP's demand was put forward without previous negotiation with broadcasters and after a refusal to meet with the negotiating committee appointed by the National Association of Broadcasters. Although ASCAP attempts to divide the broadcasting industry by making concessions to certain groups, the total amount of the reductions which it suggests is inconsiderable compared to the total amount involved.

"Moreover, ASCAP's new plan perpetuates the major abuse about which broadcasters have always complained, and requires broadcasters to pay to ASCAP a percentage of all broadcasting revenue even that obtained for programs which do not utilize ASCAP music, such as news broadcasts, sports events and programs of classical music. The broadcasting industry will be unified in resisting demands, the effect of which would be to impose charges wholly destructive of the American system of broadcasting.

"ASCAP is again attempting to take advantage of its monopoly of popular music to impose an unfair method and rate of payment upon broadcasters, but ASCAP has this time overreached itself and has made demands which the broadcasting industry must resist as a matter of life and death.

"These demands will strengthen Broadcast Music, Inc., the organization recently

*(Continued on page 4110)*

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## ASCAP DEMANDS 100 PER CENT INCREASE; MILLER REPLIES

*(Continued from page 4109)*

created by the broadcasting industry to foster new creative talent by increasing the already widespread support of its aims."

This was ASCAP's letter to the industry:

March 21, 1940.

GENTLEMEN:

As you all know, pursuant to the authority given by our Board of Directors, our President appointed a Committee known as a Special Radio Committee to make a careful survey and study of the radio industry and the relationship of our Society thereto, to the end that it recommend the form of license agreement and the terms thereof to become effective with its radio licensees commencing January 1st, 1941.

The Committee has completed its studies and made its report, including its recommendations, to our Board last evening and our Committee has been authorized to submit its recommendations and proposals to the Radio Industry.

The Committee, in collaboration with the executives and the management of the Society, prepared and made an exhaustive study of a great deal of statistical information. As the study progressed it became evident that the present formula under which radio is licensed has developed in some respects an unequal allocation of charges which could not have been foreseen by us at the time the present formula was adopted. Moreover, the recent investigation by the Federal Communications Commission shows that a number of smaller stations have been operating at a disadvantage in comparison with many of the larger stations and with stations affiliated with national networks, and that any formula to be recommended by the Committee must attempt to adjust these inequalities and help alleviate the situation of these small stations.

In addition, numerous abuses and evasions of the provisions of the present contract have been uncovered and the Committee has made provision in the plan for their elimination.

The Committee gave consideration to the "per program" basis, among others, but after an exhaustive analysis thereof found that it was uneconomical and unscientific to adopt the same.

The Committee then carefully studied all the facts relating to the licensing of radio broadcasting stations and the various plans suggested from time to time, and came to the conclusion that the principle of clearance at the source should be recognized in the new formula of licensing.

The Committee then studied the problem of alleviating the hardships suffered by the small stations. In order to eliminate such hardships it decided upon a classification and grouping of stations. This new formula will grant substantial relief in the form of materially reduced sustaining charges and percentage payments to the great many small stations, and some reduction to all stations.

It devoted itself to working out in detail the principle of clearance at the source. Accordingly it has provided for a separate chain broadcast license.

The Committee believes that the present policy of the Society with respect to broadcasting stations operated by municipal, educational, charitable, or religious institutions or organizations should not be changed.

Summarizing all of the foregoing and applying the foregoing principles to the specific conditions, the Committee has recommended and the Board has approved of the following method of licensing and the details relating thereto hereinafter set forth:

### PLAN

The Society recognizes in its licensing program four distinct and separate groups within the radio broadcasting industry:

1st. The small independent station whose gross annual business is in the neighborhood of $50,000 or less;

2nd. An intermediate group of stations, independent and otherwise, each of which by virtue of location, type of program, service to the community, general radio policy, and amount of business done, is in a different category from the small station;

3rd. The large station, which by affiliation, by prestige, by virtue of location and the territory it serves, has an opportunity to make substantial profits out of its business; and

4th. The chain which does not operate any radio stations as such (it may own stations, it may have a controlling interest in stations) but its primary business is not the operation of a station but the sale of advertising, "time on the air" and supply of programs—commonly known as "Networks."

The License will contain the following provisions:

1. The License is limited to non-visual broadcasting (television is excluded).
2. Network programs must be cleared at the source.

3. Radio stations are divided into three groups paying license fees of 3%, 4% and 5%, respectively.

4. The percentages paid by licensees are computed upon the gross amount paid by the advertiser for use of the station's broadcasting facilities, with only the following deductions permitted:

(a) 15% advertising agency discount, if actually paid;

(b) Amounts received from political broadcasts; amounts received from religious broadcasts where the amount paid is solely in reimbursement for the cost of lines, wire charges, and other similar charges;

(c) Certain costs of artists especially employed for a particular program and certain costs for news programs, athletic events and similar events, provided that the minimum sum allocated to percentage must not be less than the highest rate charged for a similar period of time over licensee's station;

(d) Amounts received from network for rebroadcasting programs which have been cleared at the source.

5. The sustaining fee of stations in the 3% group is made nominal ($12. per year).

The amounts to be charged as sustaining fees to the stations in the 4% class will be approximately 25% less than presently charged. The sustaining fees to be charged to the 5% stations are to be approximately the same as presently charged.

Stations in the 4% and 5% groups are given an opportunity to recoup the payment of the sustaining fee after the license fee paid reaches a certain amount.

6. There is a separate contract for networks in which the network broadcaster agrees to clear all programs at the source and to pay 7½% of the amount received by it from advertisers. The license will permit the deductions from the gross which are enjoyed by the individual stations and will contain the protective clauses for the Society that are required by the Society from the individual station. This rate may be reduced to 5% in the case of such network operations as are made necessary because of local conditions.

7. The license to individual stations does not give them the right to rebroadcast programs containing ASCAP compositions which have not been cleared at the source. If such programs are broadcast, however, a sum equal to 10% of the station's highest cord rate for such a program is to be paid to ASCAP in lieu of treating the broadcast as an infringement of copyright.

8. If a licensee having a "single station contract" engages in network broadcasting, such licensee and the Society will agree to enter into the Chain Broadcast License Agreement.

9. The Society has the right to restrict not more than one thousand compositions at any one time. Licensee has the right to cancel if on sixty days' notice the number of compositions on the restricted list exceeds one thousand and is not reduced to one thousand or less during the sixty-day period.

10. If anti-ASCAP laws are passed in any State, which in the opinion of the Society, impede or prevent the full performance of the license agreement, the Society may terminate the agreement as to the stations in such State.

11. The Society gives the licensee the same indemnity as in previous contracts.

12. The duration of the contract has not yet been fixed. This will depend on the definitive terms of the final agreement and the wishes of the broadcasters in the matter.

In the opinion of the Society, this plan will bring substantially increased benefits to the radio broadcasting stations. As heretofore each station will have available a large and varied reservoir of music assisting it to meet its primary purpose of serving the intimate needs of the locality in which it is situated. At the same time it will help to make the income of the Society from radio more nearly commensurate with the value of the Society's contribution to the radio industry of this country.

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# FM Hearing

## MONDAY

The FCC hearing on "High Frequency" opened Monday morning, February 28th. Chairman Fly as an introduction outlined briefly the purposes of the hearing and stated that we have not yet reached exhaustion in broadcasting possibilities and that due to the limited facilities available in the present band Frequency Modulation is a matter of great public concern.

Horace Lohnes, attorney, presented Major Edwin H. Armstrong as the first witness. Major Armstrong testified that he started in radio in 1906 as an amateur and that in 1912 he discovered the regenerative circuit and its properties and in 1917 he went over seas as a Captain and worked on technical problems of the Army. While he was over seas he discovered the principle of the superheterodyne. Major Armstrong continued his testimony by stating that in 1920 he discovered the super-regenerative circuit. In 1924 he started working on different ways of solving the static problem and that in 1933 he applied for patents on a method of eliminating static by means of the F. M. system of transmission. Major Armstrong briefly went into the history of Modulation and outlined the development of Amplitude Modulation and Frequency Modulation up to date. Major Armstrong testified that in 1924 he started a different attack upon the problem of eliminating static. He found that static impulses had more of an Amplitude characteristic and that the static in effect corresponded to Amplitude Modulation. He said that he also discovered that the Frequency Modulation characteristics of static were of a narrow band characteristic and that from these observations he conceived the idea of using a wide band F. M. for overcoming the effects of static.

Major Armstrong went into the history of his attempts to introduce Frequency Modulation and told of the various demonstrations he had presented. A film recording made at Haddonfield, New Jersey, August, 1935 was played. Transmissions by F. M. from a 2 KW transmitter at the Empire State Building, a distance of approximately 85 miles were compared with an A. M. 50 KW on 660 KC, WEAF at Bellmore, Long Island, a distance of about 105 miles. The demonstration showed marked static interferences on the standard band station and very little interference on the F. M. station. Part of the record was of Station WMCA 500 Watts on 570 KC in New York City, a distance of about 85 miles, showing very little signal in comparison to the static. Major Armstrong pointed out that part of the difference in the static level was due to the difference in frequency, (there is a difference in static level of about 35 DB between 660 KC and 40 MC—ed. note). It was Major Armstrong's opinion that the successful operation of existing F. M. stations adequately answered the question as to whether F. M. was ready for regular broadcast service or not. He stated that the normal good service range of his Alpine station (near New York City) was about 100 miles, and that there is very little secondary coverage on a F. M. station. This was in response to Commissioner Craven's question as to where Frequency Modulation's superiority over a 50 KW standard band station ends. Major Armstrong testified that the gain over noise on F. M. varied roughly in voltage as the band width, and that on F. M. a signal to noise ratio of 2 to 1, gives about the same order of service as would be given by a signal to noise ratio of 100 to 1 with A. M.

Commander Craven asked Major Armstrong if, disregarding noise, would an Amplitude Modulation station on the same frequency have the same range as an F. M. station, and the answer was, yes. Major Armstrong stated that the F. M. system lends itself more readily to the handling of "High Fidelity" and a wide Audio-Frequency band. He stated that in F. M. the characteristics of the circuits determine the quality and that in A. M. the main determining factor was the characteristics of the tubes, and that this gave F. M. an advantage in fidelity control over A. M. Major Armstrong stated that in the transmitter the functions of F. M. could be performed with receiving type tubes, and that this energy could then be amplified with ordinary Class C amplifiers to the desired power. In response to Chairman Fly's query, Major Armstrong responded that he would not undertake to render a secondary service with F. M. and that the system produces a good primary area and the service beyond there is too spasmodic to be of material use as a secondary service. He suggested the use of automatic unattended relays to extend the service area of a station.

Major Armstrong stated that he had tried various F. M. band widths and that in general the wider band used the better, and that the present band of 200 KC has been arrived at as a practical value. He said that if this band were cut in half that the power would need to be raised four times in order to produce the same results. He pointed out that as the band is narrowed, the interference area between stations becomes greater. He also said that multiplexing is difficult with a band narrower than 200 KC. Major Armstrong also said that as the band width is narrowed down the construction of the receiver becomes more difficult in order to keep the distortion low.

Major Armstrong advocated dividing the band from 42 to 44 MC into 10 F. M. channels and he also advocated taking 1 of the 6 MC Television channels and dividing it into 30 F. M. channels to provide a frequency spectrum for F. M.

## TUESDAY

Major Armstrong's testimony was continued on Tuesday morning. He pointed out that there would be a reduction in congestion on the present band as soon as F. M. is authorized. He said that the present band would continue to operate just as the Model T continued to operate until it was worn out and the public found it could get a better automobile. He said that it will take years for the manufacturers to produce the equipment for a complete F. M. replacement. Major Armstrong said that in the end the public will decide the acceptance of F. M. It is Major Armstrong's opinion that receivers will be worn out long before it will be necessary to change them due to all broadcasting being done by Frequency Modulation. Queried about the cost of transmitters, Major Armstrong stated that they were as cheap or cheaper now than are A. M. transmitters for the present band, and that undoubtedly within a year, the price will be lower. He said that F. M. receivers will cost very little more than do present A. M. receivers, in order to obtain one of the advantages of F. M., namely, noise reduction, but that in order to take advantage of the better quality, it will be necessary to use a better loud speaker and amplifier than is used now, and therefore, the cost will be more. So far the F. M. receiver manufacturers have put out receivers as good as they possibly could in order to start F. M. off right, and consequently the receivers have cost more.

When asked about license consideration, Major Armstrong said that the General Electric, Western Electric, and Radio Engineering Laboratories were licensed to manufacture transmitters. Commission Attorney Bauer read a list of the Armstrong receiver manufacturers licensed and they were as follows: General Electric, Stromberg Carlson, Zenith, Pilot, Scott, Stewart Warner, R.E.L., National, Hammerlund, and Halicrafter.

Also in connection with patents Major Armstrong said that he had sold the regenerative and the superheterodyne circuits at the same time for approximately $330,000 and that his super regenerative circuit had been sold for $425,000. He stated that he had spent between 700,000 and 800,000 dollars in Frequency Modulation development. It was his opinion that Frequency Modulation could be used to advantage in transmitting television, and that some work had already been done on this. Commander Craven asked what Major Armstrong had done to try to economize frequencies and his answer was, nothing; that he had been concerned with developing a system of "High Fidelity" with low noise. It was Major Armstrong's opinion that F. M. could be applied effectively to the other services such as, Police, Education and Aviation, however, his opinion was that aviation work might better be done by Amplitude Modulation.

In response to a question by Mr. Jett, Chief Engineer of the FCC, as to Mr. Armstrong's thought on allocation, he responded by saying that he advocated two types of allocation. One for large stations spaced approximately 300 miles to serve rural areas for a radius of about 100 miles and second, many stations closely spaced on the same channel for local service. In response to Mr. Jett's question as to why he chose 15,000 cycles for High Fidelity he responded that there isn't any particular limit and that 15,000 cycles is ordinarily considered to be the upper limits of music and sound effects and that in the F.M. system it is practically as easy to get this band width as it is 10,000. Mr. Armstrong said that he had made no particular tests to determine just how wide the band should be. However, his conception was that this full band width should be allowed for future development. Commander Craven in response to his question concerning the signal to noise aspect at different ratio's of audio to total swing frequencies, received the answer; the signal to noise aspect varies in power as one-half the total frequency swing divided by the maximum audio-frequency, the whole quantity squared. (Editors Note: In other words, if the maximum modulation swings the carrier over a band of 150 KC and the highest audio-frequency to be passed is 15 KC then the signal to noise ratio in power would be determined by 75 divided by 15 squared, or 25. This would be the same as reducing the total swing to 100 KC and limiting the highest audio-frequency to 10 KC). Mr. Jett asked if through F.M. relays it would be possible to eliminate wire connections and the answer was yes, and that the relay would be carried on on other than the regular stations by a special relay system on frequencies probably about 130 MC and Major Armstrong went on to say that no doubt we would some day come to a F.M. relay system for chain broadcasting rather than wire line hook-ups. He said that in areas of common interest, regular stations could rebroadcast each other.

Horace Lohnes on behalf of Major Armstrong, entered as Exhibit No. 7, 8, and 9, the License Agreements between Major Armstrong and the manufacturers of F.M. receivers, transmitters, and the licensee of F.M. broadcast stations. Exhibit 7 outlined the royalties for broadcast transmitters under Armstrong F.M. patents as follows:

| *Operating power* | |
|---|---|
| 250 watts or less | $ 300 |
| 1 kw. | 500 |
| 2 kw. | 750 |
| 5 kw. | 1,250 |
| 10 kw. | 2,000 |
| 20 kw. | 3,000 |
| 30 kw. | 3,750 |
| 40 kw. | 4,500 |
| 50 kw. or more | 5,000 for 50 kw.<br>$50 for each additional kw. |

Columbia was the next party to the hearing called.

Mr. Paul Porter counsel for Columbia Broadcasting System made a brief statement that pending field tests, Columbia was reserving its opinion as to the advantages of the 2 systems of broadcasting transmission. Mr. Porter said that in the opinion of Columbia that where there is a similar claim to facilities by a duplication service, such as a proposed F.M. broadcasting allocation and for television, that the preference be given to a new and unduplicating service such as television.

The next party to make an appearance was Mr. Everett L. Dillard, the Commercial Radio Equipment Company of Kansas City, Missouri, licensee of W9XA, Amplitude Modulated on 26 MC. Mr. Dillard outlined noise measurements which had been made in Kansas City in which he arrived at the conclusion that the signal of 35 to 50 mv was needed on A.M. to cover Kansas City and that by far the greatest interference on High Frequency was automobile ignition. He said that diathermy interference had not been experienced on the 26 MC band by him. He said that the development of High Frequency broadcasting has gone as far as possible without the introduction of public interest. He felt that High Frequency broadcasting has a definite place in our scheme of broadcasting and the biggest need is for receivers. He pointed out that there are very few receivers available for this band. He said that the public was not interested, due to curtailed time of operation because of severe experimental requirements by the FCC and the duplication of programs already on the air. He felt that two things were necessary in order to promote interest on the part of the public. One was to place Ultra-High-Frequency broadcasting in the regular category and the other the production of unduplicating programs.

### WEDNESDAY

Philip G. Loucks, attorney for the F. M. Broadcasters, Inc., placed John Shepard III on the stand for their first witness. He testified to his long years of experience in radio broadcasting and to his present connections. He said that the total investment of the Yankee Network in F. M. to date was approximately $250,000. He said that of the 89 firms eligible for membership in F. M. Broadcasters, Inc., 55 were members. He continued, that we believe there is no question but that F. M. is capable of rendering a regular broadcast service. We know from the past months of regular operation at Paxton from 8:00 a. m. to midnight every day that F. M. is ready to render a regular broadcast service. In order to develop separate programs for F. M. it is necessary that a station licensee be able to at least look forward to the time when he can make a charge and therefore F. M. should be put on a regular basis at this time. He continued that the F. M. Broadcasters could see no need for extending the present experimental period and that F. M. should be allowed to go ahead on a regular basis. Mr. Shepard said that if F. M. is allowed to go ahead, it can hurt no one with the possible exception of those in the present band and very few of these will be affected because most of the F. M. license holders will be those now holding regular broadcasters licenses. Mr. Shepard asked that the FCC raise the F. M. power limitation from 1 to 50 KW. He advocated that the band from 41 to 44 MC be made an F. M. band and that the present 41 to 42 educational band be retained as such, but that it employ the F. M. principle. Mr. Shepard recommended that the present 26 MC broadcast band be allocated to other services. Mr. Shepard said that 15 channels would not be adequate to take care of F. M. and that the additional channels should be as near as possible to the 41 to 44 MC band. Mr. Shepard also asked that the FCC establish a policy permitting relay stations using the F. M. system, and he pointed out that, except for short lines, the cost of a telephone line to carry the wide audio band, the F. M. broadcasters have in mind would be prohibitive. Mr. Shepard said that he did not think that it would be possible to cover the large flat rural sections of the country with F. M. and that F. M. would have to be supplemented by clear channel stations in the present band. He said that where the rural areas are adjacent to centers of high population, such as New England, that F. M. could then serve the rural areas. He said that the change to Frequency Modulation will not be revolutionary but will be gradual and will take some time. He set as a rough figure, 10 years for the change over. Commander Craven asked if programs would be by and large, the same as on the standard band during the long change over period, and Mr. Shepard said, yes and no; that that will be true in some cases and that in other cases there will be a duplication.

Commissioner Thompson asked what compensation the public would get in buying an F. M. receiver and Mr. Shepard's answer was that he would receive a lower noise level with practically no static and much better quality, and that there was a normal obsolescence of about 10 per cent each year in receivers and that as people replaced their receivers they would replace them with an F. M. receiver.

Mr. Jett asked if cognizance should be taken of the present standard band in giving facilities in the F. M. band and Mr. Shepard answered that F. M. should be allowed to go ahead by itself and that anyone who could show proper qualifications, should be granted an F. M. license.

Dr. Greenleaf Whittier Pickard, consulting engineer to the Yankee network was the next witness for the F. M. Broadcasters. He outlined his observations and measurements on F. M. and A. M. He described his reception experience at his Seabrook, New Hampshire home which is about 67½ miles from Paxton and about 70 miles from Boston. Dr. Pickard explained that he compared the Paxton F. M. 2 KW station with a field of approximately 50 to 60 microvolts with the standard broadcast band stations in Boston having field intensities on the order of 1 millivolt. He said that there is little or no comparison between Paxton and the group of standard broadcast stations at Boston. He said that in the summer static breaks into the standard stations and in the winter he has considerable interference from co-channel stations. He explained that WBZ was spoiled by selective fading. Dr. Pickard said that the Paxton signal faded at times between 25 and 80 microvolts. Dr. Pickard presented Exhibit showing tests which he made on noise within a 100-mile radius of Alpine. Dr. Pickard also presented an exhibit showing measurements he had made comparing a 40 KC band with a 200 KC band. It was his conclusion that there was a voltage ratio of 5 to 1 between the narrow and the wide band for the same advantage over noise, and on this basis it would require 25 times the power with the 40 KC band to give the same advantage over noise as we would have on the 200 KC Band. He also described an experiment from Alpine in which W2XMN on 42.8 MC was used as an interfering signal and a second 1 KW transmitter on 43 megacycle operating from the same location. The power on the 1 KW transmitter was reduced in successive steps and Dr. Pickard arrived at the conclusion that F. M. stations could operate on adjacent channels with a considerable difference in power, provided the transmitters were at approximately the same location. In response to Commissioner Craven's question as to whether we needed more measurements before we can be safe in placing stations on adjacent channels, Pickard answered that he would want to have more information before being sure that if the stations are not placed near to each other that there wouldn't be interferences, except where the distance between the stations was relatively great.

Commissioner Craven asked what Dr. Pickard considered as a proper ratio between signal and noise for good reception and he answered that he would like to have a difference of not less than 50 to 60 DB, and he continued that for average hearing for average people the idea might be dropped down to around 40 DB.

Dr. Pickard said there is some sky wave transmission at 40 MC, however, that this was not enough to bother an F. M. system but would bother an A. M. system. When asked about the use of the 26 MC band for Ultra-High-Frequency broadcasting he gave the opinion that this band would not be as well suited for broadcasting as would the frequencies in the neighborhood of 40 to 50 MC.

The next witness for F. M. Broadcasters was Mr. I. Martino, chief engineer of WDRC, of Woodbridge, Connecticut. He described measurements and tests he had conducted on W1XPW F. M. station at Meriden, Connecticut. He gave the opinion that signal values down to 7 or 8 microvolts could be used with F. M.

Mr. Daniel Gallerup, chief engineer for WTMJ, Milwaukee, described tests he had made comparing A. M. and F. M. and he said that he found that much better service could be delivered by F. M. than by the standard band.

## ACCOUNTING COMMITTEE ADOPTS LOG, ACCOUNTING MANUAL

The NAB Accounting Committee held a meeting in New York, Tuesday, March 19. The entire Committee attended. Those present were C. T. Lucy, Chairman, WRVA, Richmond, Virginia; N. L. Kidd, WSYR, Syracuse, New York; E. J. Gluck, WSOC, Charlotte, North Carolina; H. W. Batchelder, WFBR, Baltimore, Maryland; Harry F. McKeon, NBC, New York City; and S. R. Dean, CBS, New York City. Those in attendance from Headquarters were Paul F. Peter and Robert Myers, Research Department, and Edwin M. Spence, Secretary-Treasurer.

The Committee adopted a proposed program log that will meet the requirements of the FCC rules. They also adopted an accounting manual for station bookkeeping that will facilitate securing of the necessary information in completing the FCC annual financial report.

It is hoped both of these reports will be in the mail and in the hands of station managers within the next ten days.

## FREE OFFERS

The Bureau of Radio Advertising has learned that Loew's, Incorporated, is planning a new radio service which seeks the cooperation of broadcasters in plugging current MGM picture releases. It's the same old story—offering elaborate programs of Hollywood gossip, condensed versions of the latest movies, and other material "absolutely free of charge". Every program is a direct plug for motion pictures, and the Bureau has written both MGM and their distributing organization, suggesting that they would do better to spend some of that money to buy time at regular rates.

Rose City Nurseries, Springfield, Ohio, has submitted a cost-per-inquiry proposal to a large list of stations, offering to pay 50¢ for every $1.00 order. The Bureau has pointed out to this concern that the value of advertising goes beyond the mere creation of direct mail orders, and, for that reason, it might be wise to buy time at stations' quoted card rates.

Another contingent proposition reported by members is the F. A. Holmes Company, Waterloo, La. (Rat-Ruin), who offer to split 50-50 with cooperating stations on all mail orders produced. They have been advised that NAB members consider such propositions not only unethical but unbusinesslike.

## Phone Headquarters!

The NAB suggests that broadcasters, upon arrival in Washington, notify the NAB switchboard of their whereabouts.

This would work to their advantage, in that the NAB would know where to relay messages received for them. Also, on numerous occasions, the NAB has tried to reach members by long distance phone, only to be told they were right here in Washington.

The NAB, of course, would give no information to anyone as to the whereabouts of visitors.

The suggestion is advanced for the convenience of members and the headquarters staff. The NAB phone is NAtional 2080.

## IRNA MEETING

The IRNA executive committee met in Washington on Tuesday, March 19. Chairman Sam Rosenbaum, WFIL; Walter Damm, WTMJ; John Shepard III, Yankee Network, and Paul Morency, WTIC were present. After the meeting, Mr. Rosenbaum said:

"The situation with regard to musicians and ASCAP was discussed. Particular study was given to the increased tendency of the networks to appropriate the 20 second station breaks between 15 minute programs. This will be the subject of a communication to IRNA members at an early date. In connection with the matter of network commercial announcements, proposals will be submitted to the IRNA board for some revision of the IRNA platform to be recommended to the next convention."

## WAGE AND HOUR ACT

The Wage and Hour Act Committee will meet Monday, March 25, at headquarters to discuss recent opinions by the Wage and Hour Administration regarding "talent charges." Joseph L. Miller, NAB Labor Relations Director, is acting chairman of the committee. Members are H. W. Batchelder, WFBR; William B. Dolph, WOL; John V. L. Hogan, WQXR, and C. T. Lucy, WRVA.

## CHILDREN'S CRUSADE CAMPAIGN

Cooperation of members of the National Association of Broadcasters in the Children's Crusade for Children will be sought during the next week, according to advice received at headquarters.

The purpose of this campaign is to produce funds, from school children of the nation, for the relief of other children throughout the world who are literally without a country. Through school officials in each community, children will be asked to contribute pennies in an amount which corresponds to their age. All such donations are to be deposited in sealed cans in school rooms so that no child will be embarrassed if he finds it impossible to contribute.

Broadcast stations will not be asked to solicit funds nor to make appeals for funds, only to make known the purposes of the campaign.

To this end, Children's Crusade for Children has prepared 5-minute recordings featuring such speakers as Dorothy Canfield Fisher, Raymond Gram Swing and Clifton Fadiman and a series of spot announcements.

Broadcast cooperation is sought a week or two in advance of the fund collection set for April 22-30. Others cooperating in the national campaign will be newspapers, magazines and pictures.

All costs of the campaign have been defrayed by individual donors, so that all pennies collected will be made available for relief.

Expenditures will be directed by a committee consisting of Eleanor Roosevelt, Msgr. John A. Ryan, William Allen White, Hon. Irving Lehman, Dorothy Canfield Fisher, Dr. Charles B. Glenn and Caroline S. Woodruff.

## NEW YORK SENATE APPROVES PERRY RECORDING BILL

On Tuesday the New York Senate passed the Perry Bill (S. 445, NAB Reports, January 26, 1940, p. 3991) relating to unauthorized recording of Radio Broadcasts. The Senate had previously amended the bill by adding to Section 1 the following subparagraph: "(d) This act is not to apply to any acts of recording for private, personal, civic or political use, or to any recording of any address or talk on subjects of a political, educational, religious or civic nature."

## STATE LEGISLATION

New Jersey:

A. 336 (Artaserse) LOANS—RADIO ADVERTISEMENTS—To empower the Attorney General to investigate practices in connection with the promotion, advertisement, or negotiations by radio of the sale, purchase, or loan of money or credit; appropriates $25,000. Referred to Appropriations Committee.

New York:

A. 2298 (L. Bennett) EMPLOYMENT AGENCIES—APPLICANTS—Provides that any waiver of investigation of references by an applicant for help shall be void, failure on part of the employment agency to make such investigation to be deemed a violation of provision requiring the keeping of register. Referred to Rules Committee.

New York:

A. 2336 (Mailler) LOANS—ADVERTISING OF INTEREST RATES—Prohibits advertising or broadcasting of interest rates on loans by licensed lenders unless rate of charge, interest charge or interest rate is expressed as a rate per centum per annum; such rate must also be expressed in all applications for loans. Referred to Rules Committee.

New York:

CCH S 21 (Bewley) APPLE INDUSTRY—ADVERTISING—Relating to a joint legislative committee to make a comprehensive study of the New York state apple industry, with particular regard to the conduct of an intensive advertising campaign by radio and press to stimulate the purchase of New York state apples. Referred to Finance Committee.

Rhode Island:

H. 1014 (Banahan) CRIMINAL LIBEL—Defining criminal libel and providing penalties therefor. Referred to Judiciary Committee.

Rhode Island:

S. 252 (Brady) CRIMINAL LIBEL—Defining criminal libel and providing penalties therefor. Referred to Judiciary Committee.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled before the Commission in broadcast cases during the week beginning Monday, March 25. They are subject to change.

### Thursday, March 28

Oral Argument Before the Commission

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of station license of WSAL.

### Friday, March 29

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of license, **810 kc.,** 1 KW, specified hours (6 a. m. to 11 p. m., EST), DA daytime. Present assignment: **810 kc.,** 1 KW, daytime-WCCO, directional antenna.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### April 23

NEW—Guy S. Cornish, Cincinnati, Ohio.—C. P. for public address relay station, **310000 kc.,** 1 watt night, 1 watt LS, emission A-3, unlimited time.

### April 29

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

### May 1

NEW—E. E. Krebsbach, Miles City, Mont.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Star Printing Co., Miles City, Mont.—C. P., **1310 kc.,** 250 watts, unlimited time.

### May 20

NEW—Worcester Broadcasting Corp., San Diego, Calif.—C. P., **1420 kc.,** 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### MISCELLANEOUS

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 6:30 to 10 p. m., EST, on March 30, in order to broadcast a program incident to "Pioneer Week."

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7 to 11 p. m., CST, on April 3, from 4 to 5 p. m., CST, on April 6, and from 5 to 6 p. m., CST, on April 10, 11 and 12, in order to broadcast State A. A. U. boxing finals and Purdue baseball games only.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted extension of special temporary authority to operate test transmitter with power not to exceed 100 watts, on **1350 kc.,** day and night, in order to select transmitter site in accordance with construction permit, for the period March 25 to April 23.

WGN—WGN, Inc., Chicago, Ill.—Granted special temporary authority to make pick for radio station CKCL and feed broadcast of Chicago Blackhawks v. Toronto Maple Leafs hockey game being played in Chicago Stadium from 8 p. m., CST, to conclusion of game on March 21. A. T. & T. lines to be used from Chicago to CKCL.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts, from 7:45 to 9:15 p. m., CST, on April 7, 14, 21 and 28, in order to broadcast church services only.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted construction permit to make changes in equipment.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted authority to determine operating power by direct measurement of antenna input.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted modification of construction permit which authorized change in frequency from **1370** to **780 kc.,** increase in power from 100 watts, 250 watts day, to 1 KW, 250 watts day, change hours of operation from specified to unlimited time, move transmitter, changes in equipment, and antenna, for extension of completion date from March 26, 1940, to April 26. 1940.

WJHP—The Metropolis Co., Jacksonville, Fla.—Granted modification of construction permit for new broadcast station, for approval of antenna, new transmitter, and approval of studio site and transmitter site.

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted modification of construction permit for new broadcast station, for authority to change type of transmitter and extend commencement date to 30 days after grant and completion date 120 days thereafter.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted license to cover construction permit as modified for installation of new transmitter, directional antenna for day and night use, increase power to 50 KW, and move transmitter; frequency **1460 kc.,** unlimited time.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WHAI—John W. Haigis, Greenfield, Mass.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2:00 p. m. to 3:00 p. m. EST on March 23, 30, April 6, 13, 20, 1940, in order to broadcast the following sustaining programs: 2 to 2:10, Newscast; 2:10 to 2:30, Matinee Moods; 2:30 to 3, Suggestions in Symphony; to operate from 2 p. m. to 3 p. m., EST on March 24, 31, April 7, 14, 21, 1940, in order to broadcast the following: 2 to 2:15, Newscast; 2:15 to 2:30, Tune Travels; 2:30 to 2:45, Sabbath Meditations; 2:45 to 3, ¼ Hour in ¾ Time; to operate from 8:30 a. m. to 10 a. m. and from 2 p. m. to 3 p. m. EST on March 20, 21, 22, 25, 26, 27, 28, and 29, 1940, in order to broadcast the following: 8:30 to 9 a. m., Breakfast Club; 9 a. m. to 9:30 a. m., Opening the Mail; 9:30 to 10 a. m., Dances of the World; 2 p. m. to 2:10 p. m., Newscast; 2:10 p. m. to 2:30 p. m., Matinee Moods; 2:30 to 3 p. m., Suggestions in Symphony (provided WSVS remains silent).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 5:45 p. m. to 12:00 midnight CST on March 20, 1940, in order to broadcast election returns.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9:00 a. m. to 10:00 a. m. EST Monday, Tuesday, Wednesday, Thursday, Friday, and Sunday mornings, for the period March 19, 1940, to not later than April 17, 1940, or until the Saginaw Broadcasting Company is in a position to use said time, in order to broadcast special noncommercial educational programs.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 7 p. m. to 7:30 p. m. EST on March 14, 1940, in order to broadcast speech by Howard Bruce, candidate for U. S. Senator.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 7 p. m. to 7:30 p. m. EST on March 14, 1940, in order to broadcast speech by Howard Bruce, candidate for U. S. Senator.

WNYC—The City of New York Municipal Broadcasting System, New York, N. Y.—Continued hearing scheduled for March 19, 1940, to March 29, 1940, in re modification of license.

WFDF—Flint Broadcasting Co., Flint, Mich.—Dismissed petition to intervene in re application of Thumb Broadcasting Co., for new station in Brown City, Mich. to operate on **880 kc.,** 250 watts, daytime.

State of Minnesota—Granted petition to intervene in the hearing on the application of WNYC for modification of license to change hours of operation from daytime-WCCO to specified hours, on **810 kc.**

Star Printing Co., Miles City, Mont.—Granted motion for continuance of hearing from April 1 to May 1 in re application of Star Printing Co. for new station to operate on **1310 kc.,** 250 watts, unlimited time, and E. E. Krebsbach for a new station at Miles City, also requesting frequency of **1310 kc.**

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted motion (effective as to all parties), for extension of time until April 2 to file proposed findings of fact and conclusions, in re applications of WCNW, WMBQ, WWRL, Lillian E. Kiefer and Paul J. Gollhofer, all of Brooklyn, N. Y.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m. CST on March 30, 1940, in order to broadcast a speech by Mr. Dwight R. Green, candidate for United States Senator.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. CST on April 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, and 30, from 3 to 3:30 p. m. CST on April 1, 8, 15, 22, and 29, and from 8 to 10 p. m. CST on April 5, 1940, in order to permit WNAD to broadcast special educational programs.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate during above periods (provided KGGF remains silent) in order to broadcast educational programs.

W9XA—Everett L. Dillard, d/b as Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast over High Frequency Broadcast Station W9XA programs originating from Standard Broadcast Stations KCMO, KCKN, and WLW, for the period beginning 3:00 a. m. EST on April 1, 1940, and ending not later than 3:00 a. m. EST on April 1, 1941.

KGCA—Charles Walter Greenley, Decorah, Iowa—Granted extension of special temporary authority to remain silent for the period March 19, 1940, to not later than April 17, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

WHMA—Harry M. Ayers, Anniston, Ala.—Granted license to cover construction permit authorizing changes in equipment and increase in power from 100 to 250 watts.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Granted license to cover construction permit authorizing new station to operate on **1210 kc.**, 100 watts night, 250 watts LS, unlimited time; also granted authority to determine operating power by direct measurement of antenna input.

WNAD—Univ. of Oklahoma, Norman, Okla.—Granted authority to determine operating power by direct measurement of antenna input.

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted authority to determine operating power by direct measurement of antenna input.

WAIR—C. G. Hill, George D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to operate from 5:30 a. m. to 6:00 a. m. EST on March 24, 1940, in order to broadcast Moravian Sunrise Easter Service.

WATW—WJMS, Inc., Ashland, Wisc.—Granted modification of construction permit for new broadcast station, for installation of new transmitter and approval of studio site and transmitter site, and approval of antenna.

KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of construction permit as modified for move of transmitter, installation of new equipment and directional antenna and increase in power, for extension of completion date from March 8, 1940, to May 8, 1940.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WSYR-WSYU—Central New York Broadcasting Corporation, Syracuse, N. Y.—Construction permit to install new transmitter.

### 930 Kilocycles

KROW—Educational Broadcasting Corp., Oakland, Calif.—Construction permit to increase power from 1 KW to 5 KW, install new equipment and directional antenna for night use, and move transmitter from Oakland to San Francisco, Calif. Requests Class III-A station.

### 1120 Kilocycles

KRSC—Radio Sales Corp., Seattle, Wash.—Modification of construction permit (B5-P-2141) for move of transmitter, changes in equipment and increase in power, requesting approval of antenna, approval of transmitter and studio sites at 4th So. and Hanford Sts., Seattle, Wash., and change type of transmitter.

NEW—Allegheny-Kiski Broadcasting Co., Inc., New Kensington, Pa.—Construction permit for a new radio broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended: Change frequency to **1120 kc.**, power to 500 watts, hours to daytime, III-B station and amended name by omitting "Inc.", and changes in equipment.

### 1180 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Authority to determine operating power by direct measurement of antenna power.

### 1200 Kilocycles

NEW—The Huntsville Times Co., Inc., Huntsville, Ala.—Construction permit for a new radio broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time (facilities of WBHP). Amended re changes in equipment and change power to 250 watts.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Modification of construction permit (File B2-P-2340) for a new station, requesting approval of antenna and approval of transmitter and studio site at Kanada St., Logan, W. Va.

WAIM—Wilton E. Hall, Anderson, S. Car.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Construction permit to install new transmitter and make changes in antenna.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Construction permit to make changes in transmitter and increase power from 100 watts to 250 watts day and night.

### 1240 Kilocycles

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW; directional antenna for night and day. Amended re directional antenna.

### 1250 Kilocycles

WKST—WKST, Inc., New Castle, Pa.—Construction permit to install directional antenna for night use, and change hours of operation from daytime to unlimited time, using 1 KW power day and night.

### 1260 Kilocycles

WNBX—Twin State Broadcasting Corporation, Keane, N. H.—Modification of construction permit (B1-P-2415) for changes in directional antenna to be used both day and night; move transmitter and studio; further requesting authority to make changes in directional antenna, install new transmitter, and increase power to 5 KW. Extend commencement date 30 days after grant and completion date 180 days thereafter. Amended: Equipment changes.

### 1310 Kilocycles

NEW—S. M. Meeks, Jr., Kerrville, Tex.—Construction permit for a new radio broadcast station to be operated on **1310 kc.**, 250 watts, unlimited time.

WFIG—J. Samuel Brody, Sumter, S. C.—License to cover construction permit (B3-P-2171) as modified for a new radio broadcast station.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Transfer of control of corporation from J. P. Marchant, D. J. Carey and Melvin Meyer to Florida West Coast Broadcasting Co., Inc., 98 shares.

KVIC—Radio Enterprises, Inc., Victoria, Tex.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

### 1320 Kilocycles

WADC—Allen T. Simmons, north of Akron, Ohio.—Modification of construction permit (B2-P-2495) for authority to install directional antenna for day and night use; increase power and move transmitter and studio, requesting extension of commencement and completion dates from 3-24-40 and 9-24-40 to 4-24-40 and 10-24-40.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Modification of construction permit (B5-P-2450) for move of transmitter, and new antenna, requesting extension of date of completion from 4-14-40 to 6-14-40.

### 1360 Kilocycles

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit to move transmitter and studio to a site to be determined, Enid, Okla., make antenna changes, install new transmitter, and increase power from 250 watts to 1 KW.

### 1370 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to change hours from all hours except those assigned WSVS which are 8:30 a. m. to 10 a. m. and 2 p. m. to 3 p. m., to all hours except 9:30 a. m. to 10 a. m. Monday through Friday during school term when WSVS would operate, also all hours when WSVS is silent for holidays or vacations (facilities WSVS). Amended to request all hours except 8:30 a. m. to 10 a. m. Monday through Friday.

WJHO—Yetta G. Samford, C. S. Shealy, Thos. D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Modification of construction permit (B3-P-2373) for a new station, requesting approval of studio and transmitter sites, install new equipment, and approval of antenna. Amended re equipment.

NEW—Ralph L. Lewis, Greensboro, N. C.—Construction permit for a new radio broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time, Class IV.

KRMC—Roberts MacNab Co. (Arthur L. Roberts, R. B. MacNab and A. J. Breitbach, Gen. Mgr.), Jamestown, N. Dak.—Voluntary assignment of license from Roberts MacNab Company (Arthur L. Roberts, R. B. MacNab and A. J. Breitbach, Gen. Mgr.) to Jamestown Broadcasting Co., Inc.

### 1380 Kilocycles

NEW—Central Broadcasting Corp., Sanford, Fla.—Construction permit for a new radio broadcast station to be operated on **1380 kc.,** 250 watts, unlimited time. Requests Class IV station.

### 1420 Kilocycles

WGOV—E. D. Rivers, Valdosta, Ga.—Modification of construction permit (B3-P-2586) for new station, requesting approval of studio and transmitter sites at East Park Ave., Valdosta, Ga., and approval of antenna.

WELL—Enquirer-News Co., Battle Creek, Mich.—Construction permit to install new transmitter, make changes in antenna, and increase power from 100 watts to 250 watts. Amended to make changes in equipment and antenna.

WMSD—Muscle Shoals Broadcasting Corporation, Muscle Shoals City, Ala.—License to cover construction permit (B3-P-2511) for changes in equipment and increase power. Amended re equipment.

NEW—Scott Howe Bowen, Rome, N. Y.—Construction permit for a new radio broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time, Class IV. Amended to give studio site as in or near Rome, N. Y.

NEW—R. G. LeTourneau, Toccoa, Ga.—Construction permit for a new radio broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Amended to give studio location as Louise Hotel, near Toccoa, Ga., and transmitter site to be determined, Toccoa, Ga.

### 1500 Kilocycles

NEW—Leonard L. Abess, Miami Beach, Fla.—Construction permit for a new station to be operated on **1500 kc.,** 250 watts, unlimited time. Request facilities of station WKAT. Contingent on WKAT being granted change in frequency.

### MISCELLANEOUS

W3XMC—McNary and Chambers, Bethesda, Md.—Modification of construction permit (B1-PHB-86) for a new high frequency broadcast station, requesting move of transmitter from 4713 Hampden Lane, Bethesda, Md., to Pennsylvania Ave. and 18th St., N. W., Washington, D. C.; and extend commencement and completion dates from 12-24-39 and 6-24-40 to 10 days after grant and 30 days thereafter, respectively.

NEW—John Lord Booth, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.,** 1000 watts, special emission for frequency modulation.

NEW—The WGAR Broadcasting Co., Cuyahoga Heights, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.,** 1000 watts, special emission for frequency modulation.

NEW—Matheson Radio Co., Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on **42690 kc.,** 1000 watts, special emission for frequency modulation.

NEW—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.,** 1000 watts, special emission for frequency modulation.

NEW—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.,** 1000 watts, special emission for frequency modulation.

NEW—The Crosley Corp., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1606, 2022, 2102, 2758 kc.,** 50 watts, emission A3, portable-mobile, area of Cincinnati, Ohio.

NEW—City Broadcasting Corp., New Haven, Conn.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.,** 1000 watts, special emission for frequency modulation.

NEW—E. Anthony & Sons, Inc., New Bedford, Mass.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.,** 1000 watts, special emission for frequency modulation.

W2XOR—Bamberger Broadcasting Service, Inc., Carteret, N. J.—License to cover construction permit (B1-PHB-82) as modified, for a new high frequency broadcast station.

NEW—Pinellas Broadcasting Co., St. Petersburg, Fla. (Portable-Mobile).—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 15 watts, Emission A-3, Portable-Mobile area St. Petersburg, Fla.

NEW—Piedmont Publishing Co., Winston-Salem, N. C.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.,** 1000 watts, special emission for frequency modulation.

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.,** 1000 watts, special emission for frequency modulation.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit for a new relay broadcast station to be operated on **31620, 35260, 37340, 39620 kc.,** 100 watts, Emission A-3, Portable-Mobile area Baltimore, Md.

NEW—G. L. Burns, Brady, Texas.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.,** power 40 watts, Emission A-3, Portable-Mobile, area of Brady, Texas.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**B & T Sales Company,** Indianapolis, Ind.—Howard L. Brewer and Albert L. Tribbett, trading as B & T Sales Company, Indianapolis, Ind., are alleged to represent that "Menstru-Eze" possesses curative and remedial properties which make it beneficial in treating delayed and painful menstruation when in fact it is without therapeutic value in such treatment. (4057)

**Continent Petroleum Corporation**—A complaint has been issued charging Mid-Continent Petroleum Corporation, Tulsa, Okla., with misrepresentation in the sale of its "D-X" motor fuel. The respondent operates terminals in St. Paul, Chicago, Kansas City, Mo., and Omaha.

It is alleged that the respondent corporation caused dealers in its products to represent that "D-X" motor fuel, because of the presence of an added patent lubricant, as compared with gasoline not so treated and as compared with other motor gasoline fuels, is more efficient, effects substantial economy in operation, reduces friction and wear and tear on the upper cylinder parts, makes the motor run smoother, cooler and more quietly, increases power and mileage per gallon of fuel, and reduces carbon troubles and knocking in the motor. (4065)

**Ethel's Candy & Sales Company, Inc.**, 164 Whitehall St., S. W., Atlanta, Ga., is charged with supplying push cards with bars of candy, the prices of the candy bars being determined wholly by lot or chance. (4056)

**General Electric Company**, 570 Lexington Ave., New York, is charged in a complaint with misrepresentation in the sale of electric light bulbs.

It is alleged that in newspaper and other periodical advertising the respondent company made representations implying that all or substantially all competitive products are inferior in quality to the respondent's "G-E" bulbs; that by purchasing any bulbs other than "G-E" the purchasing public will or is likely to get inferior products the use of which will result in a 30 per cent loss of light and a 30 per cent wastage of the electricity consumed, and that a purchaser is likely to obtain bulbs that will not burn as brightly or as long as the respondent's "G-E" lamps and cost more to operate.

Among representations allegedly made in the respondent's advertising were: "Why risk 30% loss of light * * * when G-E bulbs cost so little?" . . . "Thousands of New York factories, offices, stores, homes lose 30% of light. Beware of inferior bulbs! Buy G-E bulbs from your reliable neighborhood store. * * *"

It is alleged that the respondent corporation's representations are misleading and unfairly disparaging of the products of its competitors; that not all or substantially all competitive products are inferior in quality to the respondent's "G-E" bulbs, and that a person buying bulbs other than "G-E" will not in most instances obtain lamps of lower quality than "G-E" or bulbs that will result in a 30 per cent loss of light or 30 per cent waste of the electricity used. The complaint alleges that many competing manufacturers sell products equal in quality to the respondent's "G-E" bulb, and that only a small percentage of the bulbs being sold to the public are of such low quality that their use will result in a 30 per cent loss of light or waste of current.

The complaint points out that approximately 80 per cent of the incandescent electric light bulbs sold in the United States for general lighting service are manufactured by the respondent and its licensees who manufacture bulbs under patents controlled by the respondent, and that of the total amount of general lighting service bulbs sold by the respondent and its licensees, about 25 per cent are products of the licensees not branded "G-E." (4059)

**Midwest Merchandise Company**—C. I. Levin and Edward Johnson, trading as Midwest Merchandise Company, 1006 Broadway, Kansas City, Mo., are charged with selling to dealers assortments of candy and punch boards. Customers who purchased certain specified numbers received as prizes, packages of cigarettes or a replica of "Ferdinand the Bull." (4058)

**Northwestern Health Clinic**—See Northwestern Products Company.

**Northwestern Products Company**—William W. Kelso, trading as Northwestern Products Company and as Northwestern Health Clinic, 611½ Union St., Seattle, Wash., in a complaint charged with misrepresentation in the sale of a medicinal preparation.

The complaint alleges that the respondent represented "Periodic Relief Pills" as a cure, remedy or competent and effective treatment for delayed menstruation, and as being safe and harmless, when in fact it possesses no therapeutic value with respect to this ailment and is not safe and harmless in that it contains extract cotton root bark, extract black hellebore, aloes, oil savin and ergotin in quantities sufficient to cause serious injury if taken under prescribed conditions as advertised or under customary conditions.

The complaint also alleges dissemination of false advertisements in the respondent's failure to reveal in its advertisements that use of the preparation under conditions prescribed in the advertisements or under usual conditions may result in serious injury to the users' health. (4066)

**S. M. Laboratories Company**, Seattle, Wash., is alleged to have advertised that its preparations "Neofem Capsules," "Neofem Liquid" and "Cerene" were cures or remedies or competent and effective treatments for painful and delayed menstruation and constituted safe and sane ways of self-medication when such were not the facts. The complaint charges that the drugs ergot, oil of savin and aloin were present in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the advertisements or under usual conditions. The respondent company is charged with having disseminated false advertisements which failed to reveal the consequences which might result from use of the preparations under the prescribed conditions as advertised or under customary conditions. (4062)

**Sekov Corporation**—A complaint has been issued against Sekov Corporation, 6404 Hollywood Blvd., Hollywood, Calif., and Edwin H. and Hazel Ruth Vokes, as officers of the corporation and as individuals trading under the name Sekov Reducing Studios. The complaint charges misleading representations concerning "Sekov Reducer," a preparation sold as an obesity treatment and alleged to contain extract of thyroid, a dangerous drug.

The Commission recently obtained a preliminary injunction in the United States District Court for the Southern District of California restraining these respondents from further dissemination of false advertising of their product pending issuance of a complaint by the Commission and final disposition of its ease.

The Commission complaint now alleges that the respondents disseminated advertisements representing that their preparation, "Sekov Reducer" or "Sekov" is a scientific treatment for obesity and that it guards the health of the user, acts entirely on a corrective principle, is made for reaching the glands whose faulty function is the cause of most overweight, and regulates the action of the glands gently and gradually.

Other representations alleged to have been made were that, unlike harsh methods of reducing, the respondents' product does not contain cathartics or dangerous drugs, does not reduce by merely tearing down fatty cells, takes off the fat without weakening the body, is especially prepared to be effective in reducing practically all cases of overweight, and reduces by normalizing the body.

The complaint charges that the respondents' claims are in excess of actual accomplishments; that their preparation is not a scientific treatment for obesity when administered without a thorough medical examination and without scientific care and observation, and that it constitutes a treatment for obesity only when used by persons suffering from hypothyroidism. The preparation, contrary to the respondents' representations, is alleged to be a harsh or strenuous method of reducing and to contain cathartics and dangerous drugs in that "Capsule No. 1" of the preparation contains rhubarb, cascara sagrada, aloin and bile salts, all cathartics.

It is further alleged that the respondents' failure to reveal the presence of extract of thyroid and the consequences which may result from use of their commodity under the prescribed conditions advertised or under customary conditions, constitutes false advertising. (4061)

**Sekov Reducing Studios**—See Sekov Corporation.

**Stromberg Ignition Company**—Henry O. Striker, trading as Stromberg Ignition Company, Detroit, Mich., engaged in the manufacture and sale of an automotive device designated "'Stromberg' Condenser" and sometimes as "'Stromberg' Master Condenser." is charged in a complaint with misrepresentation.

In the course of his business, the complaint charges, the respondent has caused to be inserted in circulars, handbills, on cartons containing his products, and on the product itself, distributed through the various states, printed matter containing representations such as: "Saves Oil—Most car owners change oil every 500 miles, because gasoline (unburned) leakage thins the lubricant. The STROMBERG MASTER CONDENSER burns all the gasoline, stops the leakage completely, so that oil can often be used for 2,500 miles or more"; "SPECIAL 30-DAY OFFER, Stromberg Ignition Co., Detroit, Mich. Please mail me one Stromberg Condenser at the special price, $1.50"; "This is a genuine 'Stromberg' product * * * when the name Stromberg is on it, whether it be a radio, carburetor, or this merchandise, you do not have to be afraid to buy it because it is good merchandise," and "The Stromberg condenser is endorsed and approved by the Automotive Engineers Association of America."

The Stromberg Carburetor Company, the complaint continues, beginning in May, 1907, was a corporation doing business under the laws of Illinois, with its factory and principal place of business in Detroit. In April, 1930, the business operated under the name Stromberg Carburetor Company was taken over by the Bendix Stromberg Carburetor Company, which continued the business and the sale of the products under the name "Stromberg." The Bendix Stromberg Carburetor Company is now engaged in the manufacture of carburetors, coils and various other automobile accessories. These companies have built up a valuable good will in the name "Stromberg" as applied to these products.

The respondent, without authority, has caused his products to be marked and branded with the name "Stromberg" and now uses and features the word "Stromberg" as a trade name, according to the complaint.

The statements and representations set forth by him, the complaint continues, are false and misleading, as in fact the automotive devices which the respondent sells will not increase the power of the motor, eliminate spark plug trouble or save either oil or gasoline and the devices have no beneficial effect at all on the operation of a gasoline motor, nor do they improve the ignition system. The price of $1.50 at which the device is offered in a so-called special offer is not in any sense a special price which is good for only 30 days, as in truth the price is in excess of the price at which the device is customarily sold. The respondent's product, the complaint continues, has not been approved or endorsed by a recognized automotive association or a recognized automotive engineering association which has the necessary laboratory equipment for testing automotive devices, and use by the respondent of the word "Stromberg" as a trade name and in advertising has a tendency to confuse, mislead and deceive purchasers into the erroneous belief that the product so designated is the product of the well and favorably known Bendix Stromberg Carburetor Company. (4064)

**United Candy Company**—E. T. James, Jr., trading as United Candy Company, 1507 West Trade St., Charlotte, N. C., is charged with selling to dealers assortments of candy with push cards, the prices of the candy bars being determined wholly by lot or chance. (4060)

**Warner's Renowned Remedies Company,** Minneapolis, Minn., in the sale of "Warner's Renowned Prescription No. 6" and "Warner's Renowned Alkaline Douche Tablet," is alleged to represent that its preparations are cures or remedies and competent and effective treatments for functional sterility; that they possess beneficial properties in relation to the functioning of the female reproductive organs, and that they will relieve discomforts associated with the menstrual period. The complaint alleges that the respondent's representations are exaggerated and untrue and that the respondent's preparations have no therapeutic value in treatment of the female organs or in relieving any form of functional sterility. (4063)

## CEASE AND DESIST ORDERS

Following cease and desist orders have been issued during the past week:

**American Distributors, Inc.,** and John H. Morgan, trading as Champion Products Company, both of Linton, Ind., and United Advertising Companies, Inc., Chicago, have been ordered to cease and desist from misrepresentation in the sale of "Vita-Perles," a medicine claimed to contain Vitamins A, B-1, D, G, and E.

Findings are that John H. Morgan was in business under the name Champion Products Company in the sale of Vita-Perles until August, 1938, when he organized American Distributors, Inc., for the sale of the preparation. United Advertising Companies, Inc., has been the respondents' advertising agent and has participated in the preparation and dissemination of their advertising matter.

In newspaper and periodical advertisements the respondents are found to have represented directly and by implication, among other things, that one may test Vita-Perles without risking any money; that vitamin deficiency is the cause of backache, headache, loss of appetite, premature old age and other ailments and conditions; that by use of Vita-Perles a thin, pale and sickly person will gain firm and healthy flesh and gain in weight as much as seven pounds in seven days. The Commission finds that the respondents' representations are misleading and exaggerated.

The respondents are ordered to cease and desist from representing that the preparation may be obtained and tested without risking the loss of any money; that backache, headache, leg pains, and various other ailments are caused by a vitamin deficiency or that such conditions will be relieved or corrected by the use of the respondents' preparation; that those who are thin, pale and sickly will by the use of the preparation acquire additional weight, an improved complexion, an increased resistance to colds and infections, an improved appetite or will become less nervous; that the impairment or premature loss or sexual desire, vigor, or potency in the male, is due to a vitamin deficiency, or will be restored or improved by the use of the preparation, or that its use will increase the general strength and energy, and that the preparation will affect women's ability to successfully conceive or bear children except in rare cases involving habitual involuntary abortion where inability to successfully bear children after conception may be due to a deficiency of Vitamin E of a degree susceptible of replacement by the Vitamin E content of the preparation. (3918)

**American Veneer Package Association, Inc.,** Washington, D. C., its officers, and four regional associations of the fruit and vegetable container industry, their officers and members, and a New York business management and engineering group, have been served with an order directing them to cease and desist from a combination or conspiracy for fixing and maintaining uniform prices and discounts and for curtailing production and other practices deemed to be in restraint of competition.

Members of the respondent regional associations are found to manufacture and sell approximately 75 per cent of all the veneer containers used in their territories for packaging fruits and vegetables, with the possible exception of wire-bound and sawed crates. (3556)

**Anesthetic Laboratories, Inc.,** a corporation, formerly Guild Anesthetic Laboratories, 2457-2459 South Michigan Ave., Chicago, engaged in the manufacture, sale and distribution of a medicinal preparation known as "Guild Procaine Epinephrine Anesthetic," has been ordered to cease and desist from representing that it is a guild or association of persons engaged in kindred pursuits, and other than a commercial business existing or operating for profit.

The respondent corporation was originally incorporated in 1937 under the name of Anesthetic Advancement and Research Guild, Inc., and within the last year changed its name to Guild Anesthetic Laboratories, Inc., and subsequently to Anesthetic Laboratories, Inc.

In advertisements concerning its medicinal preparation, which is used as a local anesthetic by purchasers such as practicing dentists, physicians and dental colleges throughout the States, the Commission finds, the respondent has represented, among other things that "In its serious efforts to help the Dental Profession the GUILD feels that its policy of education and enlightenment should include, wherever an item is not equitably priced, the production in its own fully equipped laboratory of the EQUIVALENT OR BETTER of the item involved that it may thus offer to the dentist at the lowest possible price." In certain of the respondent's printed matter, the Commission finds, the word "guild," when used in the corporate or trade name, was set out in a different type of lettering with the effect of stressing and directing the attention of the reader to the word "guild."

The respondent corporation is ordered to cease and desist from representing in any manner that it is a guild or association of persons engaged in kindred pursuits for mutual protection, aid and cooperation, or that it is anything other than a commercial business existing or operating for profit; that the respondent is impartially engaged in research for the purpose of advancement of the science of anesthesia, or that the respondent operates for the benefit, education or enlightenment of the medical and dental professions.

The respondent is also directed to cease using the word "guild" or any term of similar import or meaning to describe or in any way refer to its business or products, including use of the word "guild" as part of its trade or corporate name or as part of the brand name of its products. (3816)

**Champion Products Company**—See American Distributors, Inc.

**Jean Ferrell, Inc.**—An order has been issued against Jean Ferrell, Inc., 112-114 East Walton St., Chicago, prohibiting misrepresentation in the sale of "Concentra," advertised as a concentrated food for treating obesity and as a tonic.

Advertising matter issued by the respondent company referred to its product as being a highly concentrated food, safe for use, and, with the addition of liquids, as constituting a balanced diet capable of replacing the ordinary diet, according to findings. The preparation was also advertised as supplying deficiencies to the body, the findings continue, and as correcting overweight and underweight and eliminating poisons from the body by action of its rhubarb content and poisons from the kidneys because of its gravel root content.

Findings are that the respondent's representations were exaggerated and untrue; that the preparation is not a food, and that, because of its high content of rhubarb, it is a drug and not safe to use. The respondent was found to have disseminated false advertisements in that it failed to reveal that use of its product under conditions prescribed in advertisements or under customary conditions may in some cases result in serious injury to health.

The order directs the respondent to cease and desist from disseminating advertisements which represent that "Concentra" is a food or a concentrated food; that with or without the addition of liquids it will constitute a balanced diet or replace the ordinary diet; that it will supply deficiencies to the body, correct organic elements, cause "natural" elimination, correct overweight and underweight, restore or develop a healthy or normal figure, or eliminate poisons from the body or kidneys.

The respondent corporation is also directed to desist from representing that its preparation is safe for use and from disseminating advertisements which fail to reveal that continued use of the preparation over a long period would cause excessive purgation and result in serious injury to the health of the user. (3950)

**Gould Anesthetic Laboratories**—See Anesthetic Laboratories, Inc.

**United Advertising Companies**—See American Distributors, Inc.

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Biovegetin Products, Inc.**, trading as V. M. Products, Chicago, Ill., in the sale of "Neural-Aid", agrees to cease advertising that the preparation is a nerve food or a competent treatment or effective remedy for nervousness, neuralgia, nerve fatigue, constipation, nervous insomnia, constant worry, muscular aches or pains or disturbances of the nervous system, or for neuritis unless the last named representation is limited to the preparation's aid in the treatment of peripheral neuritis, alcoholic neuritis, neuritis due to anemia, neuritis of pregnancy or neuritis of pellagra. The respondent also agrees to cease using the word "Neural" as part of the trade name of the product. (02526)

**Biovegetin Products, Inc.**, in a second stipulation, agrees to desist from representing that its product "Myacin" kills or ends pain or from otherwise implying that it will afford more than temporary relief from pain associated with rheumatism, arthritis, neuritis, sciatica, gout or lumbago; that it contains no harmful or habit forming drugs or affords safe relief, and that its formula originated in Europe or is used by thousands of American doctors and hospitals. The stipulation relates that the respondent's preparation contains an ingredient which has a tendency to be harmful and habit forming. (02528)

**Alonzo O. Bliss Medical Company,** 1811 Columbia Road, Washington, D. C., engaged in selling a medicinal preparation designated "Bliss Native Herb Tablets," agrees to cease representing by use of the word "quickly", or any other word of similar import, that the said product will give immediate relief for, or, by the use of the words "positive relief" or similar words that the product relieves upset stomach, gas bloating pains, acid risings, lost appetite, sour stomach, and headache, due to constipation or other causes; and that the product will flush the bowels or kidneys, stimulate the liver, cause a faster elimination of kidney waste, or is a treatment for the stomach, unless the last mentioned representation is limited to such influences as it might have as a stomachic. (02525)

**Curtis, Owen, Fuller Corporation**—See Owen-Fields, Inc.

**East Coast Fisheries, Inc.**—Stipulation has been accepted from East Coast Fisheries, Inc., 360 West Flagler St., Miami, Fla., to discontinue misleading representations in the sale of certain seafood.

In the sale of its products the respondent agrees to cease using the word "lobster" as descriptive of a species of food fish other than that properly known as "lobster," unless such word is accompanied in equally conspicuous type by appropriate language identifying the species or locality of the product sold.

The stipulation points out that the American lobster, also known as the Northern lobster, is found only along the North American Coast from North Carolina to Labrador; that it is more abundant and attains its greatest size in the northern part of its range in Eastern Maine and the Maritime Provinces, and that this lobster is scientifically known as a particular species. Another food fish found in Southern waters is variously referred to as sea crayfish, spiny lobster, rock lobster, and southern lobster. The term "lobster," however, has long been associated in the minds of the consuming public with the Northern lobster.

The stipulation recites that the respondent company advertised certain seafood as "Fresh Packed Lobster Meat" without proper qualification to describe spiny lobster or sea crayfish or other product not the Northern lobster. (2707)

**Gemal Handkerchief Company**—Jack M. Gemal, trading as Gemal Handkerchief Company, 389 Fifth Avenue, New York, N. Y., engaged in the sale and distribution of handkerchiefs, has agreed to cease describing or referring to himself as a "manufacturer" of handkerchiefs or other merchandise when he neither owns, operates nor directly and absolutely controls the plant or factory in which the goods sold by him are made. (2705)

**General Handkerchief Company, Inc.**, 389 Fifth Avenue, New York, N. Y., in connection with its sale and distribution of handkerchiefs or other merchandise, agrees to cease and desist from designating, describing or referring to itself as a "manufacturer" of handkerchiefs or other merchandise when it neither owns, operates nor directly and absolutely controls the plant or factory in which the goods sold by it are made, or in any manner representing that it has a manufacturing plant of its own for the production of these or other goods or merchandise when such is not the fact. (2706)

**Hudgins Fish Company**—Modified stipulation has been accepted from Hudgins Fish Company, 612 North Olive Ave., West Palm Beach, Fla., concerning use of the word "lobster". In July, 1939 the respondent agreed to discontinue representing sea crayfish by means of certain names containing the word "lobster". In its modified stipulation it agrees to discontinue use of the word "Lobster" or the words "Lobster Meat" or "Lob. Meat" as descriptive of a species of food fish other than that properly known as lobster, unless the designations used are accompanied by appropriate language identifying the species or locality of the product. (2494)

**London House, Ltd.,** New York, N. Y., agrees that in the sale of its products it will cease using the words "London House, Ltd." as and for its corporate and trade name, the address "London" on its trade stationery, the words "London House" in its advertising matter, or picturizations of English characters or scenes, implying that this New York corporation is a London house or company, or manufactures products or conducts business or maintains a branch in London, or that merchandise made in the United States is of English or other foreign origin and imported into the United States, when such are not the facts. (2708)

**Maritime Milling Company, Inc.,** 1009 Chamber of Commerce, Buffalo, N. Y., engaged in selling stock and poultry feeds designated "Bull Brand Dairy Rations" and "Bull Brand Vitamized Complete Starter Ration," has agreed to cease and desist from representing that Bull Brand Dairy Rations alone keeps herds in better physical condition or milk production at consistently higher levels, or is the feed of champions, and that Bull Brand Vitamized Complete Starter Ration alone builds into chicks increased livability, better feathering and pigmentation, or larger or sturdier bodies, or that the use of the complete Bull Brand poultry feeding program assures more eggs, more profit or more money. (02523)

**Owen-Fields, Inc.**—Misleading representations in the sale of advertising material consisting of cuts, mats and printed matter will be discontinued under a stipulation entered into by Harry J. Baruch and two corporations, Owen-Fields, Inc., and the Curtis, Owen, Fuller Corporation, 916 Walnut St., Kansas City, Mo., engaged in the sale of such material. The respondent Baruch is manager and active directing head of the two corporations.

In promoting sales, the individual and corporate respondents, through their canvassing salesmen, made statements to the effect that the advertising material sold by certain competitors was copied from the respondents' copyrighted features and that the purchasers of such "copied" advertising material would become involved in actions at law by reason of using it, according to the stipulation. As a result of such intimidation, the stipulation relates, many advertisers cancelled or attempted to cancel their existing contracts with such competitors.

In their stipulation, the respondents agree to desist from the representation that users of competitive advertising copy resembling the respondents' series may be involved in litigation for copyright infringement, unless suits or actions are immediately prosecuted; from circulation of threats of suits not made in good faith and to injure competitors, and from the representation that purchasers of their advertising features will be assured of exclusive rights within a specified territory to use material incorporating the same or a similar characteristic idea for such advertising material, when such is not a fact. (2710)

**Quality Chemical Company**—Harold C. Breckenridge, 20030 Russell St., Detroit, Mich., trading as Quality Chemical Company and engaged in selling a furniture polish designated "Scientific," certain cosmetics designated "Delora Alice Skin Lotion," "Delora Alice Fine Perfumes," "Flower of the Orient," and "LaFrance," and food products under the general heading "Magic Concentrates" designated "French Chef Flavors," "French Chef Spices," "French Chef Table Syrup" and "French Chef Food Colors," agrees to cease representing that "Scientific" contains a secret ingredient or that Delora Alice Skin Lotion is healing or that it has a healing action. Harold C. Breckenridge further agrees to cease using the word "French" as descriptive of any of his products neither made in France nor composed chiefly of French ingredients; from using the words "La France" and "Orient" as descriptive of any of his perfumes not made in or not composed chiefly of ingredients from, France or the Orient, and to desist from using the words "Pure Ingredients" as descriptive of any product that is synthetically flavored to imitate the real and true flavor. The respondent further agrees to cease using the title "President" or otherwise representing that the business conducted by him as an individual is a corporation or an association. (02524)

**Reid Electric Mfg. Co.,** 543 North Cicero Ave., Chicago, selling "Reid Electric Fencer," an electric controller for use with wire fencing, has entered into a stipulation to cease and desist from misleading representations.

Among representations which the respondent agrees to discontinue are that the use of its device with a single strand of wire, will hold all livestock; that use of the product, in comparison with other types of fencing, will reduce the cost of fencing unless, in this representation, the type of fencing with which comparison is made is clearly indicated, and that the Reid Electric Fencer embodies a new construction principle. (02529)

**Schweizer Tee**—Robert J. Schwyn, trading as Schweizer Tee, Chicago, Ill., stipulates that he will cease representing that the preparation "Schweizer Tee," is competent or effective for treating diabetes; is prescribed or recommended by doctors; helps the organs to function normally, and effects a reduction of sugar or makes a broader diet possible. (02527)

**W. F. Tomlinson Company,** Danbury, Conn., agrees to desist from the representation that its concrete burial vaults are "as enduring as the ages," "as durable as solid granite," or constructed "to last forever"; that either the material used or the type of construction will insure complete protection against moisture, vermin or all other severe underground dangers to which a vault may be exposed, and that an immersion test in water for a limited time, or any similar demonstration is "dramatic proof" or furnishes conclusive evidence that such vaults will permanently remain waterproof or will afford enduring or permanent protection to the caskets or bodies encased therein under the conditions of use. (2709)

## FTC CASE CLOSED

The Federal Trade Commission has closed its case against Colonial Enterprise Company, Inc., 10 West 37th St., New York, which has been charged with the use of lottery methods in the sale of its merchandise.

The respondent corporation was dissolved February 14, 1940.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 13, March 29, 1940

# A Letter to All Broadcasters

In spite of the taunts and sneers of ASCAP, BMI, only recently organized, forced ASCAP's hand and proposals intended to be made public in December 1940, were announced on March 21st. Although, upon first reading, these proposals may appear attractive especially to the small stations, a careful study reveals that it is ASCAP's purpose to divide the industry so as to levy increased tribute. Also, by the continuation of the blanket tax on gross receipts, eliminate the incentive to the development of non-ASCAP music and thereby perpetuate ASCAP's monopoly in the music field.

The proposal, although indefinite in many aspects, is sufficiently definite to outline ASCAP's general views concerning the terms for renewal of licenses, and the proposal, plus ASCAP's actions, clearly indicates that although lip service is given to the idea of negotiation, in effect, ASCAP has summoned its largest customer to another Munich and dictated the terms of surrender.

In studying the proposal, it would be well to keep in mind at least the following facts. Briefly analyzed, ASCAP's proposal demands a payment of approximately $8,500,000 for 1941. This means that, considering the reasonable expected increase in business, over the next ten years broadcasters will pay a total of at least $100,000,000, not for the purchase of ASCAP catalogues, but merely for the use of same. Without consideration of the stations' views, operating problems or other interests, and without consultation with the industry, ASCAP rejects the "per program" basis of payment. We shall continue to pay on news broadcasts, sports events, programs of classical music and other programs containing no ASCAP music. Regardless of the decline in the use of music, we pay the same percentage; regardless of the popularity or merit of ASCAP music or the development of other sources of music, we pay the same percentage of our gross to ASCAP.

ASCAP recognizes the principle of clearance at the source, but without any consultation with the industry as to a feasible or equitable plan, announces a plan designed to divide the industry into warring groups. No one group within the broadcasters' ranks is obligated to fight the battles of any other group, yet we know that the interests of all are related, that an additional burden of $3,500,000 placed upon the industry, regardless of where it first falls, later adjustments will spread the burden over most of the industry. The networks have definitely stated that they cannot accede to the terms and the question immediately arises of the value of an ASCAP license to the affiliates and even to the independents if ASCAP tunes are not played on the networks.

Last July, the broadcasters decided to definitely solve the copyright problem, BMI has been incorporated, 284 stations have pledged $1,253,189.05, a staff has been organized, contacts made within the music field, and we are on our way for once to really construc-

(Continued on page 4126)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## A LETTER TO ALL BROADCASTERS

*(Continued from page 4125)*

tively solve one of our most troublesome problems. The real danger which threatens the industry today is that the apparent attractive features which are dangled before the industry in the ASCAP proposal may tempt some to accept temporary benefits rather than to continue the fight for a permanent solution.

My advice to each broadcaster is to study the proposal carefully, especially regarding the effect upon affiliates in the absence of any agreement between networks and ASCAP, the effect upon independents in the absence of agreements with networks and affiliates with ASCAP, the effect upon our efforts to ever secure a "per program" basis of payment and the opportunity to develop non-ASCAP music, and the effect upon BMI.

In the future, we shall have other problems to meet on an industry wide basis. BMI has already produced some tangible results. Shall we grab the first benefits and live to regret not ascertaining the full possibilities of industry wide cooperation.

Lastly, may I suggest that you write me your personal views and suggestions, so that we may have the advantage of your judgment as to our future action.

Very truly yours,

Neville Miller

## ST. FRANCIS HOTEL PICKED FOR NAB CONVENTION

The NAB convention, August 4-7, will be held at the St. Francis Hotel in San Francisco. Arrangements were completed this week.

## SUPREME COURT DECIDES ON ECONOMIC INJURY THEORY

The Supreme Court on Monday handed down its decision in the much discussed case of *FCC* v. *Sanders Brothers Radio Station,* argued on February 9, 1940. It upholds the principal contention of the FCC, namely, that the Commission is not required to weigh and make findings as to economic injury to an existing station in passing on an application for a broadcast license. The opinion, delivered by Mr. Justice Roberts, stated that if economic loss were a valid reason for refusing a license it would mean that the Commission's function is to grant a monopoly in the broadcasting field, a result which section 311 of the Communications Act expressly negatives, and which Congress would not have contemplated without granting the Commission powers of control over the rates, programs, and other activities of the business of broadcasting.

The Court points out that the question of competition between a proposed station and an existing one is not to be entirely disregarded by the Commission, and makes it clear that under the Communications Act the Commission has no supervisory control of programs, business management or policy of licensees, or any power to regulate rates and charges or suppress wasteful practices due to competition.

The decision overrules the Commission's contention that an existing licensee has no right to appeal from an order of the Commission granting a new license. The court reaches the conclusion that while the economic injury to the existing station would not be the subject of redress, the existing station might be the instrument, upon appeal, of redressing an injury to the public service which would otherwise remain without a remedy.

Some of the language of the opinion is most interesting on the question of the Commission's control over program content. "The Commission is given no supervisory control of the programs, of business management or of policy," and again "Congress intended . . . to permit a licensee who was not interfering electrically with other broadcasters to survive or succumb according to his ability to make his programs attractive to the public." It would seem, therefore, that the Court expressly recognizes that as a corollary to free competition in broadcasting, the stations may put on whatever programs they choose, outside the specific restrictions of the Communications Act itself, in order to compete for listeners and to survive economically.

The facts of the case are set forth in the opinion which is printed below:

## SUPREME COURT OF THE UNITED STATES

### No. 499—October Term, 1939.

FEDERAL COMMUNICATIONS COMMISSION, *Petitioner,*
*vs.*
SANDERS BROTHERS RADIO STATION.
On Writ of Certiorari to the United States Court of Appeals for the District of Columbia.

March 25, 1940.

Mr. Justice Roberts delivered the opinion of the Court.

We took this case to resolve important issues of substance and procedure arising under the Communications Act of 1934, as amended.[1]

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[1] Act of June 19, 1934, c. 652, 48 Stat. 1064; Act of June 5, 1936, c. 511, 49 Stat. 1475; Act of May 20, 1937, c. 229, 50 Stat. 189, 47 U. S. C. 151, *et seq.*

January 20, 1936, the *Telegraph Herald,* a newspaper published in Dubuque, Iowa, filed with the petitioner an application for a construction permit to erect a broadcasting station in that city. May 14, 1936, the respondent, who had for some years held a broadcasting license for, and had operated, Station WKBB at East Dubuque, Illinois, directly across the Mississippi River from Dubuque, Iowa, applied for a permit to move its transmitter and studios to the last named city and to install its station there. August 18, 1936, respondent asked leave to intervene in the *Telegraph Herald* proceeding, alleging in its petition, *inter alia,* that there was an insufficiency of advertising revenue to support an additional station in Dubuque and insufficient talent to furnish programs for an additional station; that adequate service was being rendered to the community by Station WKBB and there was no need for any additional radio outlet in Dubuque and that the granting of the *Telegraph Herald* application would not serve the public interest, convenience and necessity. Intervention was permitted and both applications were set for consolidated hearing.

The respondent and the *Telegraph Herald* offered evidence in support of their respective applications. The respondent's proof showed that its station had operated at a loss; that the area proposed to be served by the *Telegraph Herald* was substantially the same as that served by the respondent and that, of the advertisers relied on to support the *Telegraph Herald* station, more than half had used the respondent's station for advertising.

An examiner reported that the application of the *Telegraph Herald* should be denied and that of the respondent granted. On exceptions of the *Telegraph Herald,* and after oral argument, the broadcasting division of petitioner made an order granting both applications, reciting that "public interest, convenience, and necessity would be served" by such action. The division promulgated a statement of the facts and of the grounds of decision, reciting that both applicants were legally, technically, and financially qualified to undertake the proposed construction and operation; that there was need in Dubuque and the surrounding territory for the services of both stations, and that no question of electrical interference between the two stations was involved. A rehearing was denied and respondent appealed to the Court of Appeals for the District of Columbia. That court entertained the appeal and held that one of the issues which the Commission should have tried was that of alleged economic injury to the respondent's station by the establishment of an additional station and that the Commission had erred in failing to make findings on that issue It decided that, in the absence of such findings, the Commission's action in granting the *Telegraph Herald* permit must be set aside as arbitrary and capricious.[2]

The petitioner's contentions are that under the Communications Act economic injury to a competitor is not a ground for refusing a broadcasting license and that, since this is so, the respondent was not a person aggrieved, or whose interests were adversely affected, by the Commission's action, within the meaning of Section 402(b) of the Act which authorizes appeals from the Commission's orders.

The respondent asserts that the petitioner in argument below contented itself with the contention that the respondent had failed to produce evidence requiring a finding of probable economic injury to it. It is consequently insisted that the petitioner is not in a position here to defend its failure to make such findings on the ground that it is not required by the Act to consider any such issue. By its petition for rehearing in the court below, the Commission made clear its position as now advanced. The decision of the court below, and the challenge made in petition for rehearing and here by the Commission, raise a fundamental question as to the function and powers of the Commission and we think that, on the record, it is open here.

First. We hold that resulting economic injury to a rival station is not in and of itself, and apart from considerations of public convenience, interest, or necessity, an element the petitioner must weigh and as to which it must make findings in passing on an application for a broadcasting license.

§307(a) of the Communications Act directs that "the Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act." This mandate is given meaning and contour by the other provisions of the statute and the subject matter with which it deals.[3] The Act contains no express command that in passing upon an application the Commission must consider the effect of competition with an existing station. Whether the Commission should consider the subject must depend upon the purpose of the Act and the specific provisions intended to effectuate that purpose.

## ASCAP Asks $8,500,000

Due to several indefinite features of the ASCAP proposal it is possible only to estimate what it would mean to the broadcasters in dollars and cents.

The industry paid ASCAP $3,878,752 in 1937, the most recent year for which figures are available. Under the ASCAP proposal, broadcasters would have paid $6,508,036.

Projected to the business reasonably expected in 1941, it is estimated that the proposal would require payment of $8,500,000 in that year.

The genesis of the Communications Act and the necessity for the adoption of some such regulatory measure is a matter of history. The number of available radio frequencies is limited. The attempt by a broadcaster to use a given frequency in disregard of its prior use by others, thus creating confusion and interference, deprives the public of the full benefit of radio audition. Unless Congress had exercised its power over interstate commerce to bring about allocation of available frequencies and to regulate the employment of transmission equipment the result would have been an impairment of the effective use of these facilities by anyone. The fundamental purpose of Congress in respect of broadcasting was the allocation and regulation of the use of radio frequencies by prohibiting such use except under license.

In contradistinction to communication by telephone and telegraph, which the Communications Act recognizes as a common carrier activity and regulates accordingly in analogy to the regulation of rail and other carriers by the Interstate Commerce Commission,[4] the Act recognizes that broadcasters are not common carriers and are not to be dealt with as such.[5] Thus the Act recognizes that the field of broadcasting is one of free competition. The sections dealing with broadcasting demonstrate that Congress has not, in its regulatory scheme, abandoned the principle of free competition, as it has done in the case of railroads,[6] in respect of which regulation involves the suppression of wasteful practices due to competition, the regulation of rates and charges, and other measures which are unnecessary if free competition is to be permitted.

An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts. That such ability may be assured the Act contemplates inquiry by the Commission *inter alia,* into an applicant's financial qualifications to operate the proposed station.[7]

But the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel.

The policy of the Act is clear that no person is to have anything in the nature of a property right as a result of the granting of a license. Licenses are limited to a maximum of three years' duration, may be revoked, and need not be renewed. Thus the channels presently occupied remain free for a new assignment to another licensee in the interest of the listening public.

Plainly it is not the purpose of the Act to protect a licensee against competition but to protect the public. Congress intended to leave competition in the business of broadcasting where it found it, to permit a licensee who was not interfering electrically with other broadcasters to survive or succumb according to his ability to make his programs attractive to the public.

This is not to say that the question of competition between a proposed station and one operating under an existing license is to be entirely disregarded by the Commission, and, indeed, the Commission's practice shows that it does not disregard that question. It may have a vital and important bearing upon the ability of the applicant adequately to serve his public; it may indicate that both stations—the existing and the proposed—will go under, with the result that a portion of the listening public will be left without adequate service; it may indicate that, by a division of the field, both stations will be compelled to render inadequate service. These matters, however, are distinct from the consideration that, if a license be granted, competition between the licensee and any other existing station may cause economic loss to the latter. If such economic loss were a valid reason for refusing a license this would mean that the Commission's function is to grant a monopoly in the field of broadcasting, a result which the Act itself expressly negatives,[8] which Congress would not have contemplated without granting the Commission powers of control over the rates, programs, and other activities of the business of broadcasting.

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[2] Sanders Brothers Radio Station v. Federal Communications Commission, 106 F. (2d) 321.

[3] Radio Commission v. Nelson Bros. Co., 289 U. S. 266, 285.

[4] See Title II, §§ 201-221, 47 U. S. C. §§ 201-221.

[5] See § 3(h), 47 U. S. C. § 153(h).

[6] Compare Texas & Pacific Ry. v Gulf, etc. Ry., 270 U. S. 266, 277; Chicago Junction Case, 264 U. S. 258.

[7] See § 308(b), 47 U. S. C. § 308(b).

We conclude that economic injury to an existing station is not a separate and independent element to be taken into consideration by the Commission in determining whether it shall grant or withhold a license.

Second. It does not follow that, because the licensee of a station cannot resist the grant of a license to another, on the ground that the resulting competition may work economic injury to him, he has no standing to appeal from an order of the Commission granting the application.

§402(b) of the Act provides for an appeal to the Court of Appeals of the District of Columbia (1) by an applicant for a license or permit, or (2) "by any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application."

The petitioner insists that as economic injury to the respondent was not a proper issue before the Commission it is impossible that §402(b) was intended to give the respondent standing to appeal, since absence of right implies absence of remedy. This view would deprive subsection (2) of any substantial effect.

Congress had some purpose in enacting §402(b) (2). It may have been of opinion that one likely to be injured by the issue of a license would be the only person having a sufficient interest to bring to the attention of the appellate court errors of law in the action of the Commission in granting the license. In this view, while the injury to such person would not be the subject of redress, that person might be the instrument, upon an appeal, of redressing an injury to the public service which would otherwise remain without remedy. It is within the power of Congress to confer such standing to prosecute an appeal.[9]

We hold, therefore, that the respondent had the requisite standing to appeal and to raise, in the court below, any relevant question of law in respect of the order of the Commission.

Third. Examination of the findings and grounds of decision set forth by the Commission discloses that the findings were sufficient to comply with the requirements of the Act in respect of the public interest, convenience, or necessity involved in the issue of the permit. In any event, if the findings were not as detailed upon this subject as might be desirable, the attack upon them is not that the public interest is not sufficiently protected but only that the financial interests of the respondent have not been considered. We find no reason for abrogating the Commission's order for lack of adequate findings.

Fourth. The respondent here renews a contention made in the Court of Appeals to the effect that the Commission used as evidence certain data and reports in its files without permitting the respondent, as intervenor before the Commission, the opportunity of inspecting them. The Commission disavows the use of such material as evidence in the cause and the Court of Appeals has found the disavowal veracious and sufficient. We are not disposed to disturb its conclusion.

The judgment of the Court of Appeals is reversed.

Mr. Justice McReynolds took no part in the decision of this case.

## EDWIN M. SPENCE RESIGNS AS NAB SECRETARY-TREASURER

Edwin M. Spence, Secretary-Treasurer of the NAB today presented his resignation to the Board of Directors through President Neville Miller. The resignation is to become effective May 1.

Mr. Spence has been Secretary-Treasurer of the Association since its reorganization in 1938. He is one of the oldest members of NAB and served as a member of its Board of Directors for many years and was vice president of the Association in 1930-31. He also has been chairman of the annual convention committee for the past fourteen years.

Recently in association with Stanley Horner and Dyke Cullum, both well-known Washington residents and business men, he formed the Capital Broadcasting Company and applied for a license to operate a local, full time station in the District of Columbia. Mr. Spence will be general manager in charge of the station if the FCC grants the application.

## C. E. ARNEY, JR., APPOINTED ASSISTANT TO MILLER

Neville Miller today announced the appointment of C. E. Arney, Jr., public relations director of KOMO-KJR, Seattle, as assistant to the president of the NAB, effective April 1.

Mr. Arney will leave for the east next Monday, conferring with members in and near San Francisco, Los Angeles, Salt Lake City, Denver, Kansas City and Chicago en route. He will arrive in Washington about April 15.

Mr. Arney was born January 9, 1891. He received his grade school and high school education in Pocatello and Boise, Idaho, and Washington, D. C. Graduated with an LL.B. degree from the University of Washington in 1915, he spent the next three years in the United States Attorney General's office in Washington.

He then returned to the Northwest where he engaged in association work with various organizations until 1932 when be became editorial commentator and news reporter on Station KOL. Since then he has engaged in various radio activities, including the conducting of radio programs from the state capitol. At present, he is public relations director for KOMO-KJR, Seattle.

Mr. Arney is married and has twin daughters.

## FM HEARING

### Thursday, March 21

The FCC hearing on "High Frequency" was resumed Thursday when Chairman Fly recalled Dr. Pickard to the stand. Dr. Pickard was questioned about the characteristics of 26 MC and 40 to 50 MC bands. He said that on 26 MC there is a skip distance of approximately 800 miles and that day transmissions on the order of thousands of miles could be expected. He said that as far as ground wave is concerned the two bands are quite similar. Dr. Pickard said that the diffraction effects are not as pronounced in the 26 MC band and therefore a more uniform field is produced. Dr. Pickard said that there was more static at 26 MC than in the 40 to 50 MC band. When Dr. Pickard was on the stand Wednesday he testified that the 40 to 50 MC band would be more suitable for broadcasting than would be the 26 MC band, and he was asked what would be the most feasible use for the 26 MC band, and he suggested that it might be used for special services, such as forestry, police, and possibly aviation. Commissioner Brown wanted to know if it would be extra expense in the receiver if part of the FM band was around 26 MC and the rest in the 40 to 50 MC region and the answer was yes, and that there also would be a bother to the listener in switching bands. Dr. Pickard continued that it would probably cost two or three dollars more for each receiver and this price would be reflected to the ultimate consumer, something on the order of nine to fifteen dollars. Mr. Jett asked about the relative intensity of auto ignition noise on the two bands, and Dr. Pickard told him that in general, man-made static increases and static decreases as the frequency goes up.

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[8] See § 311, 47 U. S C. § 311, relating to unfair competition and monopoly.

[9] Compare Interstate Commerce Commission v. Oregon-Washington R. Co., 288 U. S. 14, 23-25.

The next witness for the FM Broadcasters, Inc., was Professor Daniel E. Noble of the Connecticut State College, Storrs, Connecticut. Professor Noble stated that he believes FM is ready for regular service. He said that his home at Storrs was 40 miles from 1 KW FM station at Meriden and 40 miles from the 2 KW FM station at Paxton. He said that there was a standard band 50 KW and a 5 KW station in Hartford, about 20 to 25 miles from his home. Professor Noble said that his reception from the FM stations was superior in point of noise and "High Fidelity" over the standard band stations. He said that quality could be obtained easier with FM than AM, due to the fact that circuit design rather than tube characteristics was the determining factor. Mr. Jett asked about police work in which the audio-band was limited to voice frequencies below 3,000 cycles, and using a band width of 40 KC and if you could get the same noise reduction as you do with 15,000 cycles and 200 KC band widths, and Professor Noble answered yes, if a cut-off filter was put in at 3,000 cycles. Professor Noble felt that distortion in the upper audio-frequencies was important in deciding a like or dislike for a wide audio-band and that we do not know all that we could on this subject.

Mr. A. F. Sise, engineer of the Yankee Network of Boston, explained how he made field measurements on the Paxton and Meriden FM stations. He used a recorder geared to the car speedometer. Mr. Sise said that his home was at Wellsley, part of Boston, located approximately 10 to 12 miles from regional stations and approximately 9 miles from a clear channel station, and he did not get what he considers satisfactory service. On the other hand, he explained that the 2 KW FM Paxton station, 35 miles away, was practically perfect and that he rarely ever heard noises on it. He also recited his experience in Paxton, approximately 70 miles from FM station at Meriden and approximately 5 miles from the local 1 KW Worchester station. He said that the reception on the Meriden FM station was superior. Mr. Sise explained that he has had considerable experience with AM and FM on the same frequency and it was his opinion that the FM system was quite superior.

The next witness for FM Broadcasters, Inc., was Morris Levy, Chief of Radio Development Laboratories of Stromberg Carlson at Rochester, New York. Mr. Levy explained measurements which he had made on a receiver comparing a wide band with three narrower ones and he obtained signal to noise ratios under four conditions as follows:

| *Channel Width* | *Frequency Swing* | *Signal to Noise Ratio* | A* |
|---|---|---|---|
| 40 KC | 30 KC | 48 DB | 14 DB |
| 80 KC | 60 KC | 54 DB | 8 DB |
| 160 KC | 120 KC | 60 DB | 2 DB |
| 200 KC | 150 KC | 62 DB | 0 |

Mr. Levy explained an experiment he conducted comparing an AM receiver with FM and he found that it required about 100 times the signal on AM to get the same signal to noise ratio out of the loud speaker as was required with FM using 150 KC swing and a ratio of 2 to 1. Mr. Levy's exhibit contained a graph he had made showing the frequency drift of a typical receiver. This graph showed that a minute after the set had been turned on the receiver had drifted 5.3 KC and that at the end of 10 minutes it had drifted 14.4 KC and at the end of 40 minutes it had drifted to 20 KC and beyond that there was no drift. Mr. Levy explained that this drift is more serious as the band width used is narrowed down, however, he said he believed that the drift problem was not insurmountable, if we were to use a band narrower than 200 KC.

The next witness for FM Broadcasters, Inc., was Mr. I. R. Weir, of General Electric Co. Mr. Weir began description of tests made between AM and FM at Schenectady and Albany. His testimony was continued on Monday, March 25.

### Monday

Mr. Weir said that a 150 watt FM transmitter was employed at Albany and a 50 watt FM station at Schenectady, a distance of 14.5 miles on the same frequency. He made tests with a receiver in a car and found that the Albany transmitter had a range of approximately 10½ miles and that there was a one mile transitional area and that the Schenectady transmitter had an interference free distance of three miles. He then made the same test with Amplitude Modulation and found that the Albany station had a range of about 3.3 miles and the Schenectady transmitter a range of about ½ mile. Mr. Weir described a test which he had made in which the desired to undesired signal ratio was 2 to 1 and that with a 150 KC FM swing the signal to interference ratio out of the receiver was 40 DB. He said that the same input ratio on an AM receiver gave about an 8 DB ratio out of the receiver. Mr. Weir said that in his opinion a 15 to 20 DB difference between signal to interference was needed for intelligence transmission and that a 50 to 60 DB ratio was needed for high quality. Mr. Weir explained that a 40 DB difference would be satisfactory but that more people would be pleased with a difference of 50 to 60 DB.

Mr. H. P. Thomas, radio engineer for General Electric, was the next FM Broadcasters, Inc., witness. Mr. Thomas explained that he found in a test that if the audio band were limited to 3,000 cycles and the deviation was 5 to 1, that the signal plus noise to noise ratio stayed about the same as for a wider audio band with the same deviation. Mr. Thomas said that he saw possibilities for other services than broadcasting using a narrow audio band, and a correspondingly smaller frequency band. Mr. Thomas described adjacent channel interference experiments in which he had used a 40 KC channel and a 30 KC swing. He found that with adjacent channel operation there was interference, but with an 80 KC separation there was no interference. He said that the interference factor apparently is dependent on width of swing. Mr. Thomas explained calculations which showed that the ratio of band width to frequency swing, in order to keep distortion at the same amount, increased as the deviation ratio was reduced.

Dr. Pickard was recalled to the stand in order to describe adjacent channel measurements he had made with a 200 KC and a 40 KC band width. His measurements show that on the average the adjacent channel interference was minus 39 DB down on the 200 KC band using a 150 KC swing and down minus 24 DB on the 40 KC band using a swing of 40 KC, giving a difference in adjacent channel selectivity of 15 DB in favor of the wider band.

The last and concluding witness for FM Broadcasters, Inc., was Paul A. deMars, technical director of the Yankee Network. Mr. deMars explained that he was freed of his duties at the Yankee Network in order to coordinate a preparation of the technical data for the FM Broadcasters. Mr. deMars said that if the band width is reduced from 200 to 40 KC that there must be an increase in power of 25 times and that the stations then would have to be spaced at a greater distance, and cognizance should also be taken of adjacent channel interference. Mr. deMars said that he used a signal to noise ratio out of the receiver of 40 DB in all interference problems. He said that the earth's conductivity has little or no effect on frequencies of the order of 45 MC but instead we do have a pronounced effect due to terrain. He said that the signal might depart as much as three times from the average over broken terrain and that the signal might depart as much as ten times in mountainous regions, such as New England and the Allegheny Mountains. Mr. deMars continued that over distances of 100 miles or more that there is considerable variation in field strength and these variations are caused principally by variation in dielectric constant of the atmosphere; refractions and reflections from layers of atmosphere with different characteristics. Mr. deMars entered an exhibit showing these variations as determined by the available data on the subject. He said that more data were needed on these variations, however he believed that the curves he presented could be used for a sound allocation. Mr. deMars said that auto ignition was one of the principal limiting factors on the U.H.F., but that as time goes on this will be eliminated.

Mr. deMars introduced a factor which he called Radiation Efficiency and later this was changed to Radiation Index, abbreviated to R.I. According to Mr. deMar's definition the Radiation Index equals the square root of the power delivered to the antenna times the height of the antenna above the surrounding terrain times a factor for the gain of the antenna. Mr. deMars suggested this factor as a means of taking into account the three items involved in the radiation at Ultra-High-Frequencies. As requested by Chairman Fly, the FM Broadcasters prepared allocation exhibits and Mr. deMars entered these, with the suggestion that three classes of stations be provided for. Mr. deMars stated that he believed that a vastly superior service would be rendered to more people of the United States by the use of FM and that for a period of years it is fair to presume that the wide open spaces will receive service in the present band, but that he is not so sure that FM will not ultimately cover the rural areas also.

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* A power would have to be raised this amount to get same signal to noise ratio as with 200 KC channel.

Mr. deMars summed up his findings with the statement that the conclusion was inescapable that FM is vastly superior to AM.

### Tuesday

Tuesday's testimony was resumed with Mr. deMars on the stand. He entered into further details on the allocation maps he had prepared showing that a station could be provided for in every city of 10,000 or more, with a radiation of R.I. equal to 300 which could be obtained with 1 KW and an antenna height of about 200 feet.

He said that complete coverage would be attained to a distance of 15 miles provided that the stations are separated 40 miles or more. Mr. deMars used four channels to accomplish this and said that provided one channel is allowed between stations that they could be allocated indiscriminately.

For cities and population areas of 100,000 or more, Mr. deMars assumed an R. I. of about 1500, which could be accomplished with powers on the order of several KW. Under these conditions each station would have a good coverage of 35 miles and the stations would be separated approximately 90 miles. Mr. deMars also entered an Exhibit showing stations with an R. I. of 5,000. In response to Mr. Jett's question about horizontal and vertical polarization, Mr. deMars said that we do not have enough data yet to determine which is best, however, it was his opinion that horizontal polarization gives a higher signal to noise ratio than does vertical, and in response to Commissioner Craven's question he said that he did not think the Commission should specify which polarization should be used at this time. Under cross examination by Mr. Wozencraft, Mr. deMars said that under average conditions and R. I. of 5,000 that at 100 miles the signal of about 10 microvolts would prevail and would render rural service. He also said that if the channel is cut in half that four times the power is needed in order to give the same signal to noise ratio and that then the coverage would substantially be the same. Mr. deMars also said that the number of channels required for a comprehensive broadcast coverage to the United States would depend on many factors, however, his guess was that about 30 or 40 channels would be necessary, in order to provide a nation-wide service and to allow stations to be located so as to fill the needs of the country and to give a service superior to our present service. When asked if FM could be used affectively above 100 MC Mr. deMars answered yes, but he said that it would be undesirable from a receiver point of view to have part of the FM band around 42 MC and part of it around 100 MC. He said that the receivers would be more difficult and more expensive on 100 MC. He said he had no doubt but what the receivers would be developed to a satisfactory point in time, for frequencies on the order of 100 MC. Mr. deMars said that in order to take advantage of FM in television that it would be necessary to go to higher bands and that technically television is a misfit in the present band. In answer to Mr. Wozencraft's question Mr. deMars said that it would take about an 8 to 10 MC channel width in order to transmit video and sound by means of FM.

Mr. Eugene O. Sykes, appearing for William D. Finch, made a statement that Mr. Finch would not give testimony as previously intended because the testimony would merely be a repetition of facts already entered by others. Mr. Sykes stated on behalf of Mr. Finch the belief that facsimile would develop rapidly in many fields and that Mr. Finch agrees with the testimony of FM Broadcasters that a 200 KC band should be used in order that facsimile can be multiplexed along with the program. He continued that should future developments show that the band was wider than necessary that it could then be narrowed down, but on the other hand, if the band was narrowed down now and it was found to be too little, it would be difficult to make a readjustment.

The next party to the "High Frequency" hearing to appear was Mr. John V. L. Hogan, consulting engineer and inventor of New York City. Mr. Hogan expressed the opinion that aural broadcasting on the frequencies above 25 MC has reached a stage of development such that it is acceptable for rendering a regular broadcast service to the public and he based this opinion on experience with his own FM station in New York. Mr. Hogan believes that FM can render a superior service out to 100 miles over stations in the present band. As to the relative merits of FM and AM, Mr. Hogan said that this question was answered by the ratio of 2 to 1 up to 4 to 1 signal to noise ratio required on FM, as against the 100 to 1 or better required on AM. Mr. Hogan showed the Commission two samples of facsimile transmissions, one by means of AM and the other by means of FM, both transmitting in the Ultra-High Frequency. The FM sample had a lighter, more white background giving visual evidence to the noise suppression ability of FM. In regard to width of band Mr. Hogan recommended that 200 KC bands be used and that if future development shows that a smaller band can be used, then the bands can be narrowed. Mr. Hogan stated that at last we have found a way to allocate on the same frequencies with little or no waste space between stations and it was his belief that a national system of allocation using FM can be made to include broadcasting, facsimile, educational, etc. In response to a question by Chairman Fly, Mr. Hogan said that some people still might wish to work on AM and that they should be allowed to do so. Commissioner Craven asked if AM had any advantages over FM and he received a negative answer. Mr. Hogan expressed the opinion that educational stations should go to FM and that the educational band should be contingent to the regular broadcast band. Mr. Hogan took up a discussion of the future effects of U.H.F. broadcasting upon the present standard broadcasting band and he said that we should keep in mind that service to the public can be a combination of the present band and FM in the U.H.F. The standard band ultimately could be made up of channels with one, two, or three stations on each and that these could be used to cover rural areas by sky-wave. He said that the combination of the two would make it possible to give every person in the country selection of at least two programs and every city big enough could have its own station or stations. Mr. Hogan said that he hoped that the FCC would consider a 41 to 44 MC consolidation for 200 KC FM bands. He said that from an engineering consideration he believes that the lower frequencies are not as well suited to television, however, he did not wish to have this opinion construed as meaning that he recommended the taking of a television band for FM. Mr. Hogan said that if the 27 MC band was also used for FM in addition to the 42 MC band that the cost of receivers would go up and that the complication of two FM bands would be undesirable. In response to a question put to him by Commission Attorney Bauer, Mr. Hogan expressed the opinion that an experimental period is not necessary and that FM is now ready for regular commercial use.

The next witness was Mr. Stewart L. Bailey, appearing for Jansky & Bailey, Consulting Engineer of Washington. Mr. Bailey said that a 200 KC band is necessary for good reproduction with a 150 KC swing, and that the extra 50 KC is not exactly a guard band. Mr. Bailey explained some of the experiments conducted with their FM station, W3XO, on 43.2 MC with 1 KW. He explained how they had multiplexed an International Business Machine Radio Typewriter along with high quality aural broadcasting. He said that the speed of typing was 100 words per minute. The multiplexing was done with two tones of 21 KC and 22.8 KC and that a deviation of 10 KC was used on the typewriter circuit being superimposed on the regular transmission. He said that in order to do this the maximum swing for the aural transmission was limited to 65 KC instead of 75. Mr. Bailey explained that no filter was needed on the receiver to keep the typewriter impulses out of the program, but that a filter was necessary on the circuit feeding the typewriter in order to filter out the voice and music. Mr. Bailey explained an adjacent channel experiment which he had performed, using adjacent channel 200 KC bands. He said that the desired to undesired signal ratio was on the order of 1 to 5 up to 1 to 10 in order to give the same freedom from interference as was experienced on the same channel with a desired to undesired ratio of 2 to 1. It was Mr. Bailey's conclusion from this experiment that adjacent channel operation is not feasible within the service area of a station. Mr. Bailey then described his experiment with two channel difference and he said that he was not able to get enough interfering signal to properly measure it and his conclusion then was that two channel separation would be OK in all cases.

The next party to the hearing was the International Business Machine Company and Mr. Walter S. Lemmon, General Manager of Radio Type Division, appeared as their witness. Mr. Lemmon said that they subscribed to the Jansky & Bailey testimony. He said that they believe that the radio typewriter is of use in broadcasting and transmitting news.

He described their high speed news service in which they can project the news onto a six-foot long screen. Mr. Lemmon said that they were very interested in multiplexing their radio typewriter along with aural FM broadcasting, and that they are developing circuits for its use. He said that a printer system could be provided for by radio relays to give service across the country. Mr. Lemmon advocated frequency space for experimentation along this line, and he said that he felt that the application could better be above 100 MC.

### Wednesday

Chairman Fly resumed the hearing Wednesday with the statement that the Commission wished to finish on Thursday and that they would sit whatever hours were necessary.

Horace Lohnes on behalf of Muzak, presented Mr. Waddill Catchings, President of Wired Radio and Chairman of the Board of AMP. Mr. Catchings said that they were interested in FM because it could give to the public what they proposed giving over wire with less cost and with less noise and interference. He said that they had conducted field tests which showed that among even the poorer classes of people that the public was willing to pay an additional cost for High Fidelity and interference clear signals.

He said that in Muzak they have everyday indications that the public appreciates and wants more faithful reproduction. Mr. Catchings said that they now have transcriptions which are good out to 11 or 12 thousand cycles but that the telephone lines will not carry a range of better than 7,500 cycles. Mr. Catchings said that when they do put on their wire system records which cut at 6,000 that they get complaints from customers. He said that they have about 600 business establishments and 100 homes equipped in New York City. Mr. Catchings said that the frequency range should certainly be out to 13 KC and preferably to 15 KC for good reproduction. Mr. Catchings quoted from the "Atlantic Monthly" in which Leopold Stokowsky had said, "The average capacity of the ear is 15,000 cycles and that 13,000 cycles is necessary." Mr. Catchings said that the quality on their wired system was better than from the standard broadcast stations and that the quality from FM stations was still better. Mr. Catchings stated that if FM is allowed to go ahead that the small stations could compete on a more equal basis with the network stations through the use of High Fidelity records. He said that the monthly charge for Muzak service in the home was $1.50 per month including everything except the power, and the charge for restaurants and hotels varied from $15 to $75.

Mr. Reed Rollo, for station WSM, said that they would not present testimony in view of the fact that it would be a repetition of what had already been entered.

Horace Lohnes on behalf of Runyon made a similar statement.

Mr. Wozencraft opened RCA's testimony by saying that they favored FM broadcasting on the Ultra-High-Frequencies with adequate channels to serve the country.

Dr. H. H. Beverage, chief research engineer, was the first RCA witness. He said that at 25 to 27 MC we are approaching the limit of Sky-Wave transmission and that these frequencies are not particularly useful for long distance communication. He said that in the daytime these frequencies have some long distance sky-wave propagation, but at night the transmission is limited to ground wave. Mr. Beverage said that in the UHF, useful ground wave signals can be obtained to two horizons and possibly to three. RCA had found that their measurements on frequencies up to 100 MC corresponds very closely with the theoretical work of Dr. K. A. Norton of the FCC. Dr. Beverage said that beyond the horizon signals vary greatly, however, he believed that Dr. Norton's curves on the average, represented true transmission characteristics. He said that we could expect variations of as much as 20 DB due to terrain variations and that variations of 1,000 to 1 in signal might be expected due to terrain and fading at a distance of about 100 miles. Mr. Beverage said that man made noises were caused by such things as motors, razors, contactors, and any electrical equipment that sparks and that probably the greatest source of noise in the UHF is auto ignition, and that in urban areas, diathermy interferences might be bad. Dr. Beverage explained noise measurements which he had made in the New York area and the noise peaks in urban areas varied from 20 to 1000 microvolts, and in suburban areas from 2 to 100 microvolts, and in rural areas up to 10 microvolts. He said that in rural areas the noise was sometimes the fluctuation noise threshold of the receiver, this was caused by thermal agitation and shot effect on the first tube and that he had measured these noises between a fraction of a microvolt to several microvolts. Mr. Beverage was asked if FM was universally applicable and he said no; that FM is distorted by multipath transmissions. In answer to a question put by Mr. Craven, it was Mr. Beverage's opinion that sky-wave could be entirely disregarded in the 40 MC band but not in the 27 MC. Mr. Beverage said that FM transmitters are cheaper, simpler, and require less power, and that FM receivers for a given field strength will give a better signal to noise ratio out of the loud-speaker. He described the threshold of a receiver as that point where the noise peaks are equal to the signal peaks and he said that for good service with FM the signal should be 6 DB or higher above the noise. Mr. Beverage said that the swing determines the gain over noise and that as the swing is widened the gain over noise becomes better, however, as the swing broadens out the noise accepted by the receiver is greater. Within the threshold the wider the band the better signal to noise ratio will be obtained out of the loud-speaker, and that as the band is broadened out the threshold moves closer to the station.

The next RCA witness was Mr. Raymond F. Guy, Radio Facilities Engineer of NBC. He explained that they had conducted experiments using AM, 30 KC frequency swing and 150 KC frequency swing with 1 KW and 1000 foot high antenna. His measurements showed that with the 150 KC swing the threshold was at 86 miles and that on 30 KC the threshold was at approximately 100 miles, however, the 30 KC was not of such a high grade service. Mr. Guy's curves showed that at 86 miles the 150 KC transmission had a signal to noise ratio out of the loud-speaker of 52 DB and the 30 KC transmission had a ratio of 38 DB. Mr. Guy explained that he considered that with a signal to noise ratio out of the loud-speaker of 20 DB-RMS, the service was very poor, and with 30 DB the service was fair, and with 40 DB the service was very good and 50 DB or better excellent. Mr. Guy's experimental work showed that there is about a 16 DB gain over noise in going from Amplitude to FM with a 30 KC swing and that the difference between Amplitude and 150 KC swing is about 30 DB, provided the distance at which the receiving is being done is within threshold distance. Mr. Guy also showed an adjacent channel test that he had made using 200 KC bands and he said that where the undesired carrier to desired ratio was less than 11 DB that there was no cross talk.

The next NBC witness was Stewart Seeley of the RCA License Laboratories. Mr. Seeley said that he was the inventor of pre-emphasis and a discriminator circuit. He said that by pre-emphasis the high frequencies are accentuated in the transmitter and in the receiver they were restored to the original level, thereby materially decreasing the high frequency noises which would have normally been accepted by the receiver. Mr. Seeley said that FM receivers should be more sensitive due to the fact that lower signals can be used on FM. This would probably mean the addition of 1 amplifier stage to the receiver. He said that fidelity is independent of band width so long as the band width is at least twice as wide as the highest audio-frequency. In discussing distortion, Mr. Seeley said that distortion was mainly a function of circuits in FM, and that the tube characteristics were a function of the quality of the audio amplifier, however, this was a minor factor in determining the amount of distortion. He said that two circuits must be of linear characteristics in FM and these were the discriminator and the limiter. Mr. Seeley said that circuit stability was important in the high frequencies and he said that we have always had the problem of oscillator drift with us since the beginning of broadcasting and that he felt that whatever minimum receiver drift was necessary that it would be developed. Mr. Seeley said that the tolerable receiver drift is probably about 10 per cent of the band width used. This allows for 20 KC drift using a 200 KC band and a 4 KC drift using a 40 KC band. Mr. Seeley showed receiver drift characteristics which he had taken at 40 MC, in which the drift was kept down to 1.1 KC. Mr. Seeley presented an exhibit showing the present list price of a number of receivers and his estimate for the price of the same receiver, including an FM band. His estimate on most receivers was an increase in price of between 20 and 50 per cent, determined by the size of the set and whether the minimum or maximum FM performance was put in.

Mr. Seeley said that a price of about $170 would be required to get a frequency range up to 11,000 cycles and good quality on an FM combination set.

The next RCA witness was Mr. Worth C. Lent of Washington. Mr. Lent said that RCA had accepted a signal to noise level of 30 DB peak, which is the equivalent to 40 DB-RMS below which a service should not be degraded. Mr. Lent presented a chart showing the variation in distance to outer service boundary as a function of radiated power and this showed that there was a relatively small increase in service radius with an increase in power. It showed that as the power was raised 10 times the radius was increased about 19%. On another chart he showed the variation of the outer service boundary distance as a function of transmitting antenna height and this showed approximately that as the antenna height was doubled the service radius increased by about 14%. Mr. Lent also presented another chart which showed the variation of peak signal to noise ratio as function of distance to outer service boundary for various maximum deviations. This showed that as the deviation was increased the distance to the outer service boundary decreased, due to the threshold being reached sooner.

This chart also showed that the peak signal to noise ratio decreased as the swing was decreased. Another chart of Mr. Lent's showed that in the 41 to 44 MC band there would be room for 15 channels using a band width of 200 KC, 21 channels using 140 KC band, 37 channels using an 80 KC band and 75 channels using a 40 KC band. This chart also showed the separation distance required with an antenna 1,000 feet high and a power of 1 KW. On the 200 KC band the separation required was 255 miles and for the 40 KC band the separation required was 300 miles. Mr. Lent then presented exhibits showing allocations he had worked out for different band widths. He presented four allocation plans. One each for 40, 80, 140 and 200 KC bands. His allocation plans showed that for the 40 KC band there could be allocated six stations in each city east of the Mississippi and that with the 80 KC bands 64 metropolitan areas could be each given three facilities. His plan for the 140 KC bands showed that 62 metropolitan areas could have two facilities each and his plan for 200 KC bands showed that 66 metropolitan areas could have one facility each. Mr. Lent showed two circles for each station. The inner circle corresponded to the service now rendered on the present band with 5 MV for urban service, and the outer circle corresponds with the present ½ MV contour for rural service. Chairman Fly excused Mr. Lent from the stand and said that his cross examination would be left until Thursday.

Mr. Otto S. Schairer, of the Patent Department of RCA, identified Exhibits giving patent information.

On behalf of Stromberg Carlson Manufacturing Company, Mr. Phil Loucks read a statement in which he listed the different models of FM receivers so far delivered to the Stromberg Carlson distributors and dealers. This was a total of 1,592 receivers, ranging in price from $59.50 to $395. The sets range all the way from table models up to phonograph combinations. Mr. Louck's statement continued that field tests have shown that a 150 KC swing in the opinion of Stromberg Carlson is the best swing to be used and therefore they recommend the allocation of 200 KC bands. Stromberg Carlson recommend against splitting the FM band and also recommended that an FM allocation be made as soon as possible.

Horace Lohnes on behalf of station WDRC said that their Chief Engineer had already made an appearance for FM Broadcasters, Inc., and that they had nothing further to add.

On behalf of Westinghouse Electric & Manufacturing Company, Mr. Lohnes offered an exhibit for the information of the Commission, giving measuremnts and experiments made to determine the characteristics of FM vs. AM in the UHF.

### Thursday

The High Frequency hearing was resumed when RCA played a demonstration record with signal to noise ratios of 20, 30, 40, 50, and 60 DB. According to RCA these were rated poor, fair, very good, excellent, and excellent, respectively. Mr. Lent returned to the stand for cross examination. He told of calculations he had made which showed that for a 75 KC swing that the guard band need be 10 KC. He said that 10 KC would take care of drift in the receiver and take care of side frequencies and that therefore his contention is that in a 200 KC band the swing can be 180 KC. Mr. Jett asked if he believed that the FM stations should be located near the centers of cities and Mr. Lent answered yes; that the noise level will be as high as 1 millivolt in a down-town area and therefore it will be practically essential to locate UHF stations in down-town sections. Several of the Commissioners, particularly Commissioner Thompson and Commissioner Brown were concerned over the neglect of the smaller cities in Mr. Lent's allocation plans. Chairman Fly said that we are concerned not so much with giving stations to cities which now have several stations, but that we are concerned with giving service to small cities which do not now have primary service. Mr. Lent said that his plan could be extended to cover any number of cities required, so long as enough channels were provided. Mr. Lent had previously testified that, based on a 40 DB-RMS signal to noise ratio, that the optimum deviation was 30 KC or a 60 KC swing. Commander Craven asked what the optimum deviation would be for a 60 DB-RMS ratio and the reply was that it would be above 90 KC and that for every signal to noise ratio there is an optimum deviation.

Mr. Otto S. Schairer of the RCA Patent Department, was called to the stand and Chairman Fly asked him if RCA had a patent advantage between narrow and wide band FM. Mr. Schairer said that he did not think so. He said that RCA does not have a license under Armstrong FM patents and that the difference involved in Armstrong's patents was a matter of the degree of swing.

Mr. E. W. Engstrom was called to the stand and was asked if television functions as effectively in the 40 MC band as it does in the high frequencies, and his answer was yes. He also was asked if television could be improved by moving from the channel number one (44 to 50 MC) band to higher frequencies, and his answer was no; that it would take about four months to change from channel number one to channel two and about 18 months to go to a higher frequency. Mr. Engstrom said that to use FM for television it would be necessary to have channels of about 9 MC width and that he looked to the use of FM for television more and more as we go to higher frequencies. Commander Craven asked if he thought that FM for television could be accomplished within five years and the answer was yes.

Mr. John R. Howland, assistant to the president of Zenith, took the stand and said that he was convinced that FM could give a greater service than AM. Mr. Howland said that he would like to put the breaks on the enthusiasm for FM. He said that we must realize that there are 37,000,000 sets in the United States and that a large percent of these receivers are well within the good service area of some clear channel or good regional station. Mr. Howland said that the development of FM does not mean that it will take the place of AM but rather that it will be another supplementary service, rendering a high fidelity and noise free service to areas not now so served. His feeling was that television is not yet ready for the public and that television should be allowed to carry on its experiments, along with the development of FM and that development of the two should go hand and hand and that the public would ultimately decide the use of both of them.

Mr. Brown of Zenith Radio Corporation of Chicago, described tests they had made between a wide and narrow band.

Mr. Brown's exhibit included a set of oscillograph pictures taken with various signal intensities and under different conditions comparing the wide with the narrow band. His general conclusion was that the wide band was freer of interference. The two bands used had a swing of 150 KC and 15 KC. On the wide band he used a maximum audio-frequency of 15 KC and on the narrower band 7.5 KC. Mr. Brown said that the Zenith observations indicated that the lowest usable signal on FM was 15 microvolts. He said that for real good service the noise should be 70 DB down from the signal. In response to a question bv Mr. Jett he said that the receiver drift wasn't such a problem with wide band as it was with the narrow, however, the receiver drift problem could be taken care of for either case.

Mr. Andrew D. Ring, assistant chief engineer of the FCC, described FCC exhibit number 84, entitled, "Field Intensity Survey of UHF Broadcasting Stations." Due to the anxiety of the Commission to wind up the hearing, Mr. Ring was given very little time to discuss the FCC exhibits. During the survey, measurements were made on the following stations: W2XMN, 42.8 mc, at Alpine, New Jersey; W2XBS, 49.85 mc, and W2XWG, 42.6 mc, both on the Empire State Building, New York City; W1XOJ, 43 mc, on Asnebumskit Hill near Worcester, Mass., and W3XO, 43.2 mc, Washington, D. C. All of the stations except W3XO transmitted horizontally polarized waves. Fading recordings were taken at a fixed point at Barnegat, New Jersey, on W2XMN, Alpine, and these showed a signal intensity variation between 1 and 12 microvolts. The distance was 86 miles. Other drive along recordings were made showing signal intensity variations of better than 10 to 1. The report contained a number of field intensity radials taken on the above mentioned UHF stations. Mr. Ring described drive along recordings on station W3XO taken along the south side of Constitution Avenue between 14th Street and Delaware Avenue in Washington, and these showed signal variations between 60 and 1600 microvolts and between 70 and 160 MV on WMAL, 630 KC and between 19 and 140 MV on WRC, 950 KC. Mr. Ring also described listening tests which he had made. Entered at the same time was FCC exhibit number 85. It was "Report Prepared By K. A. Norton on the calculation of ground wave field intensity over a finitely conducting spherical earth." Also FCC exhibit number 86 was entered, entitled "Report prepared by K. A. Norton on a theory of tropospheric wave propagation"; and exhibit number 87 entitled "Summary of statement by K. A. Norton on UHF Wave Propagation."

Mr. Frank M. Kennedy on behalf of Don Lee, stated that their experience was that the lower frequencies were better for television.

Dr. Studebaker, Bureau of Education, Department of the Interior, asked for permission to file a statement rather than take time at the hearing for it, and this was granted.

Mr. S. Howard Evans of the National Association of Educational Broadcasters said that we have an unsound situation in the present broadcast band, where some have 50,000 watts and others have only 100 watts and that FM in the UHF seems to offer a possibility for somewhat equalizing this situation.

It was his thought that conditions of competition should be as universal as possible and that in a given area all the facilities should be of about the same power. Mr. Evans said that educators were interested in using facsimile in the schools and therefore they were interested in educational FM bands with the provisions for multiplexing facsimile.

The afternoon session was taken up to a large extent, by discussion concerning a possible location in the frequency spectrum for FM.

There was discussion about taking the number 1 or number 4 television channels for FM and Mr. Fly asked each party to the hearing to set forth their ideas on assignment of band space for FM and give it to the Commission.

This concluded the hearing on "High Frequencies."

## OHIO STATE RADIO INSTITUTE PROGRAM RELEASED

Educational directors and program managers of member stations are invited to a special meeting to be held by the NAB in connection with the 11th Institute for Education by Radio, to be held at Ohio State University, Columbus, Ohio, April 29 through May 1.

In addition to representatives from Headquarters, Sterling Fisher, educational director of CBS, and Walter Preston, Jr., assistant to the vice president in charge of programs of NBC, will take part in a complete review of the problems of educational and public service broadcasting.

Chairman James L. Fly will address the Institute at the annual dinner meeting, Tuesday, April 30.

Among other features of the three-day meeting will be a panel discussion on the "Handling of Controversial Public Issues". Those invited to take part are George V. Denny, Jr., of NBC's America's Town Meeting of the Air; Lyman Bryson of CBS' "People's Platform"; Edgar Bill, WMBD, Chairman of the NAB Code Compliance Committee; Dr. Leonard Power of the Federal Radio Education Committee, and Joseph L. Miller, NAB Director of Labor Relations; Ed Kirby, of the NAB, will serve as group discussion leader.

The announcement for the awards for the best educational broadcasts will be made on opening day, and an opportunity to hear recordings of the winners will be accorded during the three-day conference. Following is a list of chairmen for the work-study groups.

Agriculture Broadcasts—John C. Baker, Radio Extension Specialist, United States Department of Agriculture.

School Broadcasts—Harold W. Kent, director of the Radio Council, Chicago Public Schools.

Research in Educational Broadcasting—H. M. Beville, Jr., Research Manager, National Broadcasting Company.

Broadcasts for General Education — Herschel W. Nisonger, assistant director of the Bureau of Special and Adult Education, Ohio State University.

Public Service Broadcasting—Walter G. Preston, Jr., assistant to the vice president in charge of programs, National Broadcasting Company.

Clinic: Music Appreciation Broadcasts—Alton O'Steen, research associate, Evaluation of School Broadcasts, Ohio State University.

Clinic: Science Broadcasts—Loring Andrews, chairman of the Program Committee, World Wide Broadcasting Foundation, Boston, Massachusetts.

Chairmen of the round-table discussions on Tuesday evening are:

Handling Controversial Issues—Ed Kirby, director of public relations, National Association of Broadcasters.

Radio Workshops—Thomas D. Rishworth, educational director, Station KSTP, St. Paul, Minnesota.

Educational Script Exchanges—Friel Heimlich, Station WOSU, Ohio State University.

Recordings for School Use—Emilie Haley, assistant to the director, Association of School Film Libraries.

News and Special Events—A. A. Schechter, news editor and director of special events, National Broadcasting Company.

Radio Production—John Carlile, in charge of radio activities, University of Alabama.

Writing for Radio—Bernard C. Schoenfeld, chief scriptwriter, Radio Section, Department of Interior.

Engineering Quiz Section—R. C. Higgy, director Station WOSU, Ohio State University.

## FCC CHAIRMAN TO TALK TO TEXAS WOMEN'S MEETING

James L. Fly, chairman of the Federal Communications Commission, will be a guest at a luncheon meeting of the Texas Women's Radio Survey Committee to be held in the Baker Hotel, Dallas, Texas, on April 17. Ed Kirby, NAB Director of Public Relations, has been asked to make an address on the American system of broadcasting at the same time.

The Women's Radio Survey Committee is headed by Mrs. Joseph E. Goodbar, for the past two years president of the National Federation of Press Women. Purpose of the luncheon, to be patterned after the luncheon given last November in Washington by the NAB for the heads of national women's organizations, is to bring about a better understanding of radio, especially with reference to children's programs and serials pointed for the women's audience.

A large delegation of Texas broadcasters is expected to be on hand to meet with the women delegates and to meet Mr. Fly.

## FREE OFFERS

H. W. Kastor & Sons Advertising Company seeks to place radio advertising on a percentage basis, on behalf of Pazo Ointment. The Bureau of Radio Advertising has advised the agency that both the product and their proposal would not be acceptable to member stations under the NAB Code. Kastor had planned to pay stations 30% of total sales in their area, less agency commission, with the method of checking sales to be mutually agreed on. The Bureau has written Kastor strongly urging that they revise or withdraw their proposal in the best interests of advertiser, agency and broadcasters.

Another cost-per-inquiry proposition reported this week is The Wormley Company, Aurora, Illinois, on behalf of Stomax-Relief. "The Woman" magazine asks stations to accept free radio scripts based on material in their April issue. The Bureau has sent the usual letter of explanation to these concerns.

Driver & Company, advertising agency of Omaha, Nebraska, explains that their recent letter to stations, listed in NAB Reports, March 15, as a free offer, was merely a request for advice, suggestions and availabilities in connection with a regular campaign for Miller Cereals. The letter made repeated mention of a "deal", and "straight publicising job", which led both the Bureau and at least one member station to misinterpret their intentions. The Bureau is very glad to correct this mistaken impression, and has suggested that Driver & Company revise their request to stations to avoid any future misunderstanding.

## RADIO AND DEPARTMENT STORES

Joseph E. Hanson, formerly of Lawrence Fertig Advertising Agency, has been appointed manager of the Sales Promotion Division of the National Retail Dry Goods Association. Mr. Hanson is a pioneer in radio broadcasting, having been one of the early organizers of WOR, and also served with Bamberger's Store, Newark.

In discussing the problems of radio for retailers with the Bureau of Radio Advertising in New York this week, Mr. Hanson stated he plans to go ahead without further delay on the transcript of the radio panel discussion held at the NRDGA convention. Plans for a comprehensive radio manual for retail stores, to be produced in cooperation with NAB, were also discussed at length.

## SPECIAL EVENTS

The following dates will be of interest to members in connection with plans for special programs, promotions, etc. NAB Reports will publish a similar list each month:

April 6—Army Day.
April 15-20—National Garden Week.
April 27-May 4—National Fisherman's Week.
April 28-May 4—National Better Homes Week.
April 29-May 4—National Baby Week.
May 5-12—National Music Week.
May 12—Mother's Day.
May 18—International Good Will Day.
May 19-25—National First Aid Week.
May 25-October 27—New York World's Fair.

## CONVENTIONS OF INTEREST TO BROADCASTING STATIONS

April 23-25—American Newspaper Publishers Association's annual convention, Waldorf-Astoria Hotel, New York.

April 29-May 1—Eleventh Institute for Education by Radio, combined with Fourth American Exhibition of Recordings of Educational Radio Programs, Ohio State University, Columbus, Ohio.

May 3-4—Annual convention, Advertising Affiliation, Hotel Statler, Buffalo, N. Y.

May 12-15—Spring conference, Association of National Advertisers, Inc., Westchester Country Club, Rye, N. Y.

May 13-14—Second annual Business-Consumer Relations Conference, Hotel Pennsylvania, New York.

May 16-17—Convention, American Association of Advertising Agencies, Waldorf-Astoria, New York.

June 23-27—Annual convention, Advertising Federation of America, Chicago.

June 24—Republican National Convention, Philadelphia, Pa.

July 7-10—Annual convention, Pacific Coast Advertising Clubs Association, Vancouver, B. C.

July 15—Democratic National Convention, Chicago, Illinois.

August 4-7—Annual convention, National Association of Broadcasters, San Francisco.

## COURT HOLDS SHERMAN LAW APPLIES TO LABOR UNIONS

Judge Peyton Gordon of the federal district court for the District of Columbia ruled this week that the Sherman Anti-trust Law applies to labor unions in cases where their objectives are not "legitimate" and where they use unlawful means to attain these objectives.

Judge Gordon's ruling was made in the case of the government against the A. F. of L. truck drivers' union which was charged with a conspiracy to compel three concrete mixing companies to hire members of the truck drivers' union rather than members of the operating engineers' union.

### AFRA Wins Election

The American Federation of Radio Artists won, 8 to 3, a Labor Board election among the announcers of Station WCPO, Cincinnati. The issue was whether the announcers wanted to be represented by AFRA. There was no other union involved.

## STATE LEGISLATION

Rhode Island:

H 1020 (Curran) CHIROPODISTS—LICENSING—In amendment of chapter 278 of the general laws of 1938 entitled "Licensing and regulation of chiropodists." Referred to Judiciary Committee.

Rhode Island:

H 1033 (Scott) FOOD—DRUGS—ADULTERATION AND ADVERTISEMENT—To prohibit the adulteration, misbranding, and false advertisement of food, drugs, devices and cosmetics, and for other purposes. Referred to Judiciary Committee.

## Television Hearing Reopened

Television promotional activities on the part of the Radio Corporation of America has prompted the FCC to order a further hearing, beginning April 8, to determine whether research and experimentation and the achievement of higher standards of television transmission are being unduly retarded by this company, its subsidiaries, or other licensees, and whether the effective date for the beginning of limited commercial operation should be changed from September 1 to some subsequent date. Meanwhile, that section of the new rules permitting restricted commercialization is suspended pending further order. The Commission said:

> The current marketing campaign of the Radio Corporation of America is held to be at variance with the intent of the Commission's television report of February 29. Such action is construed as a disregard of the Commission's findings and recommendations for further improvement in the technique and quality of television transmission before sets are widely sold to the public.
>
> The question of the present status of television transmission and the feasibility of its general reception by the public was the subject of the recent extensive hearings before this Commission. Because of the fluid state of the art and the continuance of research and experimentation, the Commission declined for the time being to establish television transmission standards. Authority to issue such standards is of course vested only in the Commission. Recommendations to insure that the standards when issued would be based upon a sufficiently advanced technical state of the art were incorporated in the report of February 29.
>
> "Actual demonstration to members of the Commission," the report pointed out, "indicates the need for further improvement in the technical quality of television." The Commission stressed the need of continued research in various significant phases of the field involving the number of lines and the number of frames per second, the retentive quality of screens, the mechanics of scanning, the problem of various screen sizes with particular reference to larger screens, the problem of polarization and the related question of the type of antennas, and various alternative methods of synchronization. Inherently this research and experimentation has potentialities of great value to the public.
>
> The intent of the Commission was to give the industry further opportunity to move forward in an orderly manner and upon a sound scientific basis without causing injury to the public and resultant injury to the new industry itself, particularly to other manufacturers cooperating in seeking to bring about video improvements through experimentation rather than crowding the market with present-day receivers which may soon become obsolete. Economic loss to the public, the report warned, would be occasioned by "premature purchase in a rapidly advancing field."
>
> Not all types of television transmission can be received by any receiver. In the present state of the art it is impossible to decide what type of transmitter will be made standard. More research and experimentation will be necessary, and is being conducted, before any such standardization can be achieved. Receiving sets constructed or on the market today may not be capable of receiving television programs from standardized television transmitters when the art has sufficiently advanced to permit such standardization. Public participation in television experimentation at this time is desirable only if the public understands that it is experimenting in reception and not necessarily investing in receiving equipment with a guarantee of its continued usefulness. Television is here to stay, but conceivably present day receivers may for practical purposes be gone tomorrow.
>
> Promotional activities directed to the sale of receivers not only intensifies the danger of these instruments being left on the hands of the public, but may react in the crystallizing of transmission standards at present levels. Moreover, the possibility of one manufacturer gaining an unfair advantage over competitors may cause them to abandon the further research and experimentation which is in the public interest and may result in crowding them into the market with apparatus at present efficiency levels. Rapid advance is desirable—but television is of great and permanent significance to the public. It is therefore of greater importance that the task be done thoroughly and with an eye to television's potential usefulness to the public. These are the goals which the Commission deems the public interest to require.

Following is the statement of David Sarnoff, president of RCA, when informed of the Commission's action:

> "I am amazed at the action of the Commission. We have spent nearly ten million dollars in developing television and in trying to create a new art and a new industry. We thought that we were proceeding exactly in accordance with the order on this subject recently adopted by the Commission."

Advertising in the New York newspapers on Wednesday, March 20, is believed to have figured in the Commission's decision.

## KGFI LICENSE ORDERED REVOKED

The Federal Communications Commission has ordered revocation of the license of the Eagle Broadcasting Co., Inc., to operate radio station KGFI at Brownsville, Texas, effective April 15. If the company requests hearing within 15 days of formal notification, the order will be held in abeyance pending outcome of the hearing.

Unauthorized transfer of the management, control and operation of the station in violation of Section 310(b) of the Communications Act of 1934 as amended is the basis for the revocation order.

On or about October 7, 1938, the Eagle Broadcasting Co., by and through Ewol E. Wilson and Ernest E. Wilson of Corpus Christi, are alleged to have surrendered possession to James G. Ulner of Tyler, and M. D. Gallagher of Brownsville. The latter are said to have exercised management until about April 22, 1939, when Lawrence D. Yates took contractural control.

## FROM THE FCC MAIL BAG

### (No. 3 of a Series)

A New Hampshire man wants radio to ban war songs.

A Philadelphian favors putting old jokes under instead of on the ether.

A Pennsylvania individual complains of the use of the terms "Injun" and "Redskin" in one of the Western serials heard over the air.

An Ohio listener objects to the adoption of daylight saving time by broadcast stations.

An Illinois radio fan takes exception to a cooking recipe offer.

A New Yorker wants a particular religious program barred from the air. Another New Yorker protests the discontinuance of a certain religious program.

A Brooklyn, N. Y., dentist resents airy jibes at his profession. A Massachusetts woman takes exception to a toothpaste commercial. A New Jersey letter protests liquor advertising from out his loud-speaker.

An Indiana writer is irked by a broadcast on astrology. A Californian asks the Federal Communications Commission to approve a handwriting analysis continuity.

In the same mail—letters from a women's club and a missionary society commending certain types of radio programs and condemning others.

* * * * * *

In individual replies to these and kindred writers, the Commission has to reiterate that it is without authority to compel a broadcast station to accept or reject a specific program. Since each station is charged with the responsibility of selecting material to be presented in the public interest, any complaint should be addressed direct to the individual station carrying the program alleged to be objectionable. The Commission is prevented by statute from exercising censorship over individual radio programs. Hence, any recourse rests with the broadcasting stations which, after all, are guided largely by their fan mail.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, April 1. They are subject to change.

### Monday, April 1

NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—C. P., **1370 kc.**, 250 watts, unlimited time.

### Wednesday, April 3

NEW—Harold Thomas, Bridgeport, Conn.—C. P., **1420 kc.**, 250 watts, unlimited time.

### Thursday, April 4

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., **1210 kc.**, 100 watts, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative date for broadcast hearings. It is subject to change.

### April 17

Hearing to Be Held Before Commissioner Paul A. Walker,
Room 229, Post Office and Court House,
Los Angeles, California

KBLA—United Airports Company of California, Ltd.—Renewal of license, **278 kc.**, 15 watts normal operation, 100 watts when operating as miniature radio range station. Emission: A3 and Spec. Time: Continuous. Pts. of Comm.: With Aircraft Stations.

NEW—City of Los Angeles, Los Angeles, Calif.—C. P., **278 kc.**, 15 watts, Emission A3. Time: 24 hours. Pts. of Comm.: Control Tower and Aircraft.

NEW—Santa Monica Municipal Airport, City of Santa Monica, Santa Monica, Calif.—C. P., **278 kc.**, 15 watts, Emission A3. Time: 9 a. m. to sunset. Pts. of Comm.: With Aircraft.

KABQ—City of Long Beach, Calif., Long Beach, Calif.—Renewal of license, **278 kc.**, 15 watts, Emission A3. Time: Continuous. Pts. of Comm.: With Aircraft Stations.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted consent to voluntary assignment of license of station WSUN from St. Petersburg Chamber of Commerce to the City of St. Petersburg, Fla.; station operates on **620 kc.**, 1 KW night, using directional antenna, 5 KW day, specified hours.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted consent to voluntary assignment of license of station WTMS from Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., to Atlantic Coast Broadcasting Co., a corporation; station operates on **1210 kc.**, 250 watts, unlimited time.

## LICENSE REVOKED

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Ordered revocation of license for station KGFI, effective April 15, 1940, because of unauthorized transfer of management, control and operation of the station, which operates on frequency **1500 kc.**, 100 watts, 250 watts LS, unlimited.

## RETIRED TO CLOSED FILES

KFNF—KFNF, Inc., Shenandoah, Iowa.—Retired to closed files application for construction permit and modification thereof, requesting authority to install new transmitter; increase power from 500 watts, 1 KW LS, to 1 KW, 5 KW LS; move transmitter and install directional antenna for night use, inasmuch as the required time for completion under the permit has expired.

WESG—Cornell University, Ithaca, N. Y.—Retired to closed files the application for construction permit granted July 5, 1939, authorizing changes in equipment, as licensee has requested cancellation of authority without prejudice to filing another application for the same matter at a later date.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the priod ending August 1, 1940:

KSAC, Manhattan, Kans.; KSFO, San Francisco; KVAN, Vancouver, Wash.; KVOD, Denver, Colo.; KWFT, Wichita Falls, Texas; WBAA, W. Lafayette, Ind.; WGBF, Evansville, Ind.; WHJB, Greensburg, Pa.; WICC, Bridgeport, Conn.; WJAR and auxiliary, Providence, R. I.; WJAX, Jacksonville, Fla.; WKZO, Kalamazoo, Mich.; WMAL and auxiliary, Washington, D. C.; WMAM, Marinette, Wisc.; WMMN, Fairmont, W. Va.; WMT, Cedar Rapids, Iowa; WNAX, Yankton, S. Dak.; WORL, Boston; WOSU, Columbus, Ohio; WOW, Omaha, Neb.; WPEN and auxiliary, Philadelphia; WPIC, Sharon, Pa.; WQAM and auxiliary, Miami, Fla.; WQAN and auxiliary, Scranton, Pa.; WREC, Memphis, Tenn.; WRNL and auxiliary, Richmond, Va.; WSPA, Spartanburg, S. C.; WSUN, St. Petersburg, Fla.; WSUI, Iowa City, Iowa; WSVA, Harrisonburg, Va.; WSYR-WSYU, Syracuse, N. Y.; WTAD, Quincy, Ill.; WTAG and auxiliary, Worcester, Mass.; WTMJ and auxiliary, Milwaukee; WIOD-WMBF and auxiliary, Miami, Fla.; KCA and auxiliary, Los Angeles; KGW, Portland, Ore.; KHJ and auxiliary, Los Angeles; KHQ, Spokane, Wash.; KOMO and auxiliary, Seattle; WCAO and auxiliary, Baltimore; WMCA and auxiliary, New York City; WFRO and auxiliary, Providence, R. I.; WTAR and auxiliary, Norfolk, Va.; KFNF, Shenandoah, Iowa; KFUO, Clayton, Mo.; KFQD, Anchorage, Alaska; KWLK, Longview, Wash.; WWNC, Asheville, N. C.; WWJ and auxiliary, Detroit; WFLA, Tampa, Fla.; WGR and auxiliary, Buffalo, N. Y.

KSUB—Leland M. Perry, Cedar City, Utah.—Present license further extended upon a temporary basis for the period ending May 1, 1940, subject to whatever action may be taken upon any formal application that may be submitted relative to station KSUB.

KWJB—Sims Broadcasting Co., Globe, Ariz.—Special temporary authority to Bartley T. Sims to operate station KWJB, was further extended upon a temporary basis to May 1, 1940, subject to whatever action may be taken upon renewal application.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis from April 1 to May 1, pending determination upon application for renewal.

KXO—E. R. Irey, F. M. Bowles, El Centro, Calif.—Present license further extended upon a temporary basis only for the period April 1 to May 1, subject to whatever action may be taken upon pending application for renewal.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Present license further extended upon a temporary basis from April 1 to May 1, pending determination upon application for renewal.

KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Arkansas.—Present license further extended upon a temporary basis from April 1 to May 1, pending determination upon application for renewal.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Present license extended upon a temporary basis for the period April 1 to June 1, pending determination upon application for renewal.

KUSD—University of South Dakota, Vermillion, S. Dak.—Present license extended upon a temporary basis for the period April 1 to June 1, pending determination upon application for renewal.

WREC (Auxiliary)—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—Present license extended upon a temporary basis for the period April 1 to June 1, pending determination upon application for renewal.

WSM—National Life & Accident Ins. Co., Nashville, Tenn.—Special temporary authority to operate a regular broadcast transmitter for the experimental transmission of facsimile signals, was further extended for a period of one month from April 1 to May 1.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal of licenses, for the period April 1 to May 1:

KFAR, Fairbanks, Alaska; KFDM, Beaumont, Texas; WCOC, Meridian, Miss.; WLBL, Stevens Point, Wis.; WMC and auxiliary, Memphis; WGST and auxiliary, Atlanta, Ga.

Licenses for the following high frequency broadcast stations were extended upon a temporary basis only, pending receipt and/or determination upon application for renewals, for the period April 1 to May 1, 1940:

W2XMN, Alpine, N. J.; W2XDV, New York; W8XNU, Cincinnati; W8XWJ, Detroit; W2XDA, Schenectady; W2XOY, Albany; W9XLA, Denver; W2XQO, Flushing, N. Y.; W2XAG, Yonkers, N. Y.; W9XOK, St. Louis, Mo.; W1XEH, Avon, Conn.; W8XNT, Cleveland; W4XBW, Chattanooga; W9XBA, Kansas City, Mo.; W5XAU, Oklahoma City; W1XER, Sargents Purchase, N. H.

W1XSN-W1XBK—Westinghouse E and M Co., E. Springfield, Mass.—Granted renewal of high frequency broadcast licenses for the regular period.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Present facsimile broadcast station license further extended upon a temporary basis until May 1, pending determination upon application for renewal.

W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Present high frequency broadcast station licenses were granted renewals on a temporary basis for the period ending April 1, 1941, subject to whatever action may be taken by the Commission upon renewal applications.

Licenses for the following television broadcast stations were further extended upon a temporary basis only, pending receipt of and determination upon renewal applications, for the period April 1 to May 1, 1940:

W1XG, Boston; W9XG, W. Lafayette, Ind.; W2XDR, Long Island City, N. Y.; W9XK, Iowa City, Iowa.

## MISCELLANEOUS

West Virginia Newspaper Publishing Co., Morgantown, W. Va.—Denied motion to reconsider and grant without hearing the application for a new station to operate on **1200 kc.**, 250 watts, unlimited time.

Knoxville Broadcasting Co., Knoxville, Tenn.—Designated for hearing application for new station to operate on **1210 kc.**, 250 watts, unlimited time.

WLBZ—Thompson L. Gurnsey, Bangor, Maine.—Dismissed application requesting consent to transfer control of Maine Broadcasting Co., Inc., licensee of WLBZ, from Thompson L. Gurnsey to Congress Square Hotel Co.

State of Minnesota—Dismissed motion for continuance to April 3 or 10 of hearing now scheduled for March 29, on application of WNYC for modification of license to change hours of operation from daytime to specified, on **810 kc.**

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Cal.—Granted petition to intervene in re the application of Worcester Broadcasting Corp. for a new station in San Diego to operate on **1420 kc.**, 250 watts, unlimited time.

Samuel M. Emison, Vincennes, Ind.—Granted motion to dismiss without prejudice application for new station to operate on **1420 kc.**, 100 watts, unlimited time.

West Virginia Newspaper Publishing Co., Morgantown, W. Va.—Granted petition for order to take depositions in re application for new station to operate on **1200 kc.**, 250 watts, unlimited time.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted license to cover construction permit authorizing installation of new equipment.

WFIG—J. Samuel Brody, Sumter, S. C.—Granted license to cover construction permit as modified for new station; frequency **1310 kc.**, 100 watts, 250 watts day, unlimited time.

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts; frequency **1420 kc.**, unlimited time.

W9XEN—Zenith Radio Corp., Chicago, Ill.—Granted license to cover construction permit to move transmitter locally.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted construction permit to install new transmitter.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted modification of construction permit which authorized move of transmitter locally and installation of new antenna, for extension of completion date from April 14, 1940, to June 14, 1940.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from 7:45 p. m. to conclusion of baseball games on April 2, 3, 4, 6, 10, in order to broadcast baseball games only, using 250 watts on **1370 kc.**

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m. and 2 to 6 p. m., AST, on March 22, in order to broadcast religious services.

KPFA—The Peoples Forum of the Air, Helena, Mont.—Granted authority to determine operating power by direct measurement of antenna input.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted authority to determine operating power by direct measurement of antenna input.

WEW—The St. Louis University, St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna input.

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted authority to determine operating power by direct measurement of antenna input.

WEHN-WENM—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to use relay broadcast stations WEHN and WENM for coordination between measuring car and high frequency station W8XWJ for the period beginning March 25, 1940, to not later than March 31, 1940, in connection with additional W8XWJ field work.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WCBX and WCAB over Station WKAQ on a non-commercial experimental basis only, for the period March 29, 1940, to not later than April 27, 1940.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 8:15 p. m. to 11:30 p. m. CST on March 30, 1940, using power of 500 watts, in order to broadcast the final game of the Women's National A. A. U. basketball championship only.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted special temporary authority to use the 10,000 watt transmitter of Station WJSV, on the Memorial Highway, near Alexandria, Va., as an auxiliary for a period not to exceed 30 days.

WJMC—Walter H. McGenty, Rice Lake, Wisc.—Granted special temporary authority to operate from 6:45 p. m. to 12 midnight CST on April 2, 1940, in order to broadcast election returns (B4-S-1000).

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 7:00 p. m. to 9:30 p. m. CST on April 1, 1940, in order to broadcast political talks; to operate from 9:30 p. m. CST April 2, 1940, to 1:00 a. m. CST April 3, 1940, in order to broadcast election returns (T4-S-924).

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 8:15 p. m. to 12 midnight EST on March 26, 1940, in order to broadcast a performance of the Metropolitan Opera to be given for the benefit of the Italian Welfare League.

WAIM—Wilton E. Hall, Anderson, S. C.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:00 p. m. to 8:30 p. m. EST on March 29, 1940, in order to broadcast an address by Gov. Leverett Saltonstall.

WAGM—Aroostock Broadcasting Corp., Presque Isle, Me.—Granted special temporary authority to operate from 1 p. m. to 2:30 p. m. EST on March 27, 1940, in order to broadcast speech by Postmaster General Farley (B1-S-801).

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted special temporary authority to operate from 10 p. m. CST on April 9, 1940, to the trend of election returns is determined.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 8:15 p. m. to 12 midnight EST on March 31, 1940, in order to broadcast a track meet at Madison Square Garden for the benefit of the Finnish Relief Fund (B1-S-211).

King Trendle Broadcasting Corp., Detroit, Mich.—Granted special temporary authority to pick up hockey game broadcast on March 28, 1940, from Olympia Auditorium in Detroit, Mich., for Station CKCL, Toronto, Canada.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate from local sunset (March, 5:45 p. m. EST) to 7:30 p. m. CST on March 28, 1940, in order to hold the audience for the program to follow; to operate from 7:30 p. m. to 11:00 p. m. EST on March 28, 1940, in order to broadcast the opening of the Greater Lawrence Half Million Dollar Hospital Community Drive (B1-S-953).

## APPLICATIONS FILED AT FCC

### 590 Kilocycles

WKZO—WKZO, Inc., Kalamazoo, Mich.—Authority to determine opreating power by direct measurement of antenna power.

### 690 Kilocycles

KOMA—KOMA, Inc., Oklahoma City, Okla.—Construction permit to install new transmitter, directional antenna night, for increase in power from 5 to 50 KW; move transmitter from 7½ miles northeast of Oklahoma City, Okla., on U. S. Highway No. 66, to Deer Creek Township, Okla. Amended to change frequency from **1480** to **690 kc.**, move transmitter to Mathewson Twp., Okla., and request Class II station under No. American Regional agreement. Make changes in directional antenna (night).

### 710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Construction permit to increase power from 1 KW, 5 KW day, to 5 KW day and night; move transmitter from 1418 E. 81st St., Los Angeles, Calif., to Branford Ave., Van Nuys, Calif., and install directional antenna for day and night use.

### 740 Kilocycles

KTRB—Thomas R. McTammany and Wm. H. Bates, Jr., Modesto, Calif.—Voluntary assignment of license from Thomas R. McTammany and William H. Bates, Jr., to KTRB Broadcasting Co., Inc.

### 760 Kilocycles

NEW—The St. Louis University, St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna power.

### 880 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit for a new station to be operated on **880 kc.**, 250 watts power, unlimited time. Request Class IV station.

### 890 Kilocycles

KUSD—University of South Dakota, Vermillion, S. Dak.—Construction permit to install new vertical antenna, change frequency from **890** to **660 kc.**, hours from share KFNF to daytime (contingent on KOWH being granted unlimited time on **890 kc.**). Amended re antenna.

### 1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1040 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Construction permit to install new transmitter and directional antenna for night use; change frequency from **1040** to **1060 kc.**; increase power from 10 to 50 KW; change time from shares KRLD to unlimited time; move transmitter from Hot Springs National Park, Ark., to Highway 67, Reyburn, Ark. Amended: Make changes in directional antenna; give transmitter site as WPA Rd., Plum Bayou, Ark.; 250-watt amplifier; site to be determined, Hot Springs, Ark.

### 1060 Kilocycles

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Construction permit to change frequency from **1060** to **770 kc.**, time from limited to WBAL and WTIC to limited to WBBM, and make changes in antenna system. Request facilities KFAB. Amended to request daytime hours of operation.

### 1210 Kilocycles

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1240 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to install new transmitter and antenna; increase power from 1 to 5 KW; change frequency from **1240** to **620 kc.**; move transmitter to site to be determined, San Juan, P. R. Amended: Equipment changes.

### 1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—License to cover construction permit (B5-P-2344) as modified for move of transmitter, installation of new transmitter, changes in antenna and increase in daytime power.

### 1310 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Construction permit to make changes in equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from **1310** to **600 kc.** Request Class III B station.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Modification of construction permit (B3-P-2228) for change in frequency, increase in power, change in hours, installation of new transmitter and directional antenna for day and night use, and move of transmitter, requesting, further, authority to install new transmitter and make changes in directional antenna system, extend commencement date to 30 days after grant and completion date to 180 days thereafter.

NEW—McDowell Service Co., Welch, W. Va.—Construction permit for new broadcast station to be operated on **1310 kc.**, 250 watts, unlimited time.

### 1330 Kilocycles

WSAI—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-P-2221) for increase in power from 1 KW, 5 KW day, to 5 KW day and night; installation of directional antenna for night use; move transmitter, requesting authority to make changes in directional antenna system.

WTAQ—WHBY, Inc., Green Bay, Wisc.—Modification of construction permit (B4-P-2232) for increase in night power from 1 to 5 KW, further requesting changes in directional antenna system.

### 1350 Kilocycles

WMBG—Havens & Martin, Inc., Richmond, Va.—License to cover construction permit (B2-P-1912) as modified for new transmitting equipment, changes in directional antenna system, increase in power.

### 1370 Kilocycles

KIUP—San Juan Broadcasting Co., Durango, Colo.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts.

### 1420 Kilocycles

WLPM—Suffolk Broadcasting Corporation, Suffolk, Va.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WMBS—Fayette Broadcasting Corporation, Uniontown, Pa.—Construction permit to install new transmitter and directional antenna for night use, change frequency from **1420** to **590 kc.**, and increase power from 250 watts to 1 KW. Amended re antenna.

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—License to cover construction permit (B2-P-2116) as modified for new broadcast station.

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Authority to determine operating power by direct measurement of antenna power.

NEW—Riverside Broadcasting Co., Riverside, Calif.—Construction permit for a new station on **1420 kc.**, 250 watts, unlimited time. Amended to change name of applicant from Richard T. Sampson to Riverside Broadcasting Co.; make changes in equipment and antenna and move transmitter to East Blaine St., Riverside, Calif.

### 1550 Kilocycles

NEW—Central Broadcasting Corp., Sanford, Fla.—Construction permit for a new broadcast station on **1380 kc.**, 250 watts, unlimited time. Amended to request change in frequency to **1550 kc.**, increase power requested from 250 watts to 1 KW, change type of transmitter and request Class III station, changes in antenna.

## MISCELLANEOUS

NEW—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit for new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation.

NEW—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit for new Class II television broadcast station to be operated on **84000-90000 kc.**, 1000 watts visual and aural, A3 and A5 Emission.

WEKH—Peoria Broadcasting Co., Mobile.—License to cover construction permit (B4-PRY-202) for change in frequencies.

NEW—The Delmarva Broadcast Co., Salisbury, Md.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time. Amended re corporate structure.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new Class II television broadcast station to be operated on **44000-50000 kc.**, 1000 watts for visual and aural, A3 and A5 Emission.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation.

WAIX—WJHL, Inc., Johnson City, Tenn.—License to cover construction permit B3-PRY-197 for a new relay broadcast station.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Modification of license for changes in authorized frequencies from **42000-56000, 60000-86000 kc.**, to **44000-50000 kc.**, in accordance with revised rules. Amended to request Class II television broadcast station in accordance with new rules.

NEW—Henry Joseph Walczak, Springfield, Mass.—Construction permit for a new television broadcast station to be located at 360 Worthington St., Springfield, Mass., to be operated on **1650 kc.**, 250 watts, special emission, unlimited time.

NEW—New York University, New York, N. Y.—Construction permit for a new non-commercial educational broadcast station to be operated on **41500 kc.**, 250 watts, Emission A-3, unlimited time, to be located at 35 West Fourth St., School of Education Bldg., New York, N. Y.

NEW—National Broadcasting Co., Inc., Denver, Colo.—Construction permit for new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation.

NEW—National Broadcasting Co., Inc., San Francisco, Calif.—Construction permit for new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation.

W8XVH—WBNS, Inc., Columbus, Ohio.—License to cover construction permit (B2-PHB-91) for a new high frequency broadcast station.

NEW—National Broadcasting Co., Inc., Philadelphia, Pa.—Construction permit for a new Class II television broadcast station to be operated on **84000-90000 kc.**, 1000 watts both visual and aural, A3 and A5 Emission.

NEW—National Broadcasting Co., Inc., Cleveland, Ohio.—Construction permit for new high frequency broadcast station to be operated on **43400 kc.**, 1000 watts, special emission for frequency modulation.

KDAC—George Harm, Fresno, Calif.—Involuntary assignment of license from George Harm, deceased, to Gilbert H. Jertberg, Executor of the Estate of George Harm.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Badger-Brodhead Cheese Company**—See National Dairy Products Corp.

**Borden Company**—See National Dairy Products Corp.

**Coal Carburetor Company**—Alleging violation in the sale of a device for facilitating combustion of coal and incidental gases in coal-burning furnaces, a complaint has been issued against The Coal Carburetor Company, New Brunswick, N. J., and Thornton W. Price, its president.

It is alleged that the respondent corporation represents or implies in its advertising matter that its product, "Coal Carburetor," has been officially endorsed by the United States Government, approved by the United States Bureau of Mines, and by public health authorities, when such are not the facts; that it is the most efficient means known for producing heat from coal, and that such efficiency has been established by comparative tests, when in fact any such claim is greatly exaggerated and not based on known facts or upon comparative tests made in conjunction with other equipment or devices designed for the same purposes. (4070)

**Ehrhart Conrad Company,** Hanover, Pa., is charged, in a complaint, with selling and distributing food products designated "Plee-zing" to retail dealers, to be sold to the consuming public in a manner involving a lottery scheme.

The complaint charges that the respondent sells and distributes to dealers a so-called "Plee-zing Treasure Chest" device, on which receipts for each 25 cents spent are to be pasted, and containing a seal which is not to be broken until the card is filled with 100 receipts. Various prizes are awarded, according to designations beneath the unbroken seal. The respondent corporation refunds to dealers the awards and prizes distributed by the dealers in accordance with the designations under the seals.

Use by the respondent of these methods in the sale of its products is contrary to public policy and in violation of criminal law, and constitutes unfair methods of competition within the meaning of the Federal Trade Commission Act, according to the complaint. (4068)

**Herb Juice-Penol Company, Inc.**, a Danville, Va., corporation doing business under the trade name of Pow-O-Lin Laboratories, is charged with misrepresentation in the sale of medicine in a complaint.

The respondent's preparation "Pow-O-Lin" allegedly was advertised as possessing beneficial therapeutic properties for curing, remedying or treating constipation and "faulty elimination" and for overcoming symptoms of constipation which were given as biliousness, indigestion, gas pains, headaches, dizziness, pains in the back and chest, stiffness of the joints, swollen feet and ankles, nervousness, insomnia, loss of appetite and lack of energy.

It is alleged that the respondent's representations were misleading in that its preparation possesses no therapeutic properties in excess of those of a cathartic or laxative and that the symptoms set out are not generally typical of any group of disorders and are not necessarily indicative of constipation or faulty elimination. (4067)

**J. S. Hoffman & Company**—See National Dairy Products Corp.

**Kraft-Phenix Cheese Corp.**—See National Dairy Products Corp.

**National Dairy Products Corporation**—Six corporations purchasing for resale approximately 75 per cent of the foreign type cheese produced in Wisconsin are charged in a complaint with combination and conspiracy to control prices and monopolize the supply of these products. Respondents are National Dairy Products Corporation, New York; The Borden Company, New York; Kraft-Phoenix Cheese Corporation, Chicago; Badger-Brodhead Cheese Company, Monroe, Wis.; J. S. Hoffman & Co., Chicago, and Triangle Cheese Company, Monroe, Wis.

The complaint also alleges that by means of mergers and purchases, The Borden Company and also the Kraft-Phenix Cheese Corporation, acting on behalf of its parent company, National Dairy Products Corporation, have gradually eliminated practically all of the independent cheese dealers once operating in the Monroe, Wis., area where a large percentage of the American-made swiss cheese is manufactured. Other domestic-made foreign type cheese are brick, limburger and munster.

The complaint points out that National Dairy Products Corporation directs and controls the policies of its solely owned subsidiary, Kraft-Phenix Cheese Corporation which, in turn, controls the the policies and owns all the stock, except certain qualifying shares, of Badger-Brodhead Cheese Company, of Monroe, Wis., which buys, sells and distributes foreign type cheese. The Borden Company, according to the complaint, operates at Monroe a division for the buying, selling and distributing of foreign type cheese under the name of Carl Marty & Co., and J. S. Hoffman & Co., Chicago cheese dealer, owns the stock of and controls the policies of Triangle Cheese Company, of Monroe, which buys foreign type cheese for sale and distribution by the parent corporation.

The respondent corporations purchase the annual foreign type cheese output of approximately 200 of the 250 cheese factories in the Monroe, Wis., area, according to the complaint.

Pursuant to the combination and conspiracy, the respondents allegedly (1) fixed the prices to be paid the Monroe factories for foreign type cheese; (2) held monthly meetings with Monroe cheese factory representatives to fix and establish such prices, and (3) had their representatives hold separate meetings among themselves, prior to gathering with the factory representatives, at which separate meetings the respondents' agents set the upper limits as to the prices they would agree to pay the cheese factories.

The combination and the practices performed pursuant to it are alleged to have had a tendency to bring about (1) control of prices at which foreign type cheese is sold in the United States; (2) determination, at least in part, of the prices at which dairy products other than foreign type cheese are sold in commerce; (3) monopolization in the respondents of the entire supply of foreign type cheese; (4) unreasonable suppression of competition in the purchase of foreign type cheese in the Monroe, Wis., area and in its resale, all in violation of the Federal Trade Commission Act.

Until 1921, the complaint recites, many cheese dealers actively competed for the output of the Monroe factories but a gradual consolidation of cheese dealers has taken place so that there is now a centralized control in the sale of the factories' output, brought about as follows:

The first merger of consequence was in 1911, when 7 independent cheese dealers in the Monroe area organized the Badger Cheese Company of which Kraft Cheese Company became the full owner in 1925. Phenix Cheese Company began operations in the Monroe area in 1926; then the Kraft and Phenix interests merged and in 1928 the Kraft-Phenix Cheese Corporation bought the stock and assets of Brodhead Cheese & Cold Storage Co., which they combined with the Badger Cheese Company to form the Badger-Brodhead Cheese Company which is one of the largest, if not the largest, buyer of foreign type cheese in the United States. In 1929 Kraft-Phenix Cheese Corporation obtained the business of Charles Zweifel Company, Broadhead, Wis., then one of the Monroe area's largest dealers.

In 1938, Carl Marty & Co., of Monroe, a large buyer of foreign type cheese, purchased the assets and good will of Ackerman & Abplanalp, third largest buyer of foreign type cheese in the area, and on January 1, 1939, The Borden Company entered the Monroe territory by its purchase of the stock and assets of Carl Marty & Co. (4071)

**Pow-O-Lin Laboratories**—See Herb Juice-Penol Company, Inc.

**Triangle Cheese Company**—See National Dairy Products Corp.

**Arthur Wood & Company**—Arthur Wood, trading as Arthur Wood & Co., 219 Market St., St. Louis, is charged in a complaint with the sale and distribution of merchandise involving lottery methods, and the sale and distribution of lottery devices placing in the hands of dealers the means of conducting lotteries, games of chance or gift enterprises in the sale and distribution of their merchandise.

The complaint is divided into two counts, the first of which alleges that the respondent sells to jobbers and dealers assortments of merchandise so packed and assembled as to involve the use of lottery schemes when sold to ultimate purchasers. One of these assortments consists of 12 knives, together with a device commonly called a punch board. The knives are distributed to purchasers of 5-cent punches on the board, the numbers being effectively concealed from purchasers until a punch or selection has been made, and the knives being distributed to purchasers of the winning numbers wholly by lot or chance.

The second count of the complaint alleges that the respondent sells and distributes many kinds of push cards and punch boards involving the same chance or lottery features when used in connection with the sale of merchandise.

The complaint alleges that the sale of merchandise to the purchasing public in the manner alleged encourages gambling and is a practice contrary to public policy and in violation of criminal laws. The sale and distribution of push cards and punch boards, the complaint continues, places in the hands of others the means of conducting lotteries, games of chance or gift enterprises, and the means of engaging in unfair methods of competition and unfair and deceptive acts and practices within the meaning of the Federal Trade Commission Act. (4069)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**American La France & Foamite Industries, Inc.**—See Walter Kidde & Co., Inc.

**Commonwealth Publishing Company**, Chicago, Ill., according to findings, advertised its "Liberty Income Tax Record" book by representations such as "A Helping Hand from Uncle Sam! Federal and State Tax Laws now command every business to keep tax records. None dares risk heavy fines and penalties." * * * "The Liberty Tax Record is the only real protection. Officially O.K.'d by tax authorities everywhere. * * *"

Through such assertions as the foregoing the respondent is found to have represented that Federal and State laws require that books of account be kept on the respondent's record books and that its books have been approved by Federal and State officials and tax authorities, when in fact, although certain State and Federal officials have written that the respondent's book is useful in keeping income tax records, no such official has officially approved the respondent's book or is permitted to approve any tax record book or bookkeeping system.

Under the Commission order, the respondent is directed to cease representing that Federal and State laws require that books of account be kept on the respondent's record books and that its books have been approved by Federal or State officials or taxing authorities. The order also directs the respondent to desist from the representation that it is a printer or binder of record books and bookkeeping systems. (3668)

**C-O-Two Fire Equipment Co.**—See Walter Kidde & Co., Inc.

**Darling & Co.**, Chicago, has been ordered to discontinue unfair competitive methods in connection with the purchase of raw materials such as unprocessed hides, calf skins, fat, bones and suet which it processes and sells as finished products.

Findings are that because of this company's financial strength it is the predominating organization in its business in the territories in which it and its subsidiary corporations operate.

With the intent to injure and eliminate competition in the purchase of its raw materials, the Commission finds, the respondent corporation has: (1) paid in localities in which it meets competition in the purchase of raw materials, prices higher than justified by trade conditions, and quoted such prices without intending to pay them; (2) enticed, by the payment of higher wages and by other means, drivers covering routes of sources of supply of raw materials of its competitors to leave their employ and enter the respondent's employ for the purpose of obtaining for the respondent the supply of raw materials previously obtained by such drivers for competitors; (3) held out certain of its subsidiary corporations as being independent of and from the respondent, and (4) solicited the making of loans, and pursuant to such solicitation, made loans to butchers in Detroit, Cleveland and other cities upon the agreement that such butchers sell all of the fats, bones, suet and other offal from their shops exclusively to the respondent company, which was done.

The Commission concluded that the respondent's practices have injured competition in the purchase of raw materials of the class dealt in by the respondent and have tended to create in the respondent corporation in the territories in which it operates a monopoly in the purchase of these materials. (3766)

**Fyrout Company, Inc.**—See Walter Kidde & Co., Inc.

**Walter Kidde & Co., Inc.**—Five fire fighting equipment companies have been ordered to cease and desist from price fixing activities in violation of the Federal Trade Commission Act and has directed one of them to discontinue exclusive dealing contracts in violation of the Clayton Act.

Respondents are Walter Kidde & Co., Inc., 140 Cedar St., New York; American La France and Foamite Industries, Inc., Elmira, N. Y.; C-O-Two Fire Equipment Company, 560 Belmont Ave., Newark, N. J.; National Foam System, Inc., 1632 Sansom St., Philadelphia, and Fyrout Company, Inc., 90 West St., New York, a subsidiary of Walter Kidde & Co., Inc. They manufacture or assemble and sell fire fighting equipment including carbon dioxide fire extinguishing systems and carbon dioxide portable fire extinguishers.

The Commission finds that Walter Kidde & Co., Inc., assignee of two patents governing the successful manufacture, assembly and operation of carbon dioxide portable fire extinguishers, has issued license agreements, based on both patents (one of which has expired), to the other respondents, attaching to each agreement a "Schedule of Minimum Prices and Terms" including uniform prices at which the respondents have sold parts, accessories, apparatus and equipment such as hose assemblies, cylinders and carrying straps, in violation of the Federal Trade Commission Act.

All of the respondents, the findings continue, pursuant to the uniform price agreement, submitted identical bids on such parts, accessories, apparatus and equipment, in response to Governmental invitations for competitive bids. The findings show instances in which all the respondent companies responded to an invitation for competitive bidding to supply fire fighting equipment to the United States Navy, each submitting bids that were identical one to another and to figures then appearing in the agreed minimum price schedule.

Findings are that in violation of the Clayton Act., Walter Kidde & Co., Inc. licensed the respondent National Foam System, Inc., not a manufacturer, to make, sell, install and use the inventions set forth in the respondents' agreement; that this license is in reality not a license to manufacture but to assemble the parts, accessories and apparatus purchased from the licensor, and that, under such agreement, National Foam System, Inc., has been required to purchase from Walter Kidde & Co., Inc., all of its requirements of such commodities whether to be used by National Foam System, Inc. in assembling completed units of the carbon dioxide type of apparatus or whether to be resold separately from the completed units and under the agreed uniform price schedules.

The Commission order directs the respondents to cease effectuating combinations or agreements for fixing and maintaining the sale or purchase price for parts, accessories and apparatus for use or in connection with the manufacture or assembly of carbon dioxide fire extinguishing systems and carbon dioxide portable fire extinguishers; from compiling, publishing and distributing any list of prices for such commodities, and from filing bids where competitive bids are called for by Governmental agencies or other buyers, in violation of the Federal Trade Commission Act.

Walter Kidde & Co., Inc., is also ordered to desist from making any sale or contract for the sale of these commodities for use or resale, or fixing a price charged therefor on the condition, understanding or agreement that the purchaser shall not use or deal in the commodities of this respondent's competitors, in violation of the Clayton Act. (3929)

**M. Linkman & Company**—Orders prohibiting lottery methods in connection with the sale of merchandise to ultimate consumers have been issued against M. Linkman & Co., 1150 West Fullerton Ave., Chicago, smoking pipe manufacturer, and William A. Frew, Paradise, Pa.

The respondent Frew has traded under the names Paradise Products Company, Paradise Seed Company, Paradise Candy Company, Paradise Chocolate Company, Square Deal Company, Lancaster County Seed Company, Lancaster Seed Company, Garden Spot Seed Company, Garden Seed Company of America and Good Luck Gardens, and has sold candy, garden seed, watches, blankets, towels, musical instruments, housekeeping sets, flashlights, cameras and other articles.

The Commission orders direct the respondents to cease and desist from (1) selling and distributing merchandise so packed and assembled that sales to the public are to be or may be made by means of a game of chance; (2) supplying to or placing in the hands of others (a) assortments of merchandise together with push or pull cards, punch boards or other lottery devices, or (b) such devices either with assortments of merchandise or separately, which devices are to be or may be used in selling such merchandise to the public, and (3) selling or otherwise disposing of any merchandise by means of a gift enterprise or lottery scheme. (4018 and 3603)

**National Foam System, Inc.**—See Walter Kidde & Co., Inc.

**Process Engraving Company**—Ann W. Carter, trading as Process Engraving Company, San Francisco, Cal., is found to have advertised the process by which she produces social and business stationery sold by her as being "engraving" and her business as being that of an engraver, when in fact her products were printed by a thermographic process in which a chemical composed mainly of resin was used to produce the raised letter effect instead of by the more expensive engraving process preferred by many buyers.

The Commission order directs the respondent to cease using the words "engraving", "process engraving", or any derivative of the word "engrave", to designate the respondent's stationery products or the nature of her business, unless the respondent produces these products by a process consisting essentially in the application of blank stationery to an inked intaglio plate under pressure sufficient to force the surface of the stationery into the letters or designs cut or incised in the plate, so that the ink in the plate adheres to the stationery to form the characters in relief and raised from the plane of the surface. (3637)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Acquin Pharmacal Company,** also trading as Acquin Products Company, St. Louis, Mo., agrees to cease making representations which convey the impression that its preparation "Acquin" is competent or effective in treating headaches, simple neuralgia, colds, sore throat or other ailment, or is efficacious for any purpose other than as a temporary relief of minor pains or the mild discomforts incident to them. (2711)

**Acquin Products Company**—See Acquin Pharmacal Company.

**Braun Club**—William Michael Braun, operating The Braun Club, 353 West 47th St., Chicago, has entered into a stipulation to cease misleading representations in the sale of memberships in a correspondence club and lists of persons seeking correspondents for social and matrimonial purposes.

In his advertising matter the respondent represented, according to the stipulation, that he knows or has good reason to believe that members of his club are wealthy and have good business or professional positions; that all persons joining the club will receive many interesting letters and photographs; that members who are designated "Special" will obtain quick, satisfactory results, and that his enterprise is of service generally to one who is lonesome or wants a wife, husband or sweetheart.

The stipulation relates that the respondent neither investigates to ascertain the moral, business, professional, financial, or social standing of those seeking sweethearts, correspondents, husband or wives, nor keeps records showing the results of the correspondence.

The respondnt agrees to cease making certain specific representations regarding his service unless they are supported by sufficient investigation as to the actual facts, and to discontinue advertising that parties seeking correspondents are worth any specified amounts, or have any standing other than that disclosed by competent investigation, unless the source of his information is set forth. (02530)

**Brigham Oil Burner Company**—A stipulation to discontinue misleading representations in the sale of oil burners used in heating and cooking stoves, has been accepted from James W. Brigham, trading as Brigham Oil Burner Company and as Ace-Heat Oil Burner Div., Metallic Manufacturing Company, 4367 Duncan Ave., St. Louis. Other respondents are Metallic Manufacturing Company and Peter Parr, its vice president, both of St. Louis.

The respondents agree to discontinue the use, or permitting the use, of the words "Ace-Heat Oil Burner Div., Metallic Manufacturing Company" as a trade name for the individual business of James W. Brigham, or in any manner representing that such business is that of the Metallic Manufacturing Company or other corporation, or is a division thereof.

The stipulation recites that by arrangement with Metallic Manufacturing Company and with Peter Parr, the respondent Brigham conducted portions of his business as "Ace-Heat Oil Burner Div., Metallic Manufacturing Company", and as "Ace-Heat Oil Burner Div., Metallic Mfg. Company, Pete Parr, President", when in fact it was the individual business of Brigham as sole proprietor, and neither the Metallic Manufacturing Company nor Peter Parr had any financial or proprietary interest therein.

According to the stipulation, Metallic Manufacturing Company makes some, but not all, of the parts contained in the assembled burners sold by Brigham, who buys such parts as a customer; the purported "Ace-Heat Oil Burner Division" of the corporation is non-existent, and neither Peter Parr nor any other person is "president" of such fictitious entity, as was advertised.

The respondents also stipulate that, among other representations, they will cease using the word "fliver" in a manner conveying the impression that the device sold has influenced the general sale and distribution of oil burners as the "fliver" has done in the automobile field, or in any other manner representing that this is a business of great magnitude or national importance. (2714)

**Martha Maid Manufacturing Company,** Chicago, Ill., in the sale of women's undergarments, stipulates that it will desist from use of the term "Pure Dye" as applied to any fiber or fabric or part of fabric unless such material so described is exclusively pure silk without any other fiber, weighting, excess finishing or dyeing materials, or loading or adulterating materials. If the term "Pure Dye" is used in a truthful manner as descriptive of the silk content of a mixed fabric, there is to be accurately disclosed in connection with this term the fact that it applies only to the silk content of such mixed fabric, as for example "Rayon and Pure Dye Silk".

The respondent company also agrees to cease branding or selling any product composed of rayon and other kinds of fiber or substances without full and nondeceptive disclosure, on tags, invoices and advertising matter, of the rayon and other content of such product, by accurately designating each constituent fiber in the order of predominance by weight, beginning with the largest single constituent, and giving the percentage of any fiber present in less than a substantial proportion. (2712)

**Metallic Manufacturing Company**—See Brigham Oil Burner Company.

**Premier Laboratories, Inc.,** Trenton, N. J., agrees to cease using the name "Premier Laboratories, Inc." as and for its corporate or trade name, when in fact there are no such laboratories, and to discontinue designating itself as "Manufacturing Chemists and Perfumers," when it neither owns and operates nor directly controls the plant in which the goods it sells are made. (2718)

**Professional Laboratories, Inc.**—Agreeing to discontinue misleading representations in the sale of a medicinal preparation, Professional Laboratories, Inc., Bloomfield, N. J., has entered into a stipulation.

The respondent agrees to cease representing that its product "Tri-Costivin" is not a laxative; that it will normalize or regulate the flow of gastric juice, and that, generally and without regard to vitamin deficiencies, this or any like product will invigorate the nervous mechanism or control the stomach or intestinal musculature.

The stipulation recites that, according to reliable medical authority, the respondent's product contains three ingredients having specific laxative action and is a laxative notwithstanding the respondent's assertion to the contrary. The product, according to the stipulation, will not normalize gastric juice secretion and, unless in the relatively rare cases of Vitamin B1 and B2 deficiency, will not invigorate the nervous system or control the stomach and intestinal muscular activity.

The respondent also stipulates that it will desist from the representation that by the additional influx of function-energizing hormones, the product will increase the activity of the pancreas or the duodenum, when in fact it contains no such hormones, and that, by means of bile salts, endocrine gall bladder substance or otherwise, the preparation will regulate the flow of bile, when in fact the action of the ingredients does not warrant this claim. (2713)

**Royal Manufacturing Company,** Bowling Green, Ohio, agrees to desist from the use in its advertisements of the word "Chrome" as descriptive of the heating elements of its electric poultry brooders, or from the use of this word or any colorable imitation of the word "Chromium" so as to imply that the heating elements are composed of chromium. The stipulation provides that if these elements are composed in substantial part of chromium and in part of other metal, and the word "Chrome" is used to refer to the chromium content, then that word shall be immediately accompanied by other words in equally conspicuous type to indicate clearly that the heating elements are not made wholly of chromium but contain in part some metal other than chromium. (2717)

**Standard Milling Company**—J. Kendley Martin, trading as Standard Milling Company, 46 Fairlie St., Atlanta, has entered into a stipulation to discontinue misleading representations in the sale of poultry, dairy and hog feeds.

Among representations which the respondent agrees to discontinue are that any of his feeds are perfectly balanced or incorporate every new feeding discovery of value in a poultry or livestock ration; that every ingredient in the respondent's "Super Quality Starting Mash" is completely assimilated; that this mash is potently fortified with all the known vitamins; that the minerals present in "Super Quality Supplement Mash" are completely water soluble; that "Super Quality Growing Mash" provides in ample amounts every known vitamin; that "Super Quality Pullet Mash" will prevent the possibility of neck moult or premature production, and that "Super Quality Starting Mash" will afford the lowest mortality rate, or that any of the respondent's hog feeds will afford the highest profit, will grow and develop swine at the lowest feeding cost, put on most weight or grow and develop swine in the shortest time or with the smallest amount of feed. (02532)

**Superior Manufacturing Company**—See Superior Sales Company.

**Superior Sales Company**—Sanford W. Binker, trading as Superior Sales Company and as Superior Manufacturing Company, Los Angeles, Cal., agrees to cease use of advertising matter which directly asserts or implies that treatment of silk hosiery or lingerie with the respondent's product designated "Superior," will prevent or stop running or snagging, rotting or fading, increase the breaking strength of the heel or toes of such hosiery, make it last 3 or 4 times longer than hosiery not so treated, reduce hosiery or lingerie expense one-half or more, or that use of the product can be relied upon generally to improve the texture or set the color of silk wearing apparel. The respondent also agrees to cease using fictitious prices and to discontinue misleading uses of the words or phrases "Special Advertising Campaign," "Free" (relating to merchandise), "Manufacturing" and "Guaranteed." (2715)

**United Publishing Company,** 549 West Randolph St., Chicago, also trading as "The Home Friend," a corporation engaged in the sale and distribution of "The Home Friend Magazine," has entered into a stipulation in which it agrees to discontinue misleading representations in connection with a series of puzzle contests used in an advertising program to promote the sale of subscriptions to the magazine.

The respondent, according to the stipulation, made misleading representations inferentially or directly conveying to readers of its "contact advertisements" the idea that by submitting correct solutions to the advertised puzzles they could win an automoble or $1,500 when in fact no prize other than a small map of negligible value was awarded for solution of that puzzle.

The stipulation recites that the contact advertisements failed to indicate that a magazine subscription or other requirement was a condition precedent to winning any of the awards or that the sole objective was to build up a mailing list for the follow-up letters and other sales promotion literature.

The respondent stipulates that it will desist from disseminating advertisements tending to convey the impression that money or other things of value will be awarded to persons as a prize, unless all terms and conditions are clearly indicated; from representing, inferentially or otherwise, that the solving of a puzzle contained in a contact advertisement or follow-up literature may result in the winning of an automobile or money prize, when such is not a fact, and from using representations in or pertaining to contact advertisements, follow-up literature or otherwise, which infer that persons answering the advertisements or solving puzzles contained therein will thereby get an opportunity to win an automobile, cash prize or other valuable thing or attain any material benefit other than that which may accrue as a result of entering into a subsequent contest, the outcome of which is to depend on the number of magazine subscriptions or other commodities sold or services rendered by the various contestants.

The respondent also agrees to discontinue using any progressive, integrated or continuous plan to sell magazine subscriptions, commodities or merchandise unless every step or phase of the plan is clearly set forth in the first mailing list to the prospect, before any money or service is accepted, showing without ambiguity exactly what will be expected of the prospect and what compensation or reward will be given for each act or payment required in contending for a prize, award, premium or other advantage or benefit. (2716)

**Variety Foods, Inc.,** Indianapolis, Ind., stipulates that in the sale of "Vigor," its canned food for dogs, it will desist from use of the term "Meat By-products" as descriptive of an ingredient of which the food is composed, and from use of this term in a manner implying that the food contains an edible part other than meat which has been derived from the carcases of animals, as cattle, swine, sheep or goats, in good health and sufficiently mature at the time of slaughter. (2719)

**Zonite Products Corporation,** 405 Lexington Ave., New York, has entered into a stipulation to cease misleading representations in the sale of preparations designated "Zonite Ointment", "Zonite Liquid" and "Vaginal Suppositories (Zonitors)".

Among representations which the respondent agrees to discontinue are that the cause of menstrual distress is often due to the presence of germs, or that the problem of feminine hygiene is eliminated by the use of the respondent's products or that they are a competent treatment for leucorrhea.

Other representations which the respondent agrees to discontinue are that "Zonite Liquid" has a smoothing action on the membranes or may always be used without risk, or that it can never injure delicate tissues; that its use assures freedom from grippe, colds, coughs and other diseases of the respiratory system; that it is effective in combating the cause of pyorrhea; will control all dandruff or itchy scalp skin; end dandruff or itchy scalp; kill onion breath permanently, and that the respondent's products are the only antiseptics which are non-poisonous under similar conditions of use and that "Zonite Liquid" or "Zonite Oinment" are 100 per cent effective in preventing athlete's foot or will assure the user of immunity therefrom. (02531)

The National Association of Broadcasters
NORMANDY BUILDING * * * * * * * WASHINGTON, D. C.

# SPECIAL BULLETIN

March 29, 1940.

## Important To All Broadcast Station Executives:

In spite of the taunts and sneers of ASCAP, Broadcast Music, Inc. forced ASCAP'S hand and a proposal which ASCAP did not intend to make public until December 1940 was announced on March 21st. Although, upon first reading, this proposal may appear attractive, especially to the small stations, a careful study clearly reveals that the proposal is drawn for the purpose of dividing the industry so ASCAP may be able to levy increased tribute. Also, it is ASCAP'S plan, by the continuation of the blanket tax on gross receipts, to eliminate the incentive to the development of non-ASCAP music and thereby perpetuate ASCAP'S monopoly in the music field.

The proposal, although indefinite in many aspects, is sufficiently definite to outline ASCAP'S general views concerning the terms for renewal of licenses, and the proposal, plus ASCAP'S actions, clearly indicates that although lip service is given to the idea of negotiation, in effect, ASCAP has summoned its largest customers to another Munich and dictated the terms of surrender.

In studying the proposal, it would be well to keep in mind at least the following facts. Briefly analyzed, ASCAP'S proposal demands a payment of approximately $8,500,000 for 1941. This means that, considering the reasonable expected increase in business, over the next ten years broadcasters will pay a total of at least $100,000,000, not for the purchase of ASCAP catalogues, but merely for the use of same. Without consideration of the stations' views, operating problems or other interests, and without consultation with the industry, ASCAP rejects the "per program" basis of payment. ASCAP demands that broadcasters continue to pay on news broadcasts, sports events, programs of classical music and other programs containing no ASCAP music. Regardless of the possible further decline in the use of music, broadcasters must pay the same fixed percentage of their gross; regardless of the popularity or merit of non-ASCAP music, or the development of other sources of music, broadcasters must pay the same fixed percentage of their gross to ASCAP.

ASCAP, in theory, recognizes the principle of clearance at the source, but without any consultation with the industry as to a feasible or equitable plan, announces a plan designed to divide the industry into warring groups. No one group within the broadcasters' ranks is obligated to fight the battles of any other group, yet we know that the interests of all broadcasters are related, that an additional burden of $3,500,000 placed upon the industry, regardless of where it first falls, will in time be spread over most of the industry. We also realize that radio as an advertising medium competes with other media, and additional costs may divert advertising to other fields. The networks have definitely stated that they cannot accede to ASCAP'S demands, and the question immediately arises as to the value of an ASCAP license to an affiliate, and even to an independent, if ASCAP tunes are not played on the networks.

Last July, the broadcasters decided to definitely solve the copyright problem. As a result of this decision, BMI has been incorporated, 284 stations have pledged $1,253,189.05, a staff has been organized, contacts made within the music field, and we are on our way for once really and constructively to solve one of our most troublesome problems. The real danger which threatens the industry today is that the apparent attractive features which are dangled before the industry in the ASCAP proposal may tempt some to accept temporary benefits rather than to continue the fight for a permanent solution.

My advice to each broadcaster is to study the proposal carefully, especially regarding the effect upon affiliates in the absence of any agreement between networks and ASCAP; the effect upon independents, in the absence of agreements of networks and affiliates with ASCAP; the effect upon our efforts ever to secure a "per program" basis of payment and the opportunity to develop non-ASCAP music; and the effect upon Broadcast Music, Inc.

In the future, we shall have other problems to meet on an industry wide basis. BMI has already produced some tangible results. Shall we grab the first benefits now, and live to regret that we did not ascertain the full possibilities of industry wide cooperation?

Lastly, may I suggest that you write me your personal views and suggestions, so that we may have the advantage of your judgment as to our future action.

Very truly yours,

Neville Miller

*President, National Association of Broadcasters.*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 14, April 5, 1940

## BMI Sending First Songs to Its Subscribers

Six new popular songs soon will be in the hands of all broadcasters holding BMI licenses.

Carefully selected to indicate the quality of material which BMI will supply from the pens of non-ASCAP writers, these songs are:

HERE IN THE VELVET NIGHT by Ernest Gold and Dan McCray

SAGEBRUSH SERENADE by Milton Cassel and Charlotte Cassel

WE COULD MAKE BEAUTIFUL MUSIC TOGETHER by Henry Manners and Robert Sour

LET'S DRAW STRAWS by Eugene Conrad and Robert Braine

IN THE SILENCE OF THE DAWN by Leon Da Costa and Samuel O. Johnson

WHAT GOOD'S THE MOON by Lee Wainer and Robert Sour

In announcing the release of these songs, BMI said that April 1 had been designated as the official date on which the term of licensing commenced, and that the expiration date would be determined in the light of the date on which "a substantial number of works are actually available for performance." This expiration date cannot come before April 1, 1941.

Meantime, the IRNA executive committee, CBS and NBC urged affiliates to consider the ASCAP proposal of March 21 with a view to its long-range effect. Below are the letters:

The IRNA letter:

March 23, 1940.

To All Affiliates:

On Thursday, March 21st, the ASCAP negotiators sent for the Broadcasters and told the Broadcasters the ASCAP terms for peace. This is a procedure which is apparently being uniformly adopted these days by people in a position to get what they want.

Therefore, the sole question for broadcasters now is: are the terms acceptable, and is there no alternative?

At first reading many small broadcasters seem to think they are being given satisfactory concessions and will save money on the new terms. The evident object of ASCAP is now as it was before, to split and separate the industry by offering painted candy to the little fellows. The whole ASCAP proposition is a composition for male chorus to the tune of "Soak the Networks," in the hope everybody will immediately join in with gusto.

Will it work? We affiliates have no intention of pulling chestnuts out of the fire for the networks, but common sense dictates that we are part of the networks and there is a point at which network operation becomes unprofitable. If it does, the network system of broadcasting, as we know it, will become a thing of the past and we know that if that happens we will all be the losers.

In the present situation what would be the result if all the individual and affiliated stations accepted the ASCAP deal and the networks refused to? You all know the basic reason all affiliates are holding out for "clearance at the source" is that network programs contain all the big popular numbers and many operators feel that they can operate locally without ASCAP music as long as the network continues to feed it. Therefore it is apparent (although not so stated in the ASCAP proposition) that its acceptability to affiliates is entirely contingent upon its acceptance by the networks. As to independent non-affiliated stations, they likewise are in the same position, though for another reason. It is the popular network programs which build up popularity for tunes; the small independents who operate largely with recordings and transcriptions would find ASCAP tunes falling upon deaf ears in their own localities unless the networks were making them familiar and popular.

It is therefore ordinary common sense that anyone who accepts or signs up the ASCAP proposition in its present form without knowing definitely what the networks will do, is buying a pig in a poke.

Suppose the networks were willing to make this ASCAP deal. It must be expected that in such event they would try to find a way to back-charge against the affiliates the extra cost of clearance at the source. If they succeed affiliates will be paying 7½% ASCAP tax on network revenue instead of 5% as at present. To that extent the ASCAP deal would cost you 50% more than it does at present.

In its present form the ASCAP proposition perpetuates a tax on gross receipts of every station and shuts out the possibility of paying only on programs or for music as used. This is contrary to the declaration of principles of IRNA and to that extent also the ASCAP proposition is unacceptable.

There is an alternative.

The industry has started out to provide itself with its own source of supply. Broadcast Music, Inc., is just beginning to function. There can be no doubt that ASCAP published its terms for a new deal in March 1940 instead of December 1940 in order to discourage the growth of BMI. Now, if ever, is the time for the broadcasting industry to stand together and act as a unit.

During the past five years we should have learned a lesson or two from the successes achieved by our employees and by the composers through collective bargaining. They stand together. So should we.

IRNA is not a collective bargaining agency. However, it can give advice. Our advice is: Don't get up a high blood pressure over the ASCAP proposition. It is to your advantage to stand by BMI. If you want to know more about it, call any member of the IRNA Executive Committee. We are at your service.

We do not have exact figures but it is estimated that ASCAP's revenue from the broadcasting industry in the year 1940 will probably be $5,000,000. Under the new ASCAP proposition, ASCAP's revenue on the same volume of business would be over $7,500,000. This means $2,500,000 of the industry's revenue taken

(Continued on page 4146)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## BMI SENDING FIRST SONGS TO ITS SUBSCRIBERS

*(Continued from page 4145)*

away from somebody. Correspondingly it means that much less available for the employees of the industry, and for their employers, or else increasing costs to advertisers which will drive advertisers into other media.

Probably it is perfectly human for ASCAP to try to add 50% to its take in one year. If it is strong enough to succeed, that will only mean we are weak enough to let it. If we are, it is our own fault and we deserve no sympathy.

This letter is going to all affiliates, whether you are members of IRNA or not. You can easily see how vital it is to maintain and support an organization of affiliates in this situation. If you have not joined IRNA, we advise you to do so.

IRNA Executive Committee.

The Columbia letter:

April 4, 1940.

Dear Mr. ——————:

The American Society of Composers, Authors and Publishers, which already gets a disproportionate share of its revenue from the broadcasters, has now set out to exact an additional tribute of some four or even five million dollars from our industry. The broadcasters, meantime, have laid their own plans to break the grip of this monopoly once and for all. This letter is to advise you that so far as Columbia is concerned, we intend to fight and we believe we will win.

In considering the bait which ASCAP has held out to you in the form of a reduction in your fees, to be offset by astronomical and impossible increases from the networks, may I suggest that you bear four things in mind—

First, that the additional millions which ASCAP now seeks to exact have to come out of somebody's pocket and, in the long run, ASCAP would be enriched to that amount and broadcasters as a whole would be improvishered to that degree, regardless of how these additional sums are levied. You know our business and your own well enough to realize that adjustments would be required and that the "saving" proffered to you would, in the long run, prove illusory.

Second, that if ASCAP does succeed in dividing the industry into hostile camps—regardless of who suffers first—we will separately and individually be pushovers for them and, in the end, everybody will pay.

Third, that the brains, the energy and the money of the industry are behind Broadcast Music, Inc., and that, for the first time, we will be able to confront ASCAP with a weapon in our hands instead of meeting them unarmed and helpless, as we have in the past.

Fourth, that unless ASCAP comes to its senses, there is absolutely no present possibility that Columbia will have any ASCAP music on the network after December 31st next, and without this network plugging of ASCAP tunes the value of an ASCAP license to any station will be greatly diminished.

I am sending this letter because I think, as affiliates, you will want to know and are entitled to know of Columbia's attitude.

Sincerely yours,

Edward Klauber.

The NBC letter:

March 26, 1940.

To the Station Manager:

You have undoubtedly received a copy of ASCAP's letter No. 3254, dated March 21, 1940, which was mailed to all ASCAP licensees and to which was attached ASCAP's "plan" for the licensing of broadcasting stations for the period commencing January 1, 1941.

While the plan purports to be ASCAP's idea of a fair basis of licensing, you will note particularly that in the last paragraph of Mr. Paine's covering letter, he offers to meet with the broadcasters to *negotiate* for a contract.

In connection with your study of this plan we should like to suggest a few points for your consideration:

In the first place, the ASCAP plan would result in the broadcasting industry as a whole paying between three and four million dollars more for the use of ASCAP music than it is currently paying, and most, if not all of this increase, would be placed on the networks. This huge increase would have to come out of the pockets of the broadcasters and their advertising clients. Any such increased burden on the broadcasting industry as a whole or the networks would be inordinately excessive.

The National Broadcasting Company is not opposed to the principle of clearance of music at the source providing it can be done on a basis which is legally feasible and economically sound. The plan which has been submitted by ASCAP is so intolerably burdensome upon NBC that it would be impossible for us to accede to their terms. It is obvious that the classification of broadcasting stations proposed by ASCAP outlines definitely the kind of a split which that organization desires to accomplish within the broadcasting industry. The National Broadcasting Company is prepared to assume its proper burden in the payment to copyright proprietors for their music and are willing to join with other elements of the broadcasting industry to negotiate to that end.

As you know, the National Broadcasting Company has joined hands with others in the industry to create Broadcast Music Incorporated, as an independent source of music. We have pledged ourselves to payment of approximately $250,000. A large number of stations have subscribed and paid for stock and committed themselves to pay to BMI license fees for use of its music. Currently BMI is making every possible effort to deliver to its subscribers at an early date a library of music suitable for broadcasting. The effect of the ASCAP plan upon the broadcasters' investment in BMI is one which will need careful consideration. Certainly BMI is energetically prosecuting its efforts to line up catalogues of music and if it is to succeed it must have the continued support of the industry.

As a final thought may I suggest that you study the ASCAP plan for the effect that it will have upon you as an affiliate in the absence of any agreement between ASCAP and the networks.

Sincerely yours,

William S. Hedges.

BMI on April 3 sent out the first issue of a new publication, "Notes from BMI," which will keep subscribers informed of developments. Subscribers should be on the lookout for it.

## EXECUTIVE COMMITTEE MEETS

The Executive Committee met with Neville Miller at headquarters on Monday, and discussed Broadcast Music, Inc., and a number of other matters. Committee members present were John Elmer, WCBM; Herbert Hollister, KFBI; Paul Morency, WTIC, and Harry Wilder, WSYR.

## CODE COMMITTEE TO MEET

The NAB Code Compliance Committee will meet in the Board Room at Headquarters in Washington, next Thursday, April 11. A full attendance is expected.

## ARNEY MEETING WESTERN BROADCASTERS NEXT WEEK

C. E. Arney, Jr., new assistant to Neville Miller, is having a series of informal meetings with broadcasters, on his way from Seattle to Washington.

This week, he met with station managers and others in San Francisco and Los Angeles, while next week he will be in Salt Lake City (Monday), Denver (Tuesday), Omaha (Wednesday morning), Wichita (Wednesday night), Kansas City (Thursday), St. Louis (Friday), Chicago (Saturday and Sunday).

Mr. Arney—"Bee" for short—can be reached at the Brown Palace in Denver, the Montenelle in Omaha, the Lassen in Wichita, the Jefferson in St. Louis, and the Palmer House in Chicago. He will be delighted to talk with broadcasters about individual or industry problems.

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## FLY DEFENDS COMMISSION'S TELEVISION ACTION

James Lawrence Fly, FCC chairman, defended the Commission's action in revoking its television rules, in a Mutual-NBC Red broadcast this week.

Senator Lundeen (FL-Minn) introduced a resolution asking the Interstate Commerce Committee to investigate the Commission's action, "to ascertain whether the Commission has exceeded its authority, and whether it has interfered with the freedom of public and private enterprise."

The text of Mr. Fly's speech and the statement of Senator Lundeen made when he introduced his resolution:

During the past several weeks much has been said, and even more written, about television. It is altogether appropriate that, as Chairman of the Federal Communications Commission, I should make this report to the radio public on the present status of this great invention.

In view of international conditions, American industry has the opportunity to lead the world in the development of the art of visual broadcast. Where television was advancing with youthful faltering steps in Europe, darkness has descended. Research has been stopped while all energies are devoted to war. Foreign television for the time being is paralyzed. It is singularly fortunate that in our own country neither war nor any other ruthless force can lay a heavy hand upon the youthful television industry and impede its normal progress.

In the present state of radio, broadcasting of sound has progressed to the point where reliable service can be received in nearly every home. Receiving sets are within the means of almost every family. In the meanwhile, television has been gradually approaching the threshold of the American home.

Most of us have witnessed radio grow from its laboratory stages. All of us will have the thrill of seeing television ripen into a reality for everybody to enjoy. While television is still in the experimental stage it is moving out of the laboratory. We know that it is a practical thing, and that it has great potentialities for development into a permanent instrument of entertainment, of information, and of education. Our generation has been entrusted with the responsibility of carrying forward this advance. There may be differences of opinion as to what is best for television, but no one would favor other than its orderly and healthy growth into an instrument of permanent public good.

Why is the Federal Government interested in television? And why am I impelled to make this report to you tonight?

The Federal Communications Commission was created by Congress to regulate among other things the use of radio transmitting equipment. Unless such Federal regulation existed, the public could not use the radio for either sound or vision. For it is a unique characteristic of radio that its indiscriminate use by *all* makes it impossible for benefits to be derived by anyone.

The *only* way a *few* may broadcast effectively is to exclude the many. The responsibility for allocating radio frequencies which shall be used for broadcasting, for the aviation services, for police radio stations, for the preservation of life and property at sea, for television, and for a multitude of other purposes, places a grave responsibility on the Commission.

But to meet the point more specifically, what are the other functions of the Federal Communications Commission relating directly to television? Let me quote from the Communications Act:

> "The Commission, from time to time as public interest requires, *shall*
>
> "Study new uses for radio, provide for *experimental* uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest; . . .
>
> "Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein; . . .
>
> "Make such regulations not inconsistent with law as it may deem necessary to carry out the provisions of this Act."

In other words the Congress has placed upon the Commission the duty to issue licenses for experimental operations; the duty to foster research and development, and to encourage the achievement of high standards, and, *ultimately,* to recognize those high standards—once they have been achieved by the *industry's engineers.*

It is likewise under a clear mandate to regulate the kind of apparatus to be used in radio broadcasting, including television, and to promulgate appropriate regulations. We should be derelict in our duty to the public if we should disregard this mandate of the Congress, or if we should permit any business interest to render it ineffective.

We should also be avoiding our obligation if, in the regulation of the experimentation, and of the transmitting apparatus, and its methods of operation, we ignored the current state of the science. As most of you know, television has been developing for several years. For more than ten years the Commission has issued licenses to enable the engineers of the industry to carry on experimental operations. Under authority of the Commission, actual television programs have been broadcast for a number of years. Commission members and the staff, during the last two years, have made an extensive study of the engineering developments, potentialities, and problems.

Recently the Commission undertook a study to ascertain the present situation of television as a basis for proposed rules for the licensing and operation of stations. We scheduled hearings in Washington and invited every broadcaster and every manufacturer interested in television to participate.

Scientists were invited to give the Commission their views on the status of the art. Extensive public hearings were held. The Commission made personal inspection trips to obtain first hand information of television in actual operation. The Commission issued its report on February 29th of this year. It also issued new rules and regulations for this service. I should like to read a significant portion of the Commission's unanimous television report:

> "That research should not halt and that scientific methods should not be frozen in the present state of the art is fairly to be deduced from the engineering testimony of representatives of the companies represented at the hearing. Actual demonstrations to members of the Commission indicate the need for further improvement in the technical quality of television. The evidence before the Commission reveals a substantial possibility that the art may be on the threshold of significant advances. Research in fact does and should continue in significant phases of the field."

We pointed out that television engineering is in a state of flux and added:

> "The issuance or acceptance of transmission standards by the Commission, especially in combination with the more extensive experimental program service which will in all probability develop under these rules, would have a tendency to stimulate activity on the part of manufacturers and the public in the sale and purchase of receivers for home use. It is inescapable that this commercial activity inspired and then reinforced by the existence of Commission standards would cause an abatement of research. To a greater or less extent the art would tend to be frozen at that point."
>
> "Even more important," we warned, "nothing should be done which will encourage a large public investment in receivers which, by reason of technical advances when ultimately introduced, may become obsolete in a relatively short time. The Commission has not overlooked the significant sums invested by pioneers in making possible our present knowledge of television, and it is not unsympathetic with their desire to recoup their investment in the process of bringing television's benefits to the public. It will be realized, however, that the loss to the public by premature purchase in a rapidly advancing field might in a relatively short period exceed many times the present total cost of research. Such an economic loss in the long run can rebound only to the harm of the industry. In view of the apparent proximity of improvements and of the resolution of disputed technical questions, these risks should not be taken. The Commission is, therefore, reserving the matter of issuing standards for consideration at some future time."

These words would seem to have made the Commission's attitude perfectly clear.

However, it might be helpful to explain the term "transmission standards." As I have already indicated, the Commission is charged with the duty of regulating the kind of transmitting apparatus used with respect to its external effects. Such regulation is done by the issuance of engineering transmission standards. "Transmission standards," then, are the engineering rules laid down by the Commission to govern the types of radio transmitters and their operation. The problem of formulating such standards in the case of television is fraught with peculiar difficulties during this developmental stage.

Let me explain why this is so. There is at present in the television industry a very wholesome state of competition between rival manufacturers to develop their transmitting apparatus to a point where the quality of reception of their telecast pictures will be superior to those of any other manufacturer. It was the Commission's considered judgment and, in this judgment I might say there has been the universal concurrence of the engineering profession, that no one manufacturer of transmitting equipment has yet perfected his apparatus to a point where it should be accepted as the standard for universal application. On the contrary, no voice has dissented from the proposition that further research and experimentation is needed. The recently adopted rules and regulations of the Commission governing television broadcasting recognize this engineering fact. The Commission, therefore, deliberately refused to place its final approval upon any present type of transmitting equipment as the type which all must use. This attitude is merely a reflection of the engineering opinion in the television industry that there were still too many improvements in sight to warrant standardization at this time. It seems clear that the research should continue, and that order and caution should be the keynote to foster that improvement.

What a great tragedy it would be if today some heedless power, for the sake of an immediate short-sighted interest, should obstruct television's progress and leave it dwarf-like in the shadow of its own great potentialities. But, you may readily ask, "How can this happen to television; it didn't happen to motion pictures; it didn't happen with automobiles; it didn't happen with the advance of ordinary broadcasting itself." Why, then, the special solicitude for the future advance of television?

The answer is not readily obvious, but it is fundamental and, I think, thoroughly understandable.

The fact is that television is not like ordinary broadcasting, not like the automobile, not like motion pictures.

First let us consider the case of the broadcast of sound alone. Such broadcasting in the United States is roughly twenty years old. As you all know, during these years there has been vast improvement in the technique of radio transmission and reception. There has, however, been no change in the fundamental standards for transmission and reception during that entire period. A receiver built to receive a broadcast station operating in 1920 will receive a broadcast station that operates in 1940. A transmitter built in 1920 can be received by radios in use today. Better transmitters are being built now than were being built in 1920, and the same is true of receivers, but they all operate on the same principle; or more technically, on the same basic standards. Improvements have been gradual. Obsolescence has taken only a normal toll.

The automobile may be similarly characterized. Our streamlined cars of today bear no resemblance either in appearance or performance to the wheezing, coughing, horseless carriage of thirty-five years ago. But that ancient jalopy will still run!

Television is different—uniquely so.

In the case of television, a receiving set is so synchronized with the transmitter that the two are inseparable in operation. The receiving set is, in effect, the key which unlocks the transmitter in order to receive the broadcast. A substantial change in the lock renders the key useless. The necessary dependence of the television receiver upon the operation of a television transmitter in the vicinity, and conversely, the dependence of a television transmitter upon the existence of television receivers capable of receiving it, if it is to have any public value, is the vital difference between television receivers and automobiles, for example. It is the Commission's clear duty to license television transmitters to supply programs for television receivers in the hands of the public. The Commission cannot ignore what the public does with respect to the purchase of television receivers.

Then, too, there are today different methods of transmitting television signals.

A television receiving set capable of receiving the signal of one type of transmitter may not accept the signal of a different type of transmitter in existence today. The receiving set must be constructed to operate on the same principle as the particular transmitter. If the American people should buy television receivers in great numbers as they have bought ordinary radios, and if at a later date transmission standards are adopted which contemplate an alternative or improved transmission system over that on which the particular receivers can operate, we should, in effect, be changing the locks and leaving you with a bunch of highly expensive keys rendered utterly useless.

Some of the finest inventive and scientific brains in this country are at work on this problem. No one can successfully assert, and no single person has asserted, that now is the time to lay down the principles which shall govern all future development of television. But television is on the march. Its future is assured. We venture to hope that soon a set of standards will prove itself as meriting adoption. We know there can never be absolute assurance that future discoveries will not demonstrate their inadequacy. I do believe, however, that the American public would deem the Commission unfaithful to its trust if it adopted, or standing by, permitted at this time the crystallization of, any set of standards for television contrary to the engineering opinion of the industry and without adequate trial, or that did not give promise of reasonably satisfactory public service over a reasonable period of time.

In conscience, all must agree that nothing should be done which would shackle the ability of television to move forward.

The Commission's rules governing television broadcasting recognize the admitted need for further experimentation and the fact of its continuance. The rules provide for the licensing of two types of experimental television stations. One type of station is for the purpose of carrying on a program of laboratory experimentation in the technique of telecasting. From these experiments the public ultimately will derive vast benefits. In the meantime the work will go on for the most part, unknown to the public.

These pioneers in science deserve our unstinted praise. Their industry, inventive genius, and financial resources are being expended not for any immediate private gain but to pave the way for future advances. That success may mean to them opportunities for personal gain, financially or from the standpoint of prestige in the science or the industry, does not alter the fact that they are performing a distinct public service.

The second type of experimental broadcast station is for experimentation in the technique of programming. Here the American public is in a position to play an important role.

There is much to be learned about the techniques of building and producing television programs. Their cost is high and as yet sponsors are not plentiful. The Commission's new rules will soon permit what has been termed limited commercialization which will enable the owners of television stations to charge for the cost of programs as distinguished from other operating charges.

Naturally, no programs are on anything like a full-time basis. Most television stations, for a while at least, will of necessity be able to operate only a few hours during the day. Undoubtedly, when commercialization is permitted and program techniques are better worked out the public will be offered a wider program selection. At the present time three stations in New York City, Los Angeles and Chicago offer such a limited program service with some degree of regularity. There are about twenty applications for additional stations from these and several other cities on file with the Commission. All present licenses are experimental in character. Some additional stations will be constructed in the near future. The operations will move on to a commercial basis, not immediately, but when the engineers of the industry itself find it ready for such broad service.

Now let me be perfectly plain in stating the position of the Federal Communications Commission on the question of public participation in the future development of television. Does the Commission wish to discourage members of the public from purchasing television receiving sets today? The answer is emphatically "No". As a matter of fact, it is only by having receiving sets in the homes of members of the public that experimentation in program techniques can be successfully carried on. But it is important that the general public know that when they buy television sets they are definitely partaking in a program of experimentation. If the public knows the facts about the limited number of stations which are now operating, the few hours of programs that are on the air, the experimental character of their operation, and finally that new standards of television transmission may convert the sets of today from instruments of enjoyment to articles of furniture of doubtful usefulness, then there can be no danger in public participation. A man who buys an automobile today knows, of course, that he will have an increasingly insistent pressure to replace it with a new one as the years pass, because everyone knows that the automobile of tomorrow will be superior to the automobile of today. No one, however, purchasing an automobile today need have any fear that in a year or two his car will be completely useless. That knowledge, however, should be in the mind of the purchaser of a television receiver.

I do not believe that persons in a position to afford television entertainment at this time will be unduly deterred by that knowledge from getting the immediate benefits which are now available in areas served by television transmitters. I certainly hope they will not be deterred, as the Commission is counting upon public participation in television experimentation in order that the television of the future may be molded to reflect the desires of the American public. However, even had I less confidence in this prediction, I would still feel that the relation of trust in which the Commission stands to the public would require it in good faith and common decency to lay the facts before you.

Let me make it clear that we neither have nor desire any regulatory power over the sale of receivers or over advertising. But any action we take under our duty to license experimental operations and to encourage advances in radio, must of course be taken in the light of actualities. Our course can be influenced, for example, by the rare case where a licensee might engage in extravagant promotion of sales to people of modest incomes while failing to inform the public of the limited and experimental character of the service now available, and of the mobility of the science, where it appears that such activities threaten to make his system dominant among both transmitting stations and the public. For the result would be that his competitors—continuing their research—might find themselves with an improved system of broadcasting television which cannot be given to the public.

By this sales activity alone the standards of the science might be locked against their improvements. Under such circumstances it is rather more likely that the competitors too would be crowded into production and sales promotion. This would make it even more probable that television would be shackled at its present state and future progress obstructed. These are the unanimous views the Commission has clearly and repeatedly expressed in recent months.

The American people, I am certain, do not want to stop short of improvements which the industry's engineers assure us may be just over the horizon. The Commission must not lose sight of the long range interest of the public. We shall not. This, I might add, is the only axe we have to grind.

Television then is ready to go forward. It *is* going forward toward maturity. But its own sponsors tell us it has not yet come of age—in that opinion they are practically unanimous. Once the opinion of the industry shifts in the other direction, I can promise every assistance governmental regulation can give to aid in enlarging its activities, in spreading its service, in converting its potentialities into realities. We are and always have been eager to advance with television. Indeed, persons interested in other types of radio have suggested that we unduly favor it. As the industry has long known, when the engineering opinion of the television industry itself is in substantial accord on a foundation for lasting progress, the Commission will cooperate in every possible way and prompt steps will be taken to lift television out of the experimental stage.

I do not think that knowledge of the facts will deter you any more than it will deter me from being eager to participate in the exciting adventure of television experimentation. Many of you undoubtedly will do so. I sincerely hope so. Today television is entertaining. If unimpeded, the television of tomorrow will be a great public service.

Meanwhile, I am certain that you will agree that the true facts about the new science should be reported to you. I firmly believe, with all deference to those who may hold the contrary view, that a full statement of all the facts is the surest way to promote television.

## STATEMENT BY MR. LUNDEEN

Mr. President: I have introduced a resolution requesting an investigation by the Senate Interstate Commerce Committee of actions by the Federal Communications Commission in connection with the development of television and asking the committee to inform the Senate if, in connection with the Commission's confusion of orders on television, the Commission has exceeded its authority and whether it has interfered with the freedom of public and private enterprise. The Commission issued an order some time ago permitting limited television operation on September 1, 1940. Television interests immediately started the manufacture of television sets and launched an advertising and selling campaign. I have read where an official of the Radio Corporation of America stated publicly that his company has spent about $10,000,000 in developing television and in trying to create a new art and a new industry. Unquestionably other interests have likewise spent tremendous sums and I, for one, do not believe that such development should be arbitrarily retarded by some bureau here in Washington.

I am not at all sure that the Federal Communications Commission was ever delegated such authority as it is attempting to exercise in connection with television and for that reason I believe the Senate Interstate Commerce Committee should place the facts before the United States Senate.

## FCC ANNOUNCES PROCEDURE FOR TELEVISION HEARING

The FCC by its Order No. 65, on March 23, 1940, reopened the hearing on television (Docket No. 5806) for further testimony to determine (1) whether research and experimentation and the achievement of higher standards for television transmission are being unduly retarded by recent promotional activities, requiring any additions, modifications, revisions, or amendments of the rules adopted February 29, 1940, governing television broadcast stations, or other action by the Commission; and (2) whether the effective date for the beginning of limited commercial operations set forth in Section 4.73, Subsection (b) of the Commission's Rules and Regulations should be changed from September 1, 1940, to some subsequent date.

The Commission desires to hear all parties who at the January 15 hearing offered testimony that they were carrying on substantial research tending toward improvement in broadcasting of television. The evidence of such parties should, in summary form, state the scope of their present television experimentation in terms of subject matter, staff, and time devoted to the same and should indicate what proportions of such work are directed toward technical ends and toward commercial production. This information should be broken down with respect to the periods prior and subsequent to March 1, 1940. Any changes made or under consideration as a result of sales promotional activities should be stated.

General conclusions should be offered as to the prospects for improving the performance of television broadcasting but descriptions of recent improvements are desired only if they have taken place since the date of the original hearings or are the final results of previous experimentation. Evidence will be received also as to the effect of the above matters on the prospects for higher transmission standards and as to whether there has been any retardation of progress. Parties are also requested to express their views, based upon the facts on the foregoing matters, as to the appropriate date for commencing limited commercialization. No invitation is extended to parties who did not appear at the hearing of January 15, 1940. Limited testimony may, however, be accepted from new parties upon a showing that they are engaged in substantial research and have evidence bearing upon the above matters which includes information not heretofore presented to the Commission and which relates to the present status of the technical phases of the science.

The hearing will begin at 10:00 o'clock A. M. on April 8, 1940, and will be held in Hearing Room A, in the Interstate Commerce Commission Building. At least 18 copies of printed or typewritten material to be submitted should be made available at the hearing.

Appearances should be handed to the Docket Clerk at the hearing prior to its opening.

## CONSUMER EDUCATION CONFERENCE

Ed Kirby, Director of Public Relations, represented the NAB at the Second National Conference on Consumer Education which attracted some 700 people to the campus of Stephens College, Columbia, Missouri, this week. Some fifty representatives of agencies, advertisers, magazines and newspapers were present, including John Benson, president of the American Association of Advertising Agencies; W. T. Nardin, Pet Milk Company; A. T. Court, American Automobile Manufacturers Association; Paul Willis, Associated Grocery Manufacturers; Marshall Mott, Association of Better Business Bureaus and Walter Preston, NBC.

Criticism and defense of advertising characterized the three-day session. At the start of the Conference the following statement of policy was issued by Dr. W. W. Charters, Chairman of the Governing Committee:

> 1. We accept the following definition of consumer education: Consumer education is development in attaining the maximum individual and group satisfaction for time, effort, and money expended.
>
> 2. We hold that consumer education, thus defined, will increase the efficiency of the system of free enterprise and will have a beneficial effect on public economic policy.
>
> 3. We consider that individual development for the ends in view can take place only through
>
> (a) A realistic comprehension of one's own personality and position in life.
>
> (b) An intelligent understanding of the workings of the economic order.
>
> (c) A consciously trained ability to analyze and appraise accurately the competitive claims for goods and services offered as necessities, comforts, or luxuries of life.
>
> 4. The Institute is concerned with the development of consumer education as thus described. Its facilities are for the use of students and educational institutions and organizations. Its publications, although available to the public, are developed primarily as materials for the use of those engaged in consumer education. Likewise, its conferences are open to all who wish to attend, but are organized and conducted in accordance with the particular needs and desires of teachers, economists and others professionally interested in the education of consumers.

A detailed report will be presented to the Board and the Code Compliance Committee.

## SPECIAL PROMOTIONAL EVENTS

Following are among some of the announcements received recently of special periods designated in connection with promotional efforts:

| | |
|---|---|
| America's Home | April 6-13 |
| Foot Health Week | April 15-20 |
| National Notion Week | April 22-27 |
| National Hardware Week | April 25–May 4 |
| National Fishermen's Week (7th annual observance) | April 27–May 4 |
| Better Homes Week | April 28–May 4 |
| National Golf Week (11th annual observance) | May 4-11 |
| National Restaurant Week | May 6-12 |
| Bottled Carbonated Beverage Week | May 12-18 |
| National Cotton Week | May 17-25 |
| National First Aid Week (19th observance) | May 19-25 |
| National Foreign Trade Week | May 19-25 |
| National Tennis Week (9th annual observance) | May 25–June 1 |
| National Hotel Week (2nd annual observance) | June 2-8 |
| National Swim-for-Health Week | June 24-29 |
| Iced Coffee Week | June 25–July 1 |

## BUREAU OF RADIO ADVERTISING RELEASES NO. 5 STUDY

The fifth study in its "Results from Radio" series has gone out to all members from the Bureau of Radio Advertising. The newest success story deals with the experience of a small ice cream retailer in Devils Lake, N. D., who used readio advertising exclusively to build the largest sales volume in the entire state.

The sponsor credits a 100 per cent increase in sales directly to his broadcasts of basketball games over KDLR. Says the advertiser, "Radio has brought us more new customers, and kept more old ones coming back, than any other advertising we could buy."

Extra copies of the No. 5 study, as well as previous releases in the "Results from Radio" series, are available to members on request. Stations who have not ordered their supply of these case histories are urged to use the order blank which accompanies the sample copy recently sent them.

## LABOR NOTES

Colonel Philip B. Fleming, Wage and Hour administrator, announced this week that his 441 inspectors would proceed with inspections hereafter without waiting for complaints to be filed. Heretofore, have inspected firms only after complaints had been filed by employees or competitors.

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The Wage and Hour administration will hold a hearing on April 10 on a petition by the wholesale distributing industry to amend the definitions of "executive" and "professional" as they apply to that industry. This will be the first hearing following the administration's statement that individual industries could petition for amendment of the definitions as they applied to individual industries.

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The House lopped $1,080,000 from the Wage and Hour administration's budgeted appropriation for the next fiscal year, and $350,000 from the Labor Relations Board's. Observers say this shows the House is of a mind to amend drastically both the Wage and Hour and Wagner acts.

---

The House Labor Committee has approved four amendments to the Wagner Act. They would:

Enlarge the three-man National Labor Relations Board to five members.

Protect craft unions in collective bargaining elections with industrial unions.

Permit employers, as well as unions, to ask the board for bargaining elections.

Require the board to accept for one year, as wholly effective, any exclusive bargaining contract approved between employers and workers.

William Green, A. F. of L. president, has voiced approval. The C. I. O. doesn't like them. Neither does the House group which favors the more stringent "Smith" amendments.

---

The Labor Board has certified AFRA as the sole collective bargaining agency of employees of Station WCPO, Cincinnati, who appear before the microphone in a professional capacity, but excluding "hillbillies." Board action was based on a collective bargaining election held March 15 resulting in a count of 8 to 3 in favor of the A. F. of L. union.

## FIVE RADIO PROGRAMS CITED

Five radio programs deemed to violate that section of the Communications Act prohibiting lottery broadcasts were referred to the Attorney General by the Federal Communications Commission on March 29.

They are "Musico," broadcast by station WGN, Chicago; "Songo," broadcast by station WIP, Philadelphia; "Especially for You," broadcast by station WFIL, Philadelphia; "Sears' Grab Bag," broadcast by station WISE, Asheville, N. C., and "Dixie Treasure Chest," broadcast by station KRLD, Dallas, Texas.

"Musico" is sponsored by the National Tea Company, Chicago. Cards are supplied by National Food Stores and other sources. Each card has five rows of squares and five squares in each row. Names of songs are involved. To win a cash prize in this "game" one must be lucky enough to get a card with the songs listed that are broadcast, must listen to the program broadcast, and must fill out or check the correct names of the songs or musical selections broadcast, and must be the first to telephone the answer to the radio station.

"Songo" has similar characteristics, employing cards furnished by the Nevins Drug Company, Philadelphia.

In "Especially for You," a wheel is spun to determine from Philadelphia and suburban directories the person who is to be given a chance to win a Farnsworth radio. If the party selected has a telephone he is called. If he answers the phone and answers two questions satisfactorily he receives a radio. If he does not respond correctly, he is given two tickets to "Mystery History," a network show.

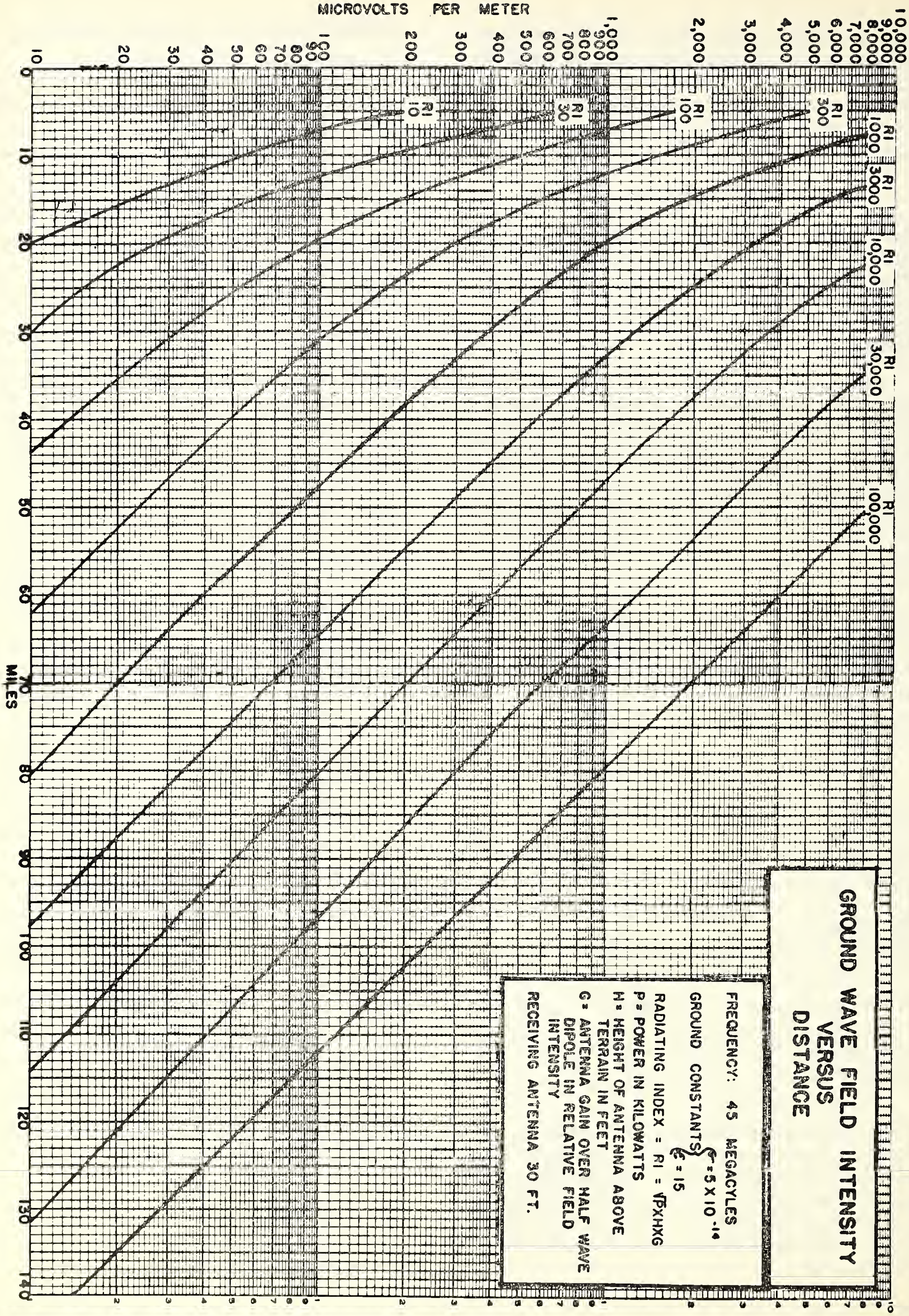
"Sears' Grab Bag" involves a box of numbered slips of paper placed in front of the Sears' store in Asheville. The advertising manager of the store selects the numbers. If the holders of the numbers are in the broadcast audience they receive prizes. If they are not listening in the nearest numbers get the prizes.

In the "Dixie Treasure Chest" program the announcer selects a number from the Dallas telephone directory. If the party called answers the telephone he or she is asked, "What is the color of the border of the Dixie Margerine package?" If the party answers correctly, a prize of fifty dollars is the stake.

As in the case of Tums "Pot o' Gold" and the Mead's Bakery programs previously referred to the Department of Justice, complaints allege that such gifts by chance, and public announcements of them, violates Section 316 of the Communications Act which bans broadcast of "any advertisement, or information concerning any lottery, gift enterprise, or similar scheme."

## IT'S A BOY

At the O. L. (Ted) Taylors in Amarillo, Texas. Born, 12:15 p. m., April 1. Mother and son doing nicely; father, as well as could be expected.


GROUND WAVE FIELD INTENSITY VERSUS DISTANCE

FREQUENCY: 45 MEGACYLES

GROUND CONSTANTS $\begin{cases}\sigma = 5 \times 10^{-14} \\ \epsilon = 15\end{cases}$

RADIATING INDEX = RI = $\sqrt{P \times H \times G}$

P = POWER IN KILOWATTS

H = HEIGHT OF ANTENNA ABOVE TERRAIN IN FEET

G = ANTENNA GAIN OVER HALF WAVE DIPOLE IN RELATIVE FIELD INTENSITY

RECEIVING ANTENNA 30 FT.

## FREQUENCY MODULATION

NAB Reports for January 26 contained a general discussion on Frequency Modulation. Evidence presented during the FCC "high frequency" hearing during the two weeks beginning March 18 has served to answer many of the questions concerning FM brought out in that article.

The evidence has clearly shown that FM has a decided advantage over AM on the same frequency even when using a so-called narrow band with a deviation of 1 to 1. It was shown that FM using a deviation of 1 to 1 has an advantage of about 16 DB signal to noise ratio and that FM with a deviation ratio of 5 to 1 has an advantage of about 30 DB signal to noise ratio. "Deviation" is the amount the carrier shifts in frequency, on modulation, each side of the carrier frequency and "frequency swing" is the total frequencies over which the carrier swings and this is equal to twice the deviation. Deviation ratio is the ratio between the highest frequency deviation and the highest audio frequency to be transmitted. The deviation ratio of a system is then determined by the maximum frequency deviation divided by the maximum audio frequency to be transmitted. For a frequency modulation channel it is necessary to allow space a little greater than the frequency swing in order to take care of side frequencies, receiver drift and receiver selectivity characteristics. More data is needed on this phase; however the consensus of opinion was that a 200 KC band is needed for a swing of 150 KC. There was ample evidence to indicate that FM stations should not be assigned adjacent channels in the same locality, but that by skipping a channel, FM stations can be allocated without regard to geographical separation.

The consensus of opinion substantiated the claims of Major Armstrong that a swing of 150 KC should be used; however RCA entered testimony on a phase which was not touched on by others. Testimony was entered by NBC showing that with Frequency Modulation there is a threshold beyond which the signal to noise ratio rapidly decreases. Mr. Raymond Guy of NBC entered an exhibit showing measurements taken on W2XWG, New York City, transmitting with Amplitude, a deviation of 15 KC and a deviation of 75 KC modulation and with deviation ratios of 1 to 1 and 5 to 1, respectively. Observations were taken at Bellmore, Long Island, under conditions described as "Tube hiss and miscellaneous quiet neighborhood noise", and the power of the transmitter was varied in order to make observations at the threshold signal intensities. These measurements were then corrected for a constant power of 1 KW. The exhibit showed that at a distance of 88 miles there would be a field intensity of 5.7 micro-volts per meter, and that the 15 KC signal would be 38 DB-RMS above the noise and that the FM 75 KC signal would be 52 DB-RMS above the noise at the receiver output. The exhibit showed that at approximately 94 miles the signal to noise ratio out of the two systems would be the same, namely, 35 DB-RMS. Beyond this point the 15 KC signal to noise ratio became increasingly better in comparison with the 75 KC. During the hearing Mr. Lent, of NBC, testified that with a given signal to noise ratio out of the loud speaker there is an optimum deviation. Based on a 40 DB-RMS signal to noise ratio, he said that the optimum deviation is 30 KC or a 60 KC swing.

The consensus of testimony was to the effect that an audio band width of 15,000 cycles should be allowed for. It also was the consensus of testimony that the signal to noise ratio of 40 DB-RMS, which is 100 to 1 in signal, out of the loud speaker was the threshold for good reception and that ratios up to 70 DB were desirable for excellent service.

The hearing added to the information on the variations of field intensity in the UHF due to terrain variations and fading phenomena. Variations as much as 20 DB from the average can be expected due to terrain variations and at a distance of about 80 to 100 miles it can be expected that terrain and fading might produce variations of 1000 to 1 in signal or 60 DB between the minimum and the maximum field. Quite a number of ultra-high frequency field measurements were entered and these checked within reasonable limits with the theoretically derived curves of Mr. K. A. Norton of the FCC. In view of the information presented on noise it is fair to assume, when using an FM swing of 150 KC and a deviation ratio of 5, that 10 microvolts will render rural service, 100 microvolts city residential service and 500 microvolts service to city business sections. These values are subject to variations the same as are the service standards used on the present band and are subject to revision as we accumulate more information on UHF.

There are three factors which enter into the field produced by a UHF station. These three factors are the power input to the antenna, the height of the antenna above the surrounding terrain and the gain of the antenna. Mr. Paul deMars devised a method for taking all three into account and called it the Radiating Index abbreviated to RI. The RI of an antenna equals the square root of P times H times G; where "P" equals power input in kilowatts to the antenna; "H" equals height of antenna above the surrounding terrain in feet; and "G" equals the antenna gain over a half wave dipole in relative field intensity.

The factor "H" is not just the actual height of the antenna but is the height of the antenna above the surrounding terrain. Thus the factor "H" might vary in different directions from the antenna.

The factor "G" probably needs some explaining. This factor is based on the radiation perpendicular to a horizontal one half wave dipole. The following values of "G" are based on Dr. G. H. Brown's calculations for the field produced by turnstile antennas. The full theoretical gain of these antennas is not realized, however, for practical purposes the value of "G" can be based on his calculations. Following is a table of "G" for various antennas:

| Antenna | "G" (Relative Field Intensity) |
|---|---|
| Perpendicular to one half wave horizontal dipole | 1.0 |
| One half wave vertical | 1.0 |
| One bay turnstile | .707 |
| Two bay turnstile | 1.11 |
| Three bay turnstile | 1.41 |
| Four bay turnstile | 1.64 |
| Five bay turnstile | 1.84 |
| Six bay turnstile | 2.07 |

In considering the field strength from a UHF station it is important that the height of the receiving antenna be taken into consideration inasmuch as the field strength received varies directly as the height of the receiving antennas. It has become standard practice to use a receiving antenna height of 30 feet in considering UHF performance.

The chart entitled "Ground wave field intensity versus distance" was prepared by Mr. Paul A. deMars using his "RI" device and is reproduced through courtesy of FM Broadcasters, Inc. This chart was one of Mr. deMars's exhibits presented in the FCC hearing on "High Frequency."

Mr. deMars used as a basis for this chart the FCC theoretical curves developed by Mr. K. A. Norton. These curves have been substantiated by enough UHF propagation investigators so as to be reliable in using them as an average in determining coverage. Individual cases, of course, will vary from the average just as we have variations in determining coverage in the present band.

Thus a typical calculation problem would be: given a 300-foot antenna above surrounding terrain, a power of 5 KW and a 5 bay turnstile and frequency approximately 45 MC; to determine the rural, suburban and urban radius. RI would equal the square root of 5 times 300 times 1.84 which equals 1230. From the chart 10 microvolts for rural coverage would be at 83 miles, 100 microvolts for suburban at 54 miles and 500 microvolts for urban coverage at 31 miles approximately.

This chart and calculation of coverage does not take into account the fact that there is fading present and that the signal must be above a certain level or it is of no value, therefore, the distances calculated by the use of this chart should be reduced approximately 15%.

This chart can be used to calculate the coverage with any other deviation ratio. The signal input to an FM receiver has a direct ratio to the deviation ratio, for any given signal to noise ratio out of the loud-speaker. Therefore for any given service; the signal intensities must be multiplied by the ratio of the deviation ratios.

The point at which service is limited by troposheric reflections causing fading has not been definitely established. Norton, in his "A theory of Troposheric wave propogation" when drawing conclusions from his work says "The fading free service area of UHF stations may be expected to increase in approximate proportion to the transmitting antenna height." Norton shows that the ground wave and troposheric wave field intensities, on approximately 50 MC, become equal at 2.37 times the distance to the line of sight for the 100 foot transmitting antenna, 2.27 for 200 foot, 203 for 500 foot and 1.87 times for a 1,000 foot antenna using a 30 foot receiving antenna. The horizon in miles is calculated by taking the square root of twice the height of the transmitting antenna in feet plus the square root of twice the height of the receiving antenna in feet. It is probable that these distances represent the limits of coverage, regardless of power, however we need more experimental data to substantiate the theoretical work of K. A. Norton.

A further and more complete analysis of the factual data available on UHF and FM is being prepared by Lynne C. Smeby, Director of Engineering. However, this will take some time to prepare and it was felt that an approximate method of calculating UHF, FM coverage would be useful to station managers and engineers at this time.

## ROSENBAUM DEFENDS CHILD PROGRAMS

The charge that most parental objections to children's radio programs are groundless was voiced today by Samuel R. Rosenbaum, president of radio station WFIL, in an address to the Shoemaker School of Elkins Park, Pennsylvania.

Speaking on the subject "What Do Parents Expect of Radio?", Rosenbaum declared: "Many parents are inclined to voice thoughtless criticisms of children's programs on the air. It is difficult for water to rise higher than its own level. Children's programs, like all radio programs, must please the large majority of the audience. Programs that might please cultured mothers in women's clubs will not always please the vast majority of healthy, vigorous children who adore action more than they do delicacy.

"Radio claims it is fulfilling its duty to meet this want and keep the level of its material always slightly in advance of the mere average of public taste. If it gets too far in advance it will be a general without an army.

"It is well known that the most popular features of every newspaper in the country are the comic strips. These are devoured with glee by parents as well as childern by the millions. It is inconsistent for parents to expect radio programs to be exclusively hightoned and cultured, unless the same criticism is levelled at the universally circulated comic strips in the daily newspapers. On the average radio programs certainly are superior to the average entertainment provided in any other medium."

## MEN FROM MARS

A thorough study of the effect of Orson Welles' "The War of the Worlds" by Hadley Cantrill has just been published by the Princeton University Press. Entitled "The Invasion from Mars," it is on sale at most bookstores for $2.50.

## WSAL LICENSE REVOCATION

The FCC has affirmed its order revoking the license of radio station WSAL, Salisbury, Maryland, effective at 3 a. m., March 31.

In doing so, it adopted its Proposed Findings of Fact and Conclusions of October 24, 1939, with supplement and modification.

## REBROADCASTING OF INTERNATIONAL PROGRAMS PROPOSED

Recommendation that radio station WNYC, New York City's municipal and non-commercial broadcast station, be permitted to pick up and rebroadcast international programs of station WRUL, Boston, was made to the FCC today by a special committee comprising Commissioners George Henry Payne, acting chairman in the absence of Norman S. Case, and T. A. M. Craven.

This general recommendation, which climaxed hearings on the subject, was unanimous. The committee called attention to testimony by Mayor Fiorello H. La Guardia of New York City, and Professors William Y. Elliott and Harry Rowe Mimno of Harvard University. Professor Elliott contended that such a grant would be in the interest of education in general, as it would make available to the public at large the great resources of our universities; that it would enable non-profit radio stations to render better public service; that rebroadcasting without the use of wires is feasible; that there would be no interference with existing communications, and no one's interest would be injured.

The committee points out that rebroadcasting of international programs is not prohibited by international convention; that no use of an international frequency for primarily domestic purposes is involved; that the use of wires for feeder purposes places a serious expense on non-profit stations; that there are no legal bars to picking up and rebroadcasting such programs, and, further, "if there exist technical obstacles to this form of rebroadcasting, it is important to learn how these obstacles can be removed."

Accordingly, the committee proposes amending rule 4.10(d) of the Commission to make the authorization possible. There is some difference of opinion as to the exact wording. Commissioner Payne recommends the following change:

> "4.10(d) Authority will not be granted to rebroadcast in the United States the programs of an international broadcast station located within the limits of the North American Continent, except upon a satisfactory showing that the rebroadcast programs in question are intended solely for non-profit purposes and are not commercially sponsored."

Commissioner Craven suggests this rewording of the rule:

> "4.10(d) Authority will not be granted to rebroadcast in the United States the program of an international broadcast station located within the continental limits of the United States, except upon a satisfactory showing in the following respects:
> (1) that such rebroadcasting will not detract from the primary function of an international broadcast station, the programs of which are being rebroadcast; and
> (2) that the technical quality of the rebroadcasting will be reasonably free from distortion and noise, as well as reasonably free from the effects of fading. The Commission will afford to applicants a reasonable opportunity to secure facts concerning the proposed technical performance."

## HOUSE COMMITTEE REPORTS MONITOR STATION BILL

House Committee on Interstate and Foreign Commerce has favorably reported S. 2611 which has already passed the Senate and which provides for the purchase of a site and the erection of a building in Massachusetts for the use of a radio monitoring station.

The bill as it passed the Senate and as it has been favorably reported by the House Committee is as follows:

> "That the Federal Communications Commission be, and it is hereby, authorized to purchase for the United States a suitable site in the State of Massachusetts, provided a suitable site now owned by the Government is not available for the purpose, and cause to be erected thereon, according to plans and specifications to be approved by it, a suitable building or buildings, for use as a radio-monitoring station or to modify or reconstruct existing buildings or facilities on such site for such purpose, and to provide the necessary associated antenna systems, roadways, power, water, and sanitary facilities, including the construction and installation of goniometric apparatus and including necessary outfits, apparatus, and equipment at a total cost of said site, buildings, and equipment of not to exceed $30,000."

In making its favorable report the committee made the following explanation:

> The monitoring station of the Federal Communications Commission, now located at Hingham, Mass., which is used for the monitoring of all classes of radio stations, including ships on the Atlantic Ocean, is no longer suitable for efficient operation in the broadcast band and is not adequately equipped to cover the extension of radio communication in the frequency spectrum above 30 megacycles. The station is now located in the naval ammunition depot by arrangement with the Navy Department and restrictions are required to be imposed as to the antenna structures, as well as to the amount of weight that can be placed on the floors of the building. Also, the configuration of the naval reservation precludes the erection of a suitable type of directive antenna for efficiently monitoring the broadcast bands.
>
> Increased activity at the ammunition depot, the lack of adequate space for the accommodation of personnel, as well as the factors mentioned above, make necessary the immediate relocation of this monitoring station in order that the Federal Communications Commission may carry out the responsibilities placed upon it by law. Reference is made to the provisos of sections 4 (k), 301, 303 (e), 316, 317, 321 (b), and 603 (b) of the Communications Act of 1934, as amended.
>
> An investigation has been made and it has been determined that a suitable site can be acquired near Millis, Mass., together with a usable building and other structures, for the sum of $10,000. An additional $5,000 would be required for the removal and reinstallation of equipment, necessary improvements to existing buildings, and small items of additional equipment.

The growth of the use of the higher frequencies for commercial communications, and the increase in long-range radio interference, have given rise to a need for a long-range method of determining the location of sources of interference of unlicensed or other irregular communications. The Commission, at the present time, has no apparatus suitable for this purpose. In connection with the removal of the monitoring station from Hingham, Mass., to another location, it is desired to install a high-quality goniometer as the first unit of a direction-finding system capable of determining the location of any radio station within the United States. An estimate of $15,000 for the installation of such apparatus is included in the request for appropriations.

Inasmuch as the problem of the Commission in suppressing interference and operation of unlicensed stations closely ties in with the military activities of the Government in time of war in the suppression of clandestine communications, the desirability of establishing, on a peacetime basis, a system of this nature, has the approval of the War Department.

For all the foregoing purposes, a total appropriation of $30,000 is requested, and the Commission urges that this matter be given favorable consideration in the present session of Congress.

## NEW YORK BILLS DIE

The New York Legislature adjourned March 30, 1940 without passing any of the bills which broadcasters had opposed. Two bills to which there was opposition and which came close to passage were the Perry bill with respect to the recording of broadcasts and the Ostertag bill which affected Artists Bureaus run by broadcasting companies.

The Perry bill passed the Senate but was never reported out of the Rules Committee of the House.

## STATE LEGISLATION

Mississippi:

H. 807 (Ethridge et al) (Same as S. 359) COPYRIGHT AGENTS—To amend Section 190, Chapter 117, Laws of 1938, so as to provide for a State-wide license. Referred to Ways and Means Committee.

Mississippi:

S. 359 (Riddell) (Same as H. 807) COPYRIGHT AGENTS—To amend Section 190, Chapter 117, Laws of 1938, so as to provide for a state-wide license. Referred to Committee on Finance.

## FCC ASSIGNMENTS

The FCC has announced that the work, business and functions of the Commission for the month of April have been assigned as follows:

| | |
|---|---|
| Commissioner Brown | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations. |
| Commissioner Payne | Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings. |

## INTERNATIONAL BROADCAST STATIONS

### (as of March 31, 1940)

| *Licensee and Location* | *Call Letters* | *Frequency (kc.)* | *Power* | *Emission* |
|---|---|---|---|---|
| Columbia Broadcasting System, Inc., near Wayne, N. J. | WCBX | 6120, 6170, 9650, 11830, 15270, 17830, 21570 | 10kw | A-3 |
| The Crosley Corporation, Mason, Ohio | WLWO | 6060, 9590, 11870, 15270, 17760, 21650 | 10kw<br>C. P. 50kw | A-3 |
| General Electric Company, San Francisco, Calif. | KGEI | 6190, 9530, 15330 | 20kw | A-3 |
| General Electric Company, South Schenectady, N. Y. | WGEA | 9550, 15330, 21500 | 25kw | A-3 |
| General Electric Company, South Schenectady, N. Y. | WGEO | 6190, 9530, 21590 | 100kw | A-3 |
| Isle of Dreams Broadcasting Corp., Miami, Fla. | WDJM | 6040 | 5kw | A-3 |
| National Broadcasting Co., Inc., Bound Brook, N. J. | WNBI | 6100, 17780 | 35kw | A-3 |
| National Broadcasting Co., Inc., Bound Brook, N. J. | WRCA | 9670, 21630 | 35kw | A-3 |
| WCAU Broadcasting Company, Newtown Square, Pa. | WCAB | 6060, 9590, 15270, 21520, 25725 | 10kw | A-3 |
| Westinghouse Electric and Manufacturing Co., Millis, Mass. | WBOS | 6140, 9570 15210, 21540 | 10kw | A-3 |
| Westinghouse Electric and Manufacturing Co., Saxonburg, Pa. | WPIT | 6140, 9570, 11870, 15210, 17780, 21540 | 40kw | A-3 |
| World Wide Broadcasting Corp., Scituate, Mass. | WRUL | 6040, 11730, 11790, 15130, 15250, 21460 | 20kw<br>C. P. 50kw | A-3 |
| World Wide Broadcasting Corp., Scituate, Mass. | WRUW | 11730, 11790, 15130, 15250, 25600 | 20kw | A-3 |

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings in broadcast and television cases are scheduled to be heard before the Commission for the week beginning Monday, April 8. They are subject to change.

### Monday, April 8

Further Hearing Before the Commission En Banc

(Television)

Pursuant to Order No. 65: To determine whether research and experimentation and the achievement of higher standards for television transmission are being unduly retarded by the action of the Radio Corporation of America or its subsidiaries, or any other licensee, requiring any additions, modifications, revisions, or amendments of the rules adopted February 29, 1940, governing television broadcast stations, or other action by the Commission; and whether the effective date for the beginning of limited commercial operations set forth in Section 4.73 Subsection (b) of the Commission's Rules and Regulations should be changed from September 1, 1940, to some subsequent date.

### Wednesday, April 10

Further Hearing

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of license, **810 kc.**, 1 KW, specified hours (6 a. m. to 11 p. m., EST), DA daytime. Present assignment: **810 kc.**, 1 KW, daytime-WCCO, directional antenna.

### Friday, April 12

Further Hearing

NEW—Harold Thomas, Bridgeport, Conn.—C. P., **1420 kc.**, 250 watts, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### May 6

Broadcast

WRTD—Times Dispatch Radio Corp., Richmond, Va.—C. P., **590 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1500 kc.**, 100 watts, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

WMEX—The Northern Corp., Boston, Mass.—Granted construction permit to change directional antenna and transmitter site and install new transmitter; also extend commencement and completion dates (B1-MP-900).

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted construction permit to increase power from 100 watts night, 250 watts day, to 250 watts night and 250 watts day, and move transmitter and install new antenna; frequency **1310 kc.**, unlimited time (B3-P-2558).

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted modification of license to increase night power from 1 KW to 5 KW on **580 kc.** (B5-ML-909).

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Granted modification of license to change frequency from **780 kc.** to **1370 kc.** and hours of operation from daytime to unlimited (B5-ML-938).

KARM—Gilbert H. Jertberg, Executor of the Estate of George Harm, Fresno, Calif.—Granted consent for involuntary assignment of license from George Harm, deceased, to Gilbert H. Jertberg, Executor of Estate of George Harm, of station KARM, which operates on **1310 kc.**, 250 watts, unlimited time (B5-AL-274).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted construction permit to increase time of operation from daytime to unlimited, and make changes in antenna. (B3-P-2693).

## DESIGNATED FOR HEARING

The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—Application for construction permit to erect a new station to operate on **1500 kc.**, 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval (B4-P-2643).

## MISCELLANEOUS

WCPO—Scripps Howard Radio Inc., Cincinnati, Ohio.—Denied petition for hearing or rehearing in the matter of the application of WCOL to change frequency from **1210** to **1200 kc.**, and power from 100 watts to 250 watts unlimited time, which was granted without hearing on October 10, 1939.

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Extended effective date of Provision (3) of Commission's Order of December 5, 1938, 30 days from March 30, 1940, in dockets 4029, 4050, 3941, 4302, 4331 and 4622.

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Referred to the Commission en banc the motion to amend notice of hearing by striking certain of the issues specified in re application to move studio and transmitter; station operates on frequency **1220 kc.**

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted petition to intervene and motion to enlarge issues in re application of Harold Thomas for a new station in Bridgeport, Conn., to operate on **1420 kc.**, 250 watts, unlimited time.

West Va. Newspaper Publishing Co., Morgantown, W. Va.—Granted supplemental petition for order to take depositions in re application for new station to operate on **1200 kc.**, 250 watts, unlimited time.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Referred to Commission en banc the motion to dismiss "motion to amend notice of hearing by striking certain of the issues specified," in re application of WREN to move station, etc.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Referred to Commission en banc the opposition to applicant's motion to amend issues, in re application of WREN referred to above.

KCKN—KCKN Broadcasting Co., Kansas City, Kans.—Referred to Commission en banc the motion to dismiss "motion to amend notice of hearing by striking certain of the issues specified," in re WREN application.

Lookout Mountain Co. of Ga., Lookout Mountain, Ga.—Granted motion to dismiss without prejudice, the application for a new station to operate on **1370 kc.**, 250 watts, unlimited time.

WMAM—M. & M. Broadcasting Co., Marinette, Wisc.—Granted special temporary authority to operate from local sunset (April, 6:30 p. m. EST) to 10:00 p. m. EST on April 13 and 20, 1940, in order to broadcast the activities of the annual smelt carnival. (B4-S-1016)

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Granted license to cover construction permit as modified for new broadcast station to operate on **1420 kc.**, 100 watts night, 250 watts day, unlimited time; also granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 (B2-L-1122 and B2-Z-369).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted authority to determine operating power by direct measurement of antenna power in compliance with Section 3.54. (B5-Z-367).

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54, auxiliary transmitter. (B2-Z-363).

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 6:30 to 10 p. m., CST, on April 1, 1940, in order to broadcast a talk by the State Commander of the American Legion. (P4-S-995).

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 7:45 p. m. to 11:00 p. m., CST, on April 5, 6, and 7, 1940, in order to broadcast the Annual District Boxing Tournament of the Catholic Youths Organization in Chippewa Falls. (B-4-S-924).

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 6:30 to 9:00 p. m., CST, on April 5, and 8, 1940, in order to broadcast Democratic and Republican political meetings and to operate from 6:30 p. m. to 11:00 p. m., CST, on April 9, 1940, in order to broadcast election returns. (B4-S-995).

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through high frequency station W2XOY the frequency modulated programs of high frequency station W2XMN, for the period April 1, 1940 to not later than April 26, 1940.

W2XB—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through television broadcast station W2XB the television programs to be received from the NBC, Inc., transmitter, call letters W2XBS located atop the Empire State Building, for the period April 1, 1940 to not later than April 26, 1940.

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted special temporary authority to operate simultaneously with station WJBO from 7 to 9 p. m., CST, on April 4, in order to broadcast a dinner honoring Postmaster General Farley. (B3-S-394).

Edwin H. Armstrong, New York City.—Granted extension of special temporary authority to operate frequency modulated transmitter with power of 10 KW on **43 megacycles** at the site of transmitter of station W2XMN, Alpine, N. J., to be operated simultaneously with station W2XMN (40 KW on **42.8 megacycles**), in order to secure data on overlapping of services between this transmitter and that of the Yankee Network, Inc., high frequency station W1XOJ, for the period ending no later than April 17.

KSAL—KSAL, Inc., Salina, Kans.—Granted license to cover construction permit (B3-P-2068), as modified, which authorized change in frequency from **1500 kc.** to **1120 kc.**, power from 100 watts night, 250 watts day, to 500 watts night, 1 KW LS, installation of DA. (B4-L-1123). (Action taken by Adm. Board March 30).

KSAL—KSAL, Inc., Salina, Kans.—Granted authority to determine operating power by direct measurement of antenna power. (B4-Z-371). (Action taken by Adm. Board 3/30).

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 10:00 p. m., CST, on April 3 and 4, 1940, in order to broadcast political speeches by the Democratic Central Committee, Hershey for Governor (B4-S-591).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54 (B2-Z-370).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted license to cover construction permit (B2-P-B-3134) as modified, which authorized change in hours of operation and installation of directional antenna; frequency **590 kc.**, 1 KW, unlimited time, directional antenna night (B2-L-1113).

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted license to cover construction permit (B2-P-1912) as modified, for new equipment and increase in power from 500 watts to 1 KW night, 5 KW day, and changes in antenna system; frequency **1350 kc.** (B2-L-1120).

KFRO—Voice of Longview, Longview, Texas.—Denied special temporary authority to operate from 7:45 p. m., CST, to the conclusion of baseball games on April 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29 and 30, 1940, in order to broadcast baseball games as described in letter dated March 21, 1940, only, using power of 250 watts.

WHP—WHP, Inc., Harrisburg, Pa.—Granted special temporary authority to operate with power of 500 watts nighttime on April 1 and 2, 1940, in order to serve the isolated communities on the Susquehanna River due to present flood conditions (B2-S-343).

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Granted modification of construction permit for move of transmitter, installation of new transmitter and directional antenna, for extension of completion date from April 30, 1940 to June 30, 1940.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted special temporary authority to transmit on April 2 and 3, 1940, play by play hockey broadcasts from Madison Square Garden, New York City to Radio Station CKCL, Toronto, Ontario (B1-S-249).

WLOG—Clarence R. Frey and Robert O. Greever, Logan, W. Va.—Granted modification of construction permit (B2-P-2340 for authority to erect a new broadcast station) for approval of antenna and approval of transmitter and studio site at Kanada St., Logan, W. Va.; frequency **1200 kc.**, 100 watts, daytime operation (B2-MP-949).

KALE—Kale, Inc., Portland, Ore.—Granted license to cover construction permit as modified which authorized move of transmitter, changes in antenna, installation of new transmitter and increase of daytime power from 1 KW to 5 KW; frequency **1300 kc.**, 1 KW, 5 KW LS, unlimited time (B5-L-1124).

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Granted license to cover construction permit for new broadcast station, frequency **1200 kc.**, 100 watts, 250 watts LS, unlimited (B3-L-1126); also granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54 (B3-Z-373).

WSAL—Frank M. Stearns, Salisbury, Md.—Dismissed application for voluntary assignment of license of station WSAL from Frank M. Stearns to Eastern Shore Broadcasting Co., Inc., in view of the revocation of WSAL's license which became effective March 31, 1940 (B1-AL-261).

WLAC—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—Denied petition of J. T. Ward requesting Commission to classify station WLAC as a I-B station; that it classify WMEX, Boston, Mass., as a II station, and that any application filed by WMEX, which would be in conflict with these prayers, be held in abeyance.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Construction permit to change hours from specified (5 a. m. to local sunset) to unlimited time, using 1 KW night, and install directional antenna for night use (requests Class III-B station).

### 570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Authority to transfer control of corporation from Amon G. Carter to Geo. B. Dealey, E. M. Dealey, J. M. Moroney and M. M. Donosky, in trust for A. H. Belo Corp., 350 shares common stock (new stock issued).

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—License to cover construction permit (B1-P-2798) for a new transmitter.

### 580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Authority to determine operating power by direct measurement of antenna power.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—License to cover construction permit (B1-P-2432) to install new transmitter, make change in antenna and increase power.

### 600 Kilocycles

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Construction permit to increase power from 1 KW, 5 KW day, to 5 KW day and night, and make changes in directional antenna, night use. Requests III-A station.

### 740 Kilocycles

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Modification of construction permit (B1-P-2457) for increase in power, new equipment, move of transmitter and studio, requesting authority to change type of transmitter, and make changes in antenna.

### 850 Kilocycles

WWL—Loyola University, New Orleans, La.—Extension of special experimental authority for unlimited time for the period 5-1-40 to 8-1-40.

### 890 Kilocycles

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—License to cover construction permit (B5-P-2735) for changes in transmitting equipment.

### 920 Kilocycles

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Modification of license to change hours of operation from 6 a. m. to local sunset, CST, to 5 a. m. to local sunset, CST, for the period 4-28-40 to 9-29-40.

### 940 Kilocycles

NEW—Carl Sholtz, Ft. Pierce, Fla.—Construction permit for a new broadcast station to be operated on **940 kc.,** 250 watts, unlimited time. Amended: change studio site to New Ft. Pierce Hotel and transmitter site to Causeway Island, Ft. Pierce, Fla., and make changes in antenna.

### 990 Kilocycles

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass. —Modification of construction permit (B1-P-2161) as modified for new transmitter, move transmitter and install directional antenna, requesting extension of required date of completion date from 4-30-40 to 6-30-40.

### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authority to operate unlimited time, simultaneously with WTIC, for period from 5-1-40 to 8-1-40.

### 1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Modification of license to change frequency from **1050 kc.** to **900 kc.,** increase power from 1 KW night, 5 KW day, to 5 KW day and night; change time from limited to unlimited time.

### 1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to change specified hours from: Daily except Sunday: 11:25 a. m. to 12 noon; Sunday, 8:30 to 9:30 a. m.; Friday, 4:30 p. m. to 5:30 p. m.; to Daily except Sunday: 6 to 8 a. m., 11:30 a. m. to 12:30 p. m;. Daily except Saturday, 3 to 6 p. m.; Saturday only, 2:30 to 5:30 p. m. (contingent on KTBC license being revoked).

### 1200 Kilocycles

WFXD—Frank E. Hurt, Nampa, Idaho.—Construction permit to change frequency from **1200 kc.** to **990 kc.;** increase power from 250 watts to 1 KW; equipment changes; move transmitter from 1024 12th Ave. So., Nampa, to site to be determined, Nampa; install new antenna, and request Class II station.

NEW—Radio Corporation of Orlando, Orlando, Fla.—Construction permit for a new radio broadcast station to be operated on **1200 kc.,** 250 watts, unlimited time. Amended re transmitter site, west section of city, Orlando, and studio in a downtown hotel, Orlando (requests facilities WLOF).

WDLP—Panama City Broadcasting Co., Panama City, Fla.—License to cover construction permit (B3-P-2213) as modified for a new broadcast station.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Authority to determine operating power by direct measurement of antenna power.

WBHP—Wilton Harvey Pollard, Huntsville. Ala.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—License to cover construction permit (B3-P-2444) as modified for a new station.

### 1280 Kilocycles

KLS—S. E. Warner & E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Construction permit to increase power from 250 watts to 1 KW, install new transmitter and make changes in antenna.

### 1290 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night and install directional antenna for night use. Requests Class III-A station.

### 1310 Kilocycles

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Penna. Authority to transfer control of corporation from Bonwit-Teller & Co. of Philadelphia, to Philadelphia Record Company, 200 shares common stock.

NEW—Keys Broadcasting Co., Key West, Fla.—Construction permit for a new broadcast station to be operated on **1310 kc.,** 250 watts, unlimited time. Amended: Change transmitter site to Wm. R. Porter's Lime Grove, Flagler Ave. or County Road, Key West, Fla., and make changes in antenna.

### 1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—Authority to determine operating power by direct measurement of antenna power.

WSMB—WSMB, Inc., New Orleans, La.—License to cover construction permit (B3-MP-867) for increase in power and changes in antenna.

### 1340 Kilocycles

WPAB—Portorican American Broadcasting Co., Inc., Ponce, Puerto Rico.—Modification of construction permit (B-P-2389) for a new station, requesting approval of antenna and approval of studio site at 18 Leon St., Ponce, Puerto Rico, and transmitter site at Playa, Ponce, Puerto Rico.

### 1350 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-1527) for increase in power, move of transmitter, installation of new transmitter, changes in directional antenna, further requesting authority to install new type of transmitter.

### 1370 Kilocycles

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Construction permit to change frequency from **1420** to **1220 kc.** (under North American Regional Agreement), increase power from 250 watts to 50 KW, move transmitter from 7310 Woodward Ave., Detroit, Michigan, to near Plymouth, Michigan, install new equipment and directional antenna for day and night use. Request Class II Station.

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Modification of construction permit (B1-P-2446) as modified for new station, requesting change in type of transmitting equipment, extend commencement and completion dates to 120 days after grant and 180 days thereafter.

NEW—Dora Catherine S. Moss, Macon, Ga.—Construction permit for a new radio broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time.

### 1500 Kilocycles

KSAL—KSAL, Inc., Salina, Kans.—License to cover construction permit (B4-P-2068) as modified to change frequency, make changes in equipment, install directional antenna for night use and increase power.

KSAL—KSAL, Inc., Salina, Kans.—Authority to determine operating power by direct measurement of antenna power.

NEW—Greenville Broadcasting Co., Greenville, S. C.—Construction permit for a new radio broadcast station to be operated on **1500 kc.,** 100 watts night, 250 watts day, unlimited hours. Class IV. Amended: To request 250 watts day and night and specify transmitter site as Poinsett Hotel, corner Main & Court Sts., Greenville, S. C.

NEW—Milburn H. Stuckwish & Harry C. Stuckwish, d/b as Tyler Broadcasting Co., Tyler, Texas.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 250 watts, unlimited time. Class IV station. (Facilities of KGKB if KGKB's license is revoked.)

## MISCELLANEOUS

NEW—American Broadcasting Corp. of Kentucky, Lexington, Ky. —Construction permit for a new high frequency broadcast station to be operated on **43200 kc.,** 1000 watts, unlimited time, special emission for frequency modulation. Amended: To request **42800 kc.**

NEW—The Liberty Life Insurance Co., Columbia, S. C.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.,** 1000 watts, special emission for frequency modulation.

NEW—Washington Institute of Technology, Inc., College Park, Md.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.,** 1000 watts, special emission for frequency modulation.

NEW—WFIL Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.,** 1000 watts, special emission for frequency modulation.

WSUI—State University of Iowa, Iowa City, Iowa.—Modification of construction permit (B4-P-2260) for a new transmitter, directional antenna, increase in power, move of transmitter, further requesting increase in power from 1 KW, 5 KW day, to 5 KW day and night; make changes in directional antenna and extend commencement date to 60 days after grant and completion date 180 days thereafter. Requests Class III-A station.

NEW—Houston Printing Corp., Houston, Tex.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.,** 1000 watts, special emission for frequency modulation.

NEW—The Sun Publishing Co., Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 15 watts, Emission A3, area of Jackson, Tenn.

W3XMC—McNary & Chambers, Washington, D. C.—License to cover construction permit (B1-PHB-86) as modified for a new high frequency broadcast station.

NEW—WIBX, Inc., Deerfield, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.,** 1 KW power, unlimited time, special emission for frequency modulation. Amended: transmitter site, Smith Hill, Town of Deerfield, N. Y.

NEW—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.,** 1 KW, special emission, to be located at a site to be determined, Chicago, Ill.

NEW—C. C. Dues and W. H. M. Watson, d/b as El Paso Amusement Co., El Paso, Tex.—Authority to transfer programs to Juarez, Mexico, from El Paso, Tex.

NEW—Knickerbocker Broadcasting Co., Inc., Kearny, N. J.—Construction permit for a new high frequency broadcast station on **43600 kc.,** 1 KW, special emission. To be located at Belleville Turnpike, Kearny, N. J.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Logan-Cache Knitting Mills**—Charging misrepresentation through simulation of a competitor's trade names, a complaint has been issued against Logan-Cache Knitting Mills, Logan, Utah, manufacturer and distributor of women's knitted suits, dresses and sweaters and a dealer in other apparel and merchandise.

The complaint alleges that the respondent's trade name, Logan-Cache Knitting Mills, so closely imitates that of its 14-year old competitor, Logan Knitting Mills & Garment Company, also of Logan, Utah, and the latter's trade-mark "Loganknits," as to confuse buyers into believing that by purchasing respondent company's knitted wear they are obtaining the product of Logan Knitting Mills & Garment Company, and that the respondent is the manufacturer of a well known line of knitted wear widely advertised and sold by the Logan Knitting Mills & Garment Company under its established trade-mark "Loganknits."

It is alleged that the respondent furthered the erroneous impression through inserting in its advertisements of knitted wear statements containing the words "Logan Knits" in simulation of its competitor's trade-mark, and through representations of its salesmen, made both by direct statement and concealment of the truth, that they sold products manufactured by Logan Knitting Mills & Garment Company.

A further allegation is that the respondent corporation falsely represented itself as "The Old Reliable Since 1890" and as "Pioneer Knitters of The West." (4075)

**Murine Company, Inc.,** 660-678 North Wabash Ave., Chicago, is charged in a complaint with misrepresentation in the sale of "Murine," a drug preparation for treating the eyes.

Through the use of newspaper, periodical, radio and circular advertisements, the respondent is alleged to represent that "Murine" is a cure, remedy and competent treatment for eye strain caused by excessive use of the eyes, and that the preparation will prevent eye strain due to dust, sun, light glare, driving, movies, reading, sewing, and other excessive uses of the eyes, and quickly relieve and eliminate the irritation and eye strain which they cause.

The complaint alleges that the respondent's preparation is not a cure, remedy or competent treatment for eye strain caused by excessive use of the eyes; that after strain caused by excessive use or uncorrected defects in focusing, the instillation of the respondent's preparation into the conjunctival sac of eyes so afflicted will have no effect other than that of affording a sensation of refreshment; that the respondent's preparation will not prevent eye strain due to the several causes mentioned, and will not relieve or eliminate irritations in excess of affording a temporary sensation of refreshment to the eyes. (4076)

**Popular Publications, Inc.**—Misrepresentation of imitation stones in the sale of jewelry is alleged in a complaint issued against Popular Publications, Inc., 205 East 42d St., New York.

The respondent allegedly advertised that imitation stones contained in its "Lucky Birthstone Rings" were respectively the real stones identified as the birthstones of the different months of the year, such as garnet, amethyst, jasper or bloodstone (aquamarine), diamond or sapphire, emerald, agate, turquoise, carnelian, chrysolite, beryl, topaz and ruby. (4077)

**Purex Corporation, Ltd.**—A complaint has been issued against Purex Corporation, Ltd., 1001 East 62d St., Los Angeles, alleging misrepresentation in the sale of "Purex," a chemical preparation intended for use as a germicide.

The respondent corporation allegedly advertised its preparation as a "most powerful germicide" and represented that a solution made by adding two tablespoons of Purex to a gallon of water will, when applied externally to livestock and other animals, destroy bacteria and disinfect any surface cuts or sores, and that such solution will prevent the spread of bacteria and will destroy bacteria on metal or wood equipment.

The complaint alleges, however, that while the preparation possesses germicidal properties, the solution in question is wholly ineffective, and that in order for a solution of Purex to constitute a competent and effective germicide or disinfectant, it would have to contain at least 10 per cent of the respondent's preparation in its undiluted form. (4074)

**Sohn Bros.**—See Sohn & Company, Inc.

**Sohn & Company, Inc.**—Two Chicago manufacturers of mattresses and bedding have been charged in complaints with misleading representations in the sale of their products. The respondents are Sohn & Co., Inc., and Benjamin, Morris and Isadore Sohn, officers and directors, trading as Sohn & Co., Inc., 1450 West Roosevelt Road, and Arthur and Carl Sohn, trading as Sohn Bros., 1709 West Roosevelt Road.

The respondents allegedly buy old, second-hand, used and discarded cotton and other used materials which they comb by machinery, rework and use in the manufacture of mattresses and bedding which are equipped with new coverings, the finished products having the appearance of new mattresses. These products, it is alleged, are then sold to wholesalers and jobbers and to retailers and other purchasers, who resell them to the purchasing public, without any marking clearly stamped thereon to indicate to such purchasers that they were made from old and previously used materials.

It is alleged that certain of the mattresses so manufactured and sold by the respondents have stamped on them the phrase "Made of Previously Used Materials," but in letters illegible and so inconspicuous that they cannot be read by the purchasers. (4072-4073).

## CEASE AND DESIST ORDERS

Following cease and desist orders have been issued during the past week:

**Consolidated Silver Company of America**—William M. Irvine, trading as Consolidated Silver Company of America, 7338 Woodward Ave., Detroit, has been ordered to discontinue misleading representations in the sale to retail merchants in several States of a promotion plan for their use in selling merchandise to the public. The respondent also sells silverware, promotion cards, gift cards, certificates redeemable in silverware, and other materials for use in effecting the plan.

Commission findings are that the respondent's agents, who sell the plan, are supplied with order blanks, contract forms and other advertising literature which facilitate misrepresentation as to the character of the plan and that the respondent's representations, among other things, have a tendency to mislead retailers and other buyers believing they are participating in a bona fide sales stimulation plan in connection with the advertising of William A. Rogers silverware, when in fact such purchasers are merely buying such ware from the respondent, who is in no way connected with the manufacturer of William A. Rogers silverware other than as an indirect purchaser therefrom.

The Commission order prohibits the claim that the respondent represents or has any connection with the manufacturer of William A. Rogers silverware, or conducts special or advertising campaigns to introduce merchandise on behalf of the maker of Rogers ware or any other manufacturer, but contains a proviso that the order shall not be construed as restraining the respondent from dealing in Rogers ware.

Other representations to be discontinued are that sales cards, gift cards, premium certificates, or other similar devices can be redeemed in silverware or other merchandise, unless all terms and conditions are clearly stated without deception; that the respondent will refund any sum to dealers on the redemption of a specified number of cards or certificates, when such refund actually is not made (any conditions in connection with the refund to be clearly stated without deception); that he will give silverware or other merchandise free, when it is not actually so given; will advertise his plan locally for dealers or assist them in putting it into operation, when in fact he neither conducts such advertising nor renders such assistance, and that he will supply dealers with display sets of silverware or other merchandise for use in putting the plan into operation, when such sets are not supplied as represented. (3789)

**H. K. Patch Company**—Patch Premek Corporation.

**Patch Premek Corporation**—Misrepresentation in the sale of a medicinal preparation is prohibited under an order issued against Patch Premek Corporation, 1716 East Seventh St., Los Angeles, and H. K. Patch, its president, who also trades under the name of H. K. Patch Company.

Among claims found to have been made by the respondents in advertising matter were that their preparation known as "Premek 33," which is also sold to the medical profession as "C. S. 53," is an amazing new discovery effective for ending all kinds of irritations and capable of curing eczema, athlete's foot, dhobie, chafing, shingles, ringworm, and various other irritations and conditions.

Commission findings are that the only ingredient in the respondents' product which is of consequence therapeutically is colloidal or finely divided sulphur, which is neither new nor an amazing discovery, and that the preparation is not a quick or effective treatment for the conditions mentioned, although it may also be used as an accessory treatment for some ailments resulting from superficial causes.

The Commission also finds that the respondents' false advertisements induce or are likely to induce, directly or indirectly, the purchase of a drug.

The order directs the respondents to cease and desist from disseminating advertisements which represent, directly or through implication, that their preparation is a cure or remedy for such various ailments and conditions, or that it constitutes a competent or effective treatment for any of them other than to serve as an accessory treatment for those which are due to superficial or external causes only.

Other representations ordered discontinued are that the preparation is a bactericide or will prevent reinfection; that its use will stop perspiration or prevent body odors, and that it is a "new" or an "amazing" discovery. (3469)

**V. Portnoy & Sons, Inc.,** trading as Roosevelt Mercantile Company, 566 Roosevelt Road, Chicago, has been ordered to discontinue misrepresentations in the mail order sale of clothing and other merchandise.

Among representations found to have been made in advertising were that the respondent ships the kind of merchandise pictured in its literature; single garments may be obtained in all sizes, colors or styles; its new merchandise is of the latest style; its slightly used merchandise is always cleaned, pressed and repaired by its own expert craftsmen; it guarantees to replace unsatisfactory merchandise; its buying connections throughout the country enable it to purchase quality goods at prices lower than can all of its competitors, and purchasers of its merchandise can make large profits by reselling it.

The Commission finds the respondents' representations are misleading and untrue, as the pictures in its advertising literature are not representative of its merchandise which is often pictured as being new, clean, stylish and modern when in fact the products shipped in response to mail orders are in most instances used, dirty and unfashionable; articles shipped are usually whatever the respondent had on hand whether in the size, style or color requested or not; unsatisfactory articles returned are replaced with garments equally as unsatisfactory; used merchandise sold is rarely clean, pressed and repaired by the respondent before shipping; the respondent does not employ expert craftsmen, and has no special buying connections but purchases from peddlers, junk dealers and charitable organizations and occasionally buys new goods from wholesalers who come to its door. (3576)

**Roosevelt Mercantile Company**—See V. Portnoy & Sons, Inc.

**Madame Marguerite Turmel, Inc.,** 256 West 31st St., New York, trading also under the names Madame Marguerite Turmel and Madame Turmel, has been ordered to cease misleading representations in the sale of "Knogray," a treatment sold for coloring gray hair or streaked or faded hair.

The order directs the respondent to cease representing that its preparation will color the roots of the hair or have any effect thereon or on new hair growth, or will restore the natural or original color to the hair, or affect the color of the hair in any way other than as a dye.

The respondent also is ordered to desist from the claim that the preparation is not a dye or is anything other than a dye, and that anything less than repeated applications of the preparation will cause the hair to retain the color imparted to it by the preparation. (3513)

**Valligny Products, Inc.,** 254 West 31st St., New York, have been ordered to discontinue misrepresentation in the sale of "Shampoo-Kolor," a hair treatment.

Shampoo-Kolor, according to Commission findings, was advertised, directly or by implication, as being capable of coloring the roots of the hair, affecting the color of new growth hair, and eliminating the necessity for repeated applications in order to prevent the new growth from showing gray, streaked or faded above the scalp-line.

Other representations found to have been made were that use of the preparation causes the natural color to be restored to the hair; that the preparation is made in France and is uniquely different or entirely revolutionary in methods or results.

The Commission found the respondent's advertisements to be exaggerated and misleading and ordered it to cease and desist from representing (1) that Shampoo-Kolor will color the roots of the hair or have any effect thereon or on new hair growth, or restore the natural or original color to the hair, or affect the color of the hair in any way other than as a dye; (2) that anything less than repeated applications will cause the hair to retain the color imparted by the preparation; (3) that the preparation is compounded or manufactured in France or in any country other than the United States, and (4) that it is "unique" or "revolutionary" in methods or results. (3602)

**Washington Laundry**—Joseph T. Gibbons, trading as Washington Laundry, 2627 K St., N. W., Washington, D. C., has been ordered to discontinue certain misleading representations in connection with the interstate activities of his laundry, dry cleaning and dyeing business.

The respondent is directed to cease representing that wearing apparel and other articles delivered to him for laundering or cleaning will be washed with "Ivory Soap" or any designated cleaning agent, when such wearing apparel and other articles are not washed or cleaned with that soap or a particular cleaning agent designated. (3930)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Charles E. Hires Company,** Philadelphia, Pa., agrees to cease advertising that its "Hires R-J Root Beer" will preserve the alkaline reserve; has the same alkaline reaction as orange juice and in the same manner aids in maintaining the alkaline balance; is healthful because it is not acid forming, and agrees with foods because it is not acid forming. (02534)

**MacFadden Book Company, Inc.,** New York, N. Y., in the sale of a book embracing a system of eye exercises, entitled "Strengthening the Eyes," agrees to cease advertising that its book is based upon new facts or that the advice or exercises are new or revolutionary; that by following the advice and exercises a person with weak or defective vision may quickly train any of the muscles of his eyes so as to correct such defects; that exercise is the only real help in cases of impaired vision; that use of the respondent's method will enable one to obtain perfect eyesight either with or without the use of glasses, and that as a result of the use of this method those who have used glasses to overcome the effect of faulty refraction, far or near sightedness, astigmatism, squint eyes, cross eyes, weak, watering eyes, poor vision, eye headache or strain, can generally remove these defects and be relieved of the necessity for wearing glasses. (02533)

**Miracle Dry Shaver Corporation,** 36 South State St., Chicago, and J. M. Friedman, its president and owner of most of its capital stock, have made a stipulation in which they agreed to discontinue misleading representations in the sale of an electric razor of the dry shaver variety.

The stipulation points out that the same quality of razor was sold by the respondent for $10 under the trade name "Miracle", and for $15 under the trade name "Shave King."

The respondents agree to cease selling or supplying others with products to which are affixed, or which are referred to by means of, any price purporting to be the retail selling price, when in fact such price is not the regular retail price, or is in excess of the customary retail price. (2722)

**National Academic Cap & Gown Company**—Emanuel and Daniel Cohen and Abraham Kadis, trading as National Academic Cap & Gown Co., Philadelphia, Pa., agree to cease employing the word "Silk," either independently or as part of the trade designation "Silk Neu Faille," or in conjunction with any other words in advertisements or otherwise, to designate fabrics not made of silk, and to discontinue selling any product made of rayon without disclosure of the fact that the material of which it is composed is rayon, such disclosure to be made clearly and unequivocally in invoices, advertising matter, sales promotional descriptions, or other designations. (2720)

**Princeton Knitting Mills**—Louis Rubin, sole trader as Princeton Knitting Mills, Philadelphia, Pa., manufacturer and distributor of sweaters and swimming suits, stipulates that he will desist from the use in advertising matter or otherwise of the legend "100% Wool" as descriptive of bathing suits or other garments not composed wholly of wool; or from use of the word "Wool" in any manner implying that the garment referred to is composed entirely of wool when an integral part of it is made of other fibers. The stipulation provides that if the body of the garment is properly represented as "Wool," but the supporter, plaque or reinforcement is of other material, then the word "Wool" shall be immediately accompanied by suitable phraseology, in type equally conspicuous, indicating clearly that such designation does not apply to the supporter, plaque or reinforcement.

The respondent also agrees to discontinue branding or selling any product, an integral part of which is composed of rayon and other kinds of fibers or substances, without full and nondeceptive disclosure of the rayon and other content of the product, made by accurately designating each constituent fiber thereof in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber which is present in a proportion of 5 per cent or less by weight. (2721)

**Sears, Roebuck & Co.,** Chicago, has entered into a stipulation in which it agrees to cease misleading representations in the sale of marble and granite monuments.

The respondent stipulates that it will cease the use in advertising matter of the words "lasts forever" or "eternally beautiful" or other words of similar meaning so as to imply that the monuments or markers to which such words refer will last forever or throughout long periods of time beyond their provable capacity of endurance.

The respondent also agrees to discontinue representing that lettering and ornamentation will show up better on blue vein Vermont marble than on "any other kind", including by inference all other kinds of blue marble, when such is not a fact. The stipulation points out that while the blue vein Vermont marble has an advantage over white marble in the matter of lettering and ornamentation, the same is true of any other blue marble, wherever quarried. (2723)

## FTC DISMISSES COMPLAINT

The Federal Trade Commission has dismissed a complaint charging Oppenheim, Collins & Co., Inc., 33 West 34th St., New York, with misleading representation of furs and fur garments.

The dismissal order recites that the respondent had discontinued the practices complained of before or about the time such practices became the subject matter of an investigation by the Commission, that there is no reason to believe that the practices will be resumed, and that the advertising matter in question was changed prior to promulgation of, and is in conformity with, the trade practice rules now in effect for the fur industry.

NAB Reports
The National Association of Broadcasters
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 15, April 12, 1940

# Television

So loud was the protest this week against the FCC's television policy that both President Roosevelt and Congress concerned themselves with it.

After a talk with the President on Thursday, Chairman Fly was quoted by the newspapers as having said:

"We are hopeful that within a few months we will have television receivers capable of receiving all transmitters. * * *

"As soon as the industry is ready to go ahead, the Commission is, too."

A few hours later, however, Mr. Fly issued a statement saying that nothing he had said (to the White House newspapermen) should be construed as indicating what action the Commission would take.

"It is hazardous to conjecture now when proper standardization may be achieved and commercial operations undertaken," he said.

The FCC chairman's White House visit followed the conclusion of a hearing by the Senate Interstate Commerce Committee on a resolution by Senator Lundeen (FL-Minn) calling for an investigation of the Commission's television policy.

Mr. Fly and David Sarnoff, RCA president, were the principal witnesses at the hearing, although the committee received a letter from Commissioner T. A. M. Craven, stating that he took issue with two of Mr. Fly's statements. Counsel for Dumont and Farnsworth interests also testified.

Meantime, the Commission proceeded with its television hearing which started Monday. This hearing was called when the Commission suspended its February 29 order, permitting limited commercialization of television starting next fall.

This order was suspended, it was said, because RCA's merchandising plans would tend to "freeze" television at its present state of development.

Senator Lundeen's resolution followed—as did a proposal by Senator Barbour (R-NJ) to amend the Communications Act specifically to forbid the Commission from interfering with "radio experimentation, research, or development, or the manufacture, sale, or use of any apparatus" for radio transmission or reception.

While newspapers throughout the country were berating the Commission editorially, Representative Cox (D-Ga) raised a lone voice in the Commission's defense and Representative Connery (D-Mass) introduced another resolution calling for an investigation of radio monopoly.

## Mr. Sarnoff's Statement to Senate Interstate Commerce Committee

Inasmuch as hearings are still proceeding on the order issued by the Federal Communications Commission on March 22, 1940, I take it that your Committee is primarily interested in hearing from me an affirmative statement of the position, plans, and policies of the Radio Corporation of America with regard to television. The solution of this problem insofar as the regulatory function of the Commission is concerned, lies in action, not in words. Our company has never questioned the jurisdiction of the Federal Communications Commission with respect to the powers given it by Congress to license television or other radio transmitters. We have no views to express as to whether any act of the Commission will advance or retard the creation of this great new art, until such action is made clear as the result of the current hearings.

The Board of Directors and the Management of the Radio Corporation of America are of the considered opinion that television offers the opportunity for the creation of a new industry, new employment and new services; that its introduction now is not only timely but important; and that substantial progress in the art can come only after its introduction upon a commercial basis. The four main questions with regard to television, judging from current discussion, are:

(1) Should the introduction of television on a commercial basis wait until all the engineers of the entire industry have agreed on technical standards of transmission and reception?

(2) Would further research be retarded by the sale and public acceptance of the television receivers now on the market?

(3) Will the public suffer from excessive obsolescence due to improvements in the new art?

(4) Will competition be helped or hindered through the commercial introduction of television by those in the industry who are now ready, able and willing to go ahead?

I propose to deal with these four questions in order.

### I.

The Radio Corporation of America believes that in an art such as television there can be no shorter cut from promise to performance than through the process of laboratory development, field test, and service to the public.

If the industry is left free to determine, through experimentation and test, the competitive advantages of every system, the practical standards prevailing in any given period will represent the best that the art has attained.

The Radio Corporation has never proposed nor urged the freezing of standards. Nor is such action necessary to create the television industry and the new public services that would flow from it.

(Continued on page 4164)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## TELEVISION

*(Continued from page 4163)*

### II

It is a fallacy to assume that the commercial introduction of television, on any standard now conceivable, would affect the continuance of research in this art, or prevent the adoption of higher standards of service and performance.

The triumph of television lies in the fact that science, research and experimentation have made possible the addition of the electrical eye to the electrical ear in radio.

Because it recognized this as a fundamental development, the Radio Corporation of America has invested more than $10,000,000 in research, development, experimentation, patents, field tests, and actual program service. For more than ten years, five major engineering groups of the RCA organization, including its broadcasting and manufacturing, have been engaged in a coordinated attack on the problems of transmission, reception, tube development, radio relaying and programming. Hundreds of engineers have been engaged in developing television, and the current rate of expenditure for this work by the Radio Corporation of America alone is about $2,000,000 annually.

But these expenditures are only a drop in the bucket to what will be required for further research and development in the next twenty years. Almost two decades have elapsed since the introduction of sound broadcasting on a commercial basis, but improvement still continues; and I can safely say there is little we have achieved today that will survive the next ten years.

The television research achievements by the Radio Corporation of America to date have been set forth publicly in 229 papers and reports to scientific societies, 671 additional technical reports, and two major textbooks, a total of approximately 1,000 engineering studies. We believe that, far from retarding the achievement of higher standards of television transmission, the Radio Corporation of America has done more to develop high television standards than any other organization in the United States.

And while on the subject of research let me refer to the importance of increasing not merely the size of the television picture, but of the television audience—in other words, to give more people in more communities the opportunity to enjoy television, and to participate in its activities. I submit that a greater public interest will be served at this time by research toward the methods that would extend television service to as many homes as possible, rather than in improvements that would merely add to the size or the definition of the picture now enjoyed by the few.

To meet this need the Radio Corporation of America has developed a radio relay system designed to extend the service of television to the public on a nationwide basis.

The Radio Corporation of America is ready, if commercial television is authorized, to ask for a license from the Federal Communications Commission for the construction of such a radio relay system, using higher frequencies than have ever before been utilized. Such facilities could serve broadcasters with programs moving simultaneously in both directions.

Home television receivers giving pictures as large as 18 x 24 inches are now being developed in our laboratories.. We shall also soon make available theater television receiving equipment which will project pictures upon full size motion picture screens.

### III

In every step it has taken in the development of television, the Radio Corporation of America has kept faith with the public. During the years that it has spent millions in the furtherance of this project, its statements have been so conservative as to its achievements that it has had to meet the false charge of holding back the art for commercial reasons. In the few transmission areas in which television service is available, every school boy knows the limitation of program, broadcasting time, size of picture, and similar details. The modern television receiver is not sold sight unseen in a package over the grocery story counter. It is sold after demonstration, and very considerable demonstration, which familiarizes the user exactly with the service he is to receive.

The purchaser of such a set knows exactly what he is paying for. He is paying for the unique privilege of seeing what is important or interesting today in a program of news, information, entertainment, education and sports—events which he cannot witness tomorrow or next year, however great the technical improvements that may or may not be made in the meantime. The miracle of sight transmitted through the air should not be treated on the same basis of obsolescence as a Spring hat or furniture.

Nothing that would make present television equipment of continuing value to the purchaser has been neglected by the Radio Corporation of America. In the first place, the standard set offered to the public at the lower prices made possible by commercial production, includes not only sight reception but the most modern sound receiver the Company has been able to produce. Even if higher standards should entail ultimate obsolescence of the television element, the purchaser would still have a first class receiving set with sound reception on three bands—international short wave, standard broadcasting, police and aviation—unaffected by any changes in television transmission.

But sufficient experience has been gained, both with regard to television reception and transmission, to enable this Company as well as other manufacturers to make changes economically in equipment that has been sold to keep it up to date. From what we know today, the possible improvements which might affect television receivers would concern: (a) the number of picture lines; (b) the number of pictures per second; and (c) synchronization.

While a radical change in these particulars might make present-day television receivers temporarily inoperative, we know that they could be modified at moderate cost to adapt them to any new method now on the horizon. The cost to the consumer, if all the changes under discussion were adopted, would be about $40, and it is our conviction that all of these changes will not have sufficient merit to warrant adoption.

Finally, we have, without obligation on our part, refunded to our pioneer purchasers amounts equal to the reduction in price made possible by commercial production. In some cases these refunds amounted to $205 per instrument sold.

### IV

The Radio Corporation of America welcomes the keen competition promised in the industry in the development of the television art. The promise of this competition is increased, not lessened, by the present disagreement among a few engineers as to standards of transmission and reception, and the methods by which the highest standards may best be achieved.

The phenomenal growth of radio in our country is due largely to the fact that the industry has had available, through licensing, the many inventions developed by those who spent millions of dollars to bring the art out of the laboratory and into commercial use. About 50 manufacturers are licensed by the Radio Corporation under its own patents and also under those of other domestic and foreign companies from which the Radio Corporation has acquired the right to grant such licenses.

It is the firm belief of the Radio Corporation of America that a truly new industry and new service and new employment could be created on a scale that would affect our whole economy, through the development of television that would give our own country leadership in this new art. I believe that, given the opportunity, American ingenuity and enterprise can, in a reasonable time, develop a new industry in television amounting to a billion dollars annually.

It is our opinion that this could be done without undue disturbance to the present broadcasting structure. But this achievement is impossible unless we show the courage that has made this country the radio center of the world.

## Fly Testifies; Sarnoff Cross-examined

Before Mr. Sarnoff testified, Fly had defended the Commission's recent order reopening the television inquiry on the ground that RCA's commercial promotion of receivers was threatening to "freeze" development and load the public with sets that may soon become obsolete.

Chairman Burton K. Wheeler sought several times to persuade Sarnoff to agree to alter the design of the RCA television receivers so that they could receive any current system of visual broadcasting. The Senator expressed the opinion that this would remove the cause of the dispute.

### Cites Price Increase

Sarnoff insisted the additional expense of $20 to $40, which would be represented in an increase in the sales price is not warranted, as competing systems do not have television stations in operation except in a very limited experimental capacity.

Fly retorted that the FCC shortly would grant transmission licenses to sponsors of television transmission different from that used by RCA, Allen B. Du Mont, of Passaic, N. J., chief rival of RCA in the current fight, has an application for a permit to erect a station in New York.

At the conclusion of his testimony, Sarnoff engaged in a sharp exchange with William A. Roberts, attorney for Du Mont, who challenged some of the RCA president's statements. When Sarnoff retorted that Du Mont was owned by Paramount Pictures, Roberts denied it but admitted the motion picture company has backed Du Mont financially.

Chairman Wheeler and other members raised the question as to why Great Britain had enjoyed television for two years prior to the outbreak of the war.

Sarnoff replied that England's progress was due to the fact that a government commission investigated all phases of the art and then fixed transmission standards for a specified period.

Sarnoff termed ridiculous the contention of FCC that the sale of a projected 25,000 television sets in the New York area would "freeze" transmission standards and halt further research. He pointed out that experimentation in frequency modulation is going ahead although none of the 40,000,000 standard radio receivers will be able to tune in FM stations.

He hotly denied that RCA was trying to obtain monopoly of the infant industry when Wheeler said such charges were being made against the corporation.

## Craven's Letter

April 11, 1940.

Honorable Burton K. Wheeler,
United States Senate,
Washington, D. C.

My dear Senator Wheeler:

Referring to telephone conversation of last night concerning my request for a postponement of the hearing of the Interstate Commerce Committee on the matter of television, I beg to inform you that the disputed television hearings are now in progress before the Commission. Today, which is coincidental with the hearing before the Interstate Commerce Committee, the most important engineering testimony is to be given. I am unable to recess the Commission's hearing and feel that my duty compels me to be present when the engineering testimony is given.

On the other hand, I feel it my duty to be present at your Committee meeting in response to your request, and also, I have no desire whatsoever to be discourteous to any individual of the Senate.

Since these two duties conflict, I hope that, as per my request of last night, it will be possible to delay the Interstate Commerce Committee meeting until some later date. I am willing to appear and testify any time the Committee may desire.

I have called Senator Lundeen, who I understand was responsible for requesting my presence, and while he appeared to be disappointed, I am certain that he understands the difficult situation caused by these conflicting duties. He suggested that I use my own judgment in the matter.

There are two matters which I understand were advanced in yesterday's hearings of your Committee, which should be clarified.

The first is that I responded to an official written request from a United States Senator to give my reasons for my dissent in the disputed television order of the Commission. Being in public office and a Commissioner in an independent agency authorized by Congress, I feel that not only courtesy to the legislative body but also duty compels me to reply to requests from Senators on matters such as in the instant case. It should be made clear that I did not voluntarily write to any Senator concerning matters under dispute in the Commission.

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The second clarification of the record pertains to the statement of Chairman Fly of this Commission to the effect that I had not filed a dissenting opinion with the Commission in this matter. It is not usual in such matters as this, which is not a judicial proceeding, for members of this Commission to file written dissenting opinions. However, as the enclosed minutes of the Commission will show, I voted "no" when the decision to issue Order No. 65 was reached. Furthermore, I gave my reasons orally to the Commission at that time, and suggested that the Commission postpone action until sufficient time had elapsed for second thoughts. Furthermore, I urged the Chairman personally not to take the action which the majority has taken. I also suggested to the Chairman that if the majority was insistent upon taking some action, it modify the original action taken.

I hope that you will either clarify the record in the foregoing respects, or permit me at some later date to testify under oath with respect to the matter.

Very respectfully yours,
T. A. M. Craven,
*Commissioner.*

Enclosure.

P. S. I wish to call particular attention to the fact that as late as 10:30 a. m., March 23, the day the order was published, I pleaded with the Chairman of this Commission to either delay or modify the action taken.

## Lundeen's Radio Speech

April 6, 1940

Permit me to thank Mutual Broadcasting Company and the National Broadcasting Company for this opportunity to discuss the current confusion over the development of television. A member of the Interstate Commerce Committee of the United States Senate, to which all radio legislation is referred for detailed study and consideration, must keep abreast of radio developments. The seriousness of the television crisis of the moment is impressed upon me by the current disturbed feeling in advertising circles.

During a session of Congress, we find it physically impossible to engage in much research on economic trends and yet we must be informed. We must work out some satisfactory system to keep reasonably well informed on what the "feel" is in business circles.

Keeping in touch with the advertising world gives a quick and reliable insight into what the future may hold by way of business improvement or retrenchment. Trends up or down in advertising constitute an excellent barometer of the thinking among men who guide American industry, the men who really determine the size of payrolls. There never was or never can be a substitute for jobs in private industry as the key to national prosperity. The simplest way for me to keep in touch with advertising is to read advertising trade papers.

Here is the heading from the leading story in the last issue of Advertising Age, a national newspaper of advertising:

> "FCC's Drastic Stand on Television Stuns Trade—RCA Cancels Advertising; Dealers Utter Lamentations."

Listen to the first paragraph of that story:

> "Television, the lusty infant that was being groomed to discard its swaddling clothes, this week appeared destined to

> continue in diapers, at least until settlement of the industry row caused by the Federal Communications Commission's order rescinding a previous order that would have permitted limited commercial sponsorship beginning September 1."

On reading that pessimistic report from an advertising paper, I decided it was a duty to look into the situation. Securing copies of orders and press releases on television from the Federal Communications Commission, here is what we found:

After extensive hearings, the Commission on February 29 of this year issued an order permitting limited commercial operation of television after September 1. This was immediately followed by a step-up in manufacturing operations of companies producing television receiving sets, accompanied by advertising and sales campaigns. Then on March 22, less than a month later and when the manufacturing and sales efforts were really getting underway, the Commission—without a hearing of any sort—suddenly rescinded its order of February 29 and stopped television development in its tracks pending more hearings to begin April 8. According to Broadcasting, national radio magazine, this action jeopardizes the jobs of some 1,000 employees of one company alone, one that has spent $10,000,000 on television. The Commission did not claim that unexpected technical developments justified these new hearings with the attendant delay and confusion. Its only explanation, as given in a press release, was some criticism certain members of the Commission had of the marketing campaign of one of the manufacturers of television sets.

Having had a hand in passing the law under which the Federal Communications Commission operates, I knew of no authority Congress had given the Commission to regulate, control or supervise the marketing of radio or television receiving sets. On the contrary, authority to cope with misleading advertising rests in the Federal Trade Commission. In fact, just a week earlier the Supreme Court of the United States handed down a decision in which the Court stated that the Communications Act does not essay to regulate the business of the licensee.

A new industry is being throttled by a government bureau exercising power never granted by Congress. My feeling in this regard was strengthened when I read an editorial in the *Washington News*, a Scripps-Howard newspaper, which observed as follows on this action by the FCC—

> "In this, the bureau designed to allocate wave lengths—an obviously necessary job, since wave lengths are limited—arrogates to itself the authority to forbid merchandising of receiving sets on the contention that in this new art the sets might too soon become obsolete. Under that sort of government philosophy the automobile, the electric light, aviation and radio would never have got started."

I have offered a resolution in the Senate asking the Interstate Commerce Committee to make an immediate investigation of the Commission's actions on television and ascertain, in particular, whether the Commission had exceeded its authority and whether it has interfered with the freedom of the public and of private enterprise. Senator Burton K. Wheeler, of Montana, is chairman of that committee. Perhaps we may be able to stop this bureaucratic seizure of power there.

Apparently Chairman James Lawrence Fly of the Federal Communications Committee realized that this action of the Commission had created widespread protest for on Tuesday evening of this week, over an NBC and Mutual hook-up, the Chairman discussed television.

He said:

> "Now let me be perfectly plain in stating the position of the Federal Communications Commission on the question of public participation in the future development of television. Does the Commission wish to discourage members of the public from purchasing television receiving sets today? The answer is emphatically 'No.' As a matter of fact, it is only by having receiving sets in the homes of members of the public that experimentation in program techniques can be successfully carried on. But it is important that the general public know that when they buy television sets they are definitely partaking in a program of experimentation."

All I can say to that is that if the chairman had issued a statement along similiar lines, instead of having the Commission revoke its order of February 29, there would be no such apprehension as now has been created.

I noticed in the press that Commissioner T. A. M. Craven, who is recognized in and out of radio circles as the one technically informed man on the Commission, dissented from the unusual action of the Commission on March 22. Inasmuch as I had heard Chairman Fly's views at length over the radio and I wanted all angles of the story, I wrote to Commissioner Craven asking his reasons for dissenting. He has written me a letter and because of his pre-eminence in radio development, I want to quote from this expert as to whether any situation, which might stop research and "freeze" technical development of television, existed between the Commission's first action in February and its second order in March.

While explaining that his dissenting vote reflected an honest difference of opinion and insisting that he prefers not to disturb the present friendly relations within the membership of the Commission by engaging in any public controversy over this or any other issue with other commissioners, Mr. Craven writes—

> "The majority concludes that recent promotional activities of a television receiver manufacturer will effectively stop research and 'freeze' technical development in television.
>
> "In my opinion, such a contention is absurd on its face, and is not justified by either facts or experience. Nothing can stop scientific research and technical progress in a free democracy if incentive is not discouraged by Government. The Commission itself, by order of suspension, such as in the instant case, can create such confusion as to retard the development of television and discourage the incentive and initiative of private enterprise.
>
> "In my opinion, the technique of television has advanced to the stage where an initial public trial is entirely justified. Such a trial would spur television onward, not only more rapidly, but also more effectively than any other method. I agree with the majority that technical improvements are required in television and I agree that the Commission should not approve standards at this time. However, no one can foretell accurately how these technical improvements will be secured and what public reaction will be. It is already obvious that some of the technical methods suggested by the Commission in its previous report may not be the best. This is not surprising, since the Commission has had no practical experience in technical research for television nor is it equipped to undertake such problems.
>
> "There is no need, in the present state of development of television for a Commission in Washington to substitute its judgment for that of the public. The public is the wisest judge of scientific achievement and will be most effective in securing the technical improvements it desires.
>
> "In this case the Commission would have been on more logical grounds had it merely made public the facts concerning obsolescence of television receivers, rather than taking action which prevents the public from exercising its own judgment. The Commission will have performed its duty to the public, insofar as obsolescence of receivers is concerned, when it has informed the public of the facts.
>
> "The present prices of television receivers automatically restrict its use to those who can afford replacements as technical progress requires. The burden of experiment falls on wealthy people, as it should, to pave the way for ultimate inexpensive television to all."

That concludes Commissioner Craven's observations on this subject of "freezing" television development.

My studied opinion is that the Federal Communications Commission was in error when it rescinded its permission for limited commercial television. Accordingly, I believe the best interest of television development calls for abandoning the new and unnecessary hearings which are scheduled to start on Monday and a return to the status quo of before its unfortunate action of March 22. I believe the FCC should stay within the authority granted it by Congress and defined so recently by the United States Supreme Court. I believe it and every other bureau of government agency should use common sense and encourage, not block, the development of television or any other industrial activity that will put unemployed men and women back on private payrolls and speed up the return of a prosperous United States.

## Barbour's Bill

An amendment to the Communications Act of 1934 has been introduced in the Senate by Senator Barbour of New Jersey "to limit the powers of the FCC in certain cases."

The bill was referred to Committee on Interstate Commerce and is as follows:

That the Communications Act of 1934 is hereby amended in the following respects:

(1) By striking out the heading preceding section 326 and inserting in lieu thereof "Limitations; Censorship; Indecent Language"; and

(2) By inserting after the first sentence of section 326 the following new sentence: "Except as expressly provided in section 301 of this Act, nothing in this Act shall be understood or construed to give the Commission any power to regulate or in any way supervise, control, or interfere with radio experimentation, research, or development, or the manufacture, sale, or use of any apparatus for the transmission or reception of energy, communications, or signals by radio, or the business policies of radio broadcasters."

## Barbour's Statement

### (Accompanying His Bill)

Millions of Americans will be deprived of an early opportunity to get television programs unless Congress "knocks some sense into the Federal Communications Commission," Senator W. Warren Barbour of New Jersey declared today as repercussions from the Commission's recent stop order addressed to the industry continued throughout the capital.

As a Senate committee plunged into the problem and the Commission itself continued its own hearings on the subject, Senator Barbour offered a bill in the Senate designed to unshackle television from what he described as "horse-and-buggy control by a bungling and brazen bureaucracy."

The measure would explicitly deny to the Commission any power to control or interfere with radio experimentation, research or development, or with the use, manufacture or sale of transmission or reception equipment, including television sets, or the business policies of broadcasters. Its effect would be to give statutory reinforcement to last week's decision by the Supreme Court of the United States holding that the Commission does not possess these powers now.

"I have prepared and introduced this proposed legislation as a necessary step, in my judgment, to end the present horse-and-buggy control of a rapidly developing new industry by a bungling and brazen bureaucracy," Senator Barbour said.

"Instead of promptly accepting the language and implications of the Supreme Court's decision of last week, the Federal Communications Commission not only has failed to withdraw its stop order addressed to the radio industry, but arrogantly announced and is now holding hearings to decide, presumably, whether it shall obey the law.

"It is already apparent that unless Congress knocks some sense into the Commission, millions of Americans will be deprived of an early opportunity to get television programs.

"Records of the Communications Commission show clearly that its recent action in denying the right of the industry to market television sets this summer is completely consistent with its whole attitude with respect to television. It has assumed for more than a year that it had powers which the Supreme Court now says it does not have, and proceeded on this false assumption to interfere with and retard the progress of one of the most interesting and popular inventions of our time.

"If a government bureaucracy had been allowed similarly to interfere with the early development of the telephone, phonograph, motion pictures, the automobile and radio, these things would never have reached their present perfection and would not now be enjoyed by most American families.

The Commission complains that television is not sufficiently sharp and clear to justify widespread sale of receiving sets. As compared with the first motion pictures which the public paid to see, television is so far superior as to make the Commission's attitude laughable.

"It was the willingness of the public to buy the first automobiles and phonographs and radio sets, in spite of their imperfections and initial high cost, which made mass production of the present relatively perfect machines at low cost possible. The perfection of the movies is due entirely to public patronage. The same thing will occur in the development of television if the industry is unshackled.

"The Commission in February magnanimously announced that television stations would be permitted to begin 'limited commercial operations under which advertising will be permitted' in connection with sponsored programs. What a concession! The Communications Act explicitly denies to the Commission any power of censorship, except on the score of indecency, yet here it is attempted to be exercised. And now even this privilege is withdrawn.

"American experience in the development of radio has shown that the public is its own best censor of radio programs. If people do not like what they get, all they have to do is shut off the program. As a result, advertisers and radio broadcasters compete with one another to give the public the best radio programs in the world, as a necessary condition of remaining in business.

"Last November the radio committee of the Commission reported that it did not believe commercialization of television would increase the sale of receiving sets. What business has the Commission in this field? This is a matter for the public itself to decide.

"The Commission also talks of 'planning' for the development of television. Congress never gave it the right to plan anything, and it has neither the power nor the capacity to create. Its function with respect to radio is to police the air, to see that the limited number of radio channels are used in orderly manner, that the programs are decent, and that those persons are licensed to broadcast who best serve the public interest. There its authority over radio stops, and should stop. I hope Congress will see that it does."

## Connery's Resolution

Representative Connery (D-Mass.) on Wednesday introduced a resolution (H. Res. 462) in the House to investigate the FCC. The resolution, which is similar to other resolutions introduced by Connery has been referred to the House Committee on Rules.

It is as follows:

Whereas the Congress in creating the Federal Communications Commission, and in enacting the Communications Act of 1934, expressly reserved to the people of the United States control of all radio frequencies; and

Whereas, despite this restriction through the leasing of, the purchase of, the affiliating of, the operation of, or, through the possession of contracts giving to a select few the exclusive right to use the more desirable time of these radio-broadcasting stations, there is reason to believe that contrary to the intent and the spirit, as well as the language, of laws in force, a monopoly exists in radio broadcasting, which radio-broadcasting monopoly is believed to be profiting illegally at the expense and to the detriment of the people through the monopolistic control and operation of all clear-channel and other highly desirable radio-broadcasting stations; and

Whereas it is believed that neither public interest, convenience, nor necessity is served by permitting a virtual radio-broadcasting monopoly to control this property, which has been reserved to the control of the American people; and

Whereas information revealed by the Federal Communications Commission shows that in innumerable cases these governmental grants have been sold by licensees for millions of dollars to the detriment of the public and contrary to the expressed intent of the Congress; and .

Whereas it is contrary to public policy, convenience, or necessity to allow any private groups to traffic in a property reserved to and for the people: Therefore be it

*Resolved,* That a committee of seven Members of the House of Representatives shall be appointed by the Speaker, which committee is hereby authorized and directed to inquire into and investigate the allegations and charges that have been or may be made relative to irregularities in or pertaining to the monopoly which exists in radio and the activities and functions carried on under the Communications Act of 1934 and all matters pertaining to radio and radio broadcasting; be it further

*Resolved,* That the said committee shall make a thorough and exhaustive investigation of all allegations and charges that have been or may be made in connection with or pertaining to the monopoly which exists in radio and the activities and functions carried on under the Communications Act of 1934 and all matters pertaining to radio and radio broadcasting, and shall report in whole or in part at any time to the House of Representatives, together with such recommendations as it deems advisable; and be it further

*Resolved,* That for the purpose of this resolution the said committee is authorized to hold such hearings, to sit and act during the sessions and the recesses of the present Congress at such times and places, either in the District of Columbia or elsewhere, and to employ such expert, clerical, and stenographic services as may be found necessary and to require by subpoena or otherwise the attendance of witnesses; to administer oaths; to compel the production of books, papers, and documents by Government or private agencies; and to take and record such testimony as the committee may deem advisable or necessary to the proper conduct of the investigation directed by this resolution.

## FCC Television Hearing

Monday, April 8, 1940.

The Television Hearing was conducted by the entire Commission with the exception of Commissioner Case.

Chairman Fly opened the hearing by reading a prepared statement which read as follows:

"After long study of the problems of television by the Commission's Television Committee, composed of Commissioners Craven, Case and Brown, and by the staff, the full Commission in January of this year held extensive hearings on this subject. On February 29, a report was issued which to a great extent was a reflection of an earlier report of the Committee.

This unanimous report of the full Commission held that in view of the admitted need for improvement and because of the extensive experimental work then under way, research and experimentation should continue unabated, and, therefore, that transmission standards should not be then fixed either by the Commission or by members of the industry. The Commission emphasized that its controlling aim was the achievement of higher standards by research and development and, necessarily, the avoidance of any crystallization of transmission standards at present levels of efficiency.

The engineering evidence had clearly established the lock and key relationship of receiver and transmitter precluding major changes in transmitters because of the great loss which might be caused to the owners of receivers. The Commission warned the industry of the retarding effect upon future research which would be caused by a widespread public investment in television equipment that would lock transmission standards down to the levels of current development.

It further determined that licenses should continue on an experimental basis for the time being, although as a part of the program of experimentation there might be, after September 1, 1940, a limited participation by program sponsors.

Rules concurrently issued for experimental television operations, which were only modifications of those projected by the Television Committee, placed these conclusions into effect.

Thereafter, on March 22, 1940, because of certain intervening events, the Commission issued its order to determine

> ". . . whether research and experimentation and the achievement of higher standards for television transmission are being unduly retarded by the action of the Radio Corporation of America or its subsidiaries, or any other licensee, requiring any additions, modifications, revisions, or amendments of the rules adopted February 29, 1940, governing television broadcast stations, or other action by the Commission; and whether the effective date for the beginning of limited commercial operations set forth in Section 4.73 Subsection (b) of the Commission's Rules and Regulations should be changed from September 1, 1940, to some subsequent date."

It should be made clear that no subject matter is to be considered at this hearing which was not considered and dealt with in the Commission's previous hearings and reports. The present order covers only a part of the same subject matter.

It should be borne in mind that this is not a trial; and no effort will be made here to determine the legal propriety of the promotional activities of the industry. It should also be emphasized that the Commission has no intention of adopting any rules as to the design or as to the marketing of receiving sets.

The subjects to which this inquiry is directed concern the present status of television, its research and development, and the problem of the exercise of the Commission's statutory duty to issue experimental licenses and to fix the standards for television transmission.

Evidence of the foregoing subjects will be received and considered only as and to the extent that it bears upon these duties of the Commission. More specifically, the scope of the problems to be dealt with here is stated in our Public Notice of April 4, 1940, as follows:

> "The evidence of . . . parties should, in summary form, state the scope of their present television experimentation in terms of subject matter, staff, and time devoted to the same and should indicate what proportions of such work are directed toward technical ends and toward commercial production. This information should be broken down with respect to the periods prior and subsequent to March 1, 1940. Any changes made or under consideration as a result of sales promotional activities should be stated.
>
> "General conclusions should be offered as to the prospects for improving the performance of television broadcasting but descriptions of recent improvements are desired only if they have taken place since the date of the original hearings or are the final results of previous experimentation. Evidence will be received also as to the effect of the above matters on the prospects for higher transmission standards and as to whether there has been any retardation of progress. Parties are also requested to express their views, based upon the facts on the foregoing matters, as to the appropriate date for commencing limited commercialization. No invitation is extended to parties who did not appear at the hearing of January 15, 1940. Limited testimony may, however, be accepted from new parties upon a showing that they are engaged in substantial research and have evidence bearing upon the above matters which includes information not heretofore presented to the Commission and which relates to the present status of the technical phases of the science."

The Communications Act requires that the Commission shall, among other things, "study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest." Essentially, this hearing is to study the status and potentialities of the transmission of correlated vision and sound by radio—that is, television—and to determine certain policies in connection with the issuance of licenses for experimental uses of frequencies for television.

The Act also provides that the Commission shall "regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein." Accordingly, an important phase of this hearing is to investigate problems relating to the statutory duty to issue standards to regulate the kind of transmission apparatus to be used by television stations.

No question has been raised by any party in the course of the proceedings of the Television Committee or in those of the full Commission as to the scope of the statutory duties of the Commission and its jurisdiction to deal with these subject matters. I reiterate that it is the Commission's intention here to cover only subject matters heretofore dealt with and to proceed strictly in accordance with these statutory provisions. It is hoped that each counsel will bear these points in mind."

The first witness was Mr. Allen B. DuMont, president of Allen B. DuMont Laboratories. Mr. DuMont outlined experimental work being carried on by his company. He explained that their television set has a switch in it for changing from the RMA to the DuMont signal. His company has agreed to modify its receivers free of charge up to 1942 if changes are made necessary due to modifications in standards. Mr. DuMont reiterated his stand that a fully flexible standard should be adopted. He said that if the 441 line standard is adopted that his company's experimentation on a higher definition pictures will cease. Mr. DuMont said that he saw no reason why we couldn't have limited commercialization by September 1, provided standards are set the same as RMA with the exception that the number of lines, number of frames and the synchronizing impulse should not be specified, and these should be left flexible.

Tuesday.

Mr. Harry R. Lubcke, director of television for Don Lee, was the first witness on Tuesday. He reaffirmed his previous stand that the RMA standards is the best engineering arrangement in a 6 MC channel. Chairman Fly asked if he didn't think that different stations should have comparable facilities, and the answer was, "Yes", and that the lower the frequency the better.

Mr. Lewis Allen Weiss, vice president and general manager of Don Lee, appeared next. He said that television has progressed far enough so that it is ready now for full commercialization and that he does not hold a brief for the RMA standards except that they represent the thinking of most of the television engineers. Mr. Weiss said that a chain of theaters was interested in installing television equipment and that if commercialization were allowed then Don Lee could expect a revenue of $18,000 to $20,000 per week from this source. He said that about 2 to 3 years after commercialization there should be about 10,000 television sets in the LA area and that then television could be an adult advertising medium.

Next to appear was W. D. Smith on behalf of Philco and he said that their staff of about 40 television research engineers had been cut to about two-thirds since the FCC order of February 29, allowing partial commercialization. Philco figured that research outside the RMA standards was of no avail. Mr. Smith said that the only way we could have research outside the RMA standards was by holding up commercialization and that there should be a six months' period in which to correlate the information available and immediately available in order to set standards and go commercial.

Wednesday.

U. A. Sanabria of Chicago appeared and told of his long association with television. He also represented Dr. Lee deForest. Mr. Sanabria proposed that the Commission have a conference of all the patent holders and have them get together in such a way that there is no patent monopoly. He advocated a flexible set of standards.

Mr. Marshall Wilder, chief television engineer for American Television Company, stated that the basic standards are set by the 6 MC band width and that receivers can easily be built to take care of any changes within this band width and they can easily be altered to suit the different kinds of transmission.

Mr. William B. Campbell, president of National Television Manufacturing Corporation, said that they have developed a set which will receive transmitters using different numbers of lines and frames and that they are reluctant to go into production until there are a reasonable number of hours of telecasting available to the public. It was his opinion that sets could be made to fit flexible transmitting standards and that full commercialization should be allowed.

Next to appear was Mr. Brown of Zenith Radio Corporation, who read a prepared statement in which he said ". . . Television pictures under the present standards are good, probably good enough for public service. There is no question but what they can be improved." And at another place his statement said, ". . . We definitely feel that there is no single step which can be taken that will overnight, so to speak, cause television to suddenly assume large proportions of satisfactory service. We believe that it is something which can come only gradually over a period of years, as a more complete understanding of the problem is reached and as the service can improve, prices become less and the requirements of a television system better understood. . . ." Mr. Brown said that Zenith is in favor of limited commercialization.

Thursday.

Mr. Edwin M. Morton, appearing for Farnsworth, advocated the adoption of the RMA standards and full commercialization. He said that there is plenty of room for improvement inside these standards.

The next witness to appear was Mr. F. J. Bingley, research engineer of Philco. Mr. Bingley told about RMA sub-committee meetings of February 21 and 29, in which the views of Philco were stated and these were that they wanted RMA to reopen the question of television standards, and that RMA so notify the FCC. He said that there was objection to making such a statement. However, someone else suggested the formation of a sub-committee to reconsider the standards. Mr. Bingley said that there was considerable argument on this point resulting in his resignation from the committee. He said that it was his opinion that limited commercialization would freeze the standards to the RMA standards by usage. Mr. Bingley said that it was the next day after the February 29 meeting, when he had resigned, that Philco made changes in its research staff; described by W. D. Smith of Philco during Tuesday's testimony.

The first witness for RCA was Mr. Alfred Morton, vice president of NBC in charge of television. Mr. Morton described the engineering and program research work carried on by NBC prior to March 1, and that on March 1, after the FCC order allowing partial commercialization, there was an acceleration of their television work. Mr. Morton said that he is in favor of immediate commercialization and that there are eight or nine companies wishing to buy programs.

Appearing next for RCA was Mr. Elmer Engstrom, director of television research. He said that they are continuing their television research and outlined the work they have done since the last television hearing. In response to a question about synchronization, Mr. Engstrom said that it was his experience that the pictures are gone before synchronization is lost in using the RMA standards.

The television hearing will be continued Friday.

## Ten More Stations Join Broadcast Music, Inc.

Subscriptions from ten more stations for BMI have been received, bringing the total to 290. Ninety-four more have pledged subscriptions. The total amount now paid and pledged is $1,267,189.05.

The new stations:

District 5

WMGA, Moultrie, Ga.
WDAE, Tampa, Fla.

District 8

WFBM, Indianapolis, Ind.

District 9

WHFC, Cicero, Ill.
WAAF, Chicago

District 10

KSO, Des Moines, Iowa
KRNT, Des Moines, Iowa
WMT, Cedar Rapids, Iowa

District 11

WNAX, Yankton, S. D.

District 17

KRSC, Seattle

## CODE COMMITTEE MEETS

Expressing its satisfaction at the progress being made by the NAB Code and the increased public understanding and support which it is receiving, the Code Compliance Committee met Thursday at Headquarters for an all-day conference.

Problems imminent with the approach of the presidential campaign during the summer and fall months were thoroughly analyzed and discussed. The question of enforcement of the Commercial Section of the Code, which becomes fully effective next October 1, was another major topic of discussion. Aspects of labor discussions on the air were presented by Joseph L. Miller, NAB Director of Labor Relations.

Those attending the meeting were: Edgar Bill, WMBD, Chairman; Martin Campbell, WFAA; Earl J. Glade, KSL; Gilson Gray, CBS; Don Searle, KOIL; Calvin J. Smith, KFAC; Theodore Streibert, MBS; Kenneth Berkeley, NBC; William B. Dolph, WOL; Ed Kirby, Secretary of the Committee.

Neville Miller, NAB president, also attended the all-day session.

## NEW APPLICATION FORMS

Last week the Federal Communications Commission released a new construction permit application questionnaire—FCC Form No. 301 (Revised March 1940). The title of the new form is "Application for Standard Broadcast Station Construction Permit or Modification Thereof". The questionnaire, in mimeographed form, occupies 42 pages. It is understood that the form is amplified to facilitate the Commission's granting construction permits without hearings.

The NAB staff is studying the revised form in the light of the burden it places upon applicants.

## BROADCASTERS FREE TO USE COLUMBIA, DECCA RECORDS

Both Columbia and Decca Records have advised broadcasting stations that they would make no claim against the stations, for the time being, for use of their phonograph records.

The following notices were received by stations:

### WESTERN UNION TELEGRAM

April 8, 1940.

Radio Station ——

We confirm that our consistent policy remains unchanged of refraining from taking action against broadcasters for performance our records. We will not bring action or make claim against your station arising use Columbia Brunswick Vocalion records and will give you due notice if circumstances cause us hereafter to alter policy.

COLUMBIA RECORDING CORPORATION,
Bridgeport, Conn.

### DECCA RECORDS, INC.

50 W. 57th Street,
New York City.

April 5, 1940.

Radio Station ——

GENTLEMEN:

Heretofore we advised you that the United States District Court for the Southern District of New York rendered a decision holding that record manufacturers have the right to control the use of their phonograph records by broadcasting stations. This decision has been appealed. We are informed that it may take some time before the courts make final disposition of the appeal.

It is the purpose of this letter to advise you that for the time being, and subject to withdrawal upon sixty days' written notice, we shall make no claim against you because of any reasonable use of our records on your staiton.

Very truly yours,
DECCA RECORDS, INC.,
by Jack Kapp,
*President.*

## SEND BILLING FORMS TO NAB

The American Association of Advertising Agencies has expressed the desire to standardize invoice or billing forms. For that reason, member stations are urged to submit copies of their billing forms to the NAB Research Department for its study.

NAB has indicated its desire to cooperate to the 4 A's calling its particular attention to the matter of affidavits required by certain agencies. Headquarters has received many inquiries from stations concerning this bothersome affidavit detail. It is felt that through cooperation with the 4 A's in developing recommended invoice or billing forms, the need for affidavits can be completely eliminated.

The following letter from the American Association of Advertising Agencies dated April 3rd and signed by Mr. Richard Turnbull was received by Neville Miller last week.

DEAR MR. MILLER:

Our Committee on Fiscal Control feels that it would be very desirable if invoices submitted to agencies by radio stations were standardized as to form.

The Committee expects, in the near future, to look over station invoices to see if such a standard form can be devised.

We are sending the attached letter to a list of about 100 radio stations, picked more or less at random, in order to get sample forms to work with.

If anything comes of the Committee's study of these forms we will get in touch with you.

Yours very truly,
s/RICHARD TURNBULL,
*Secretary to Committee on Fiscal Control.*

Richard Turnbull/cs
Enclosure.

The communication addressed to stations referred to in the above letter is as follows:

DEAR ——————:

Our Association's Committee on Fiscal Control is making a study of the invoice forms employed by radio stations in billing advertising agencies for station time.

In connection with this study we are gathering such forms from about 100 radio stations throughout the country.

Would you be willing to cooperate with our Committee by sending us a specimen of the form you use in billing advertising agencies?

Yours very truly,
*Secretary to Committee on Fiscal Control.*

Richard Turnbull/cs

All member stations are requested to submit their billing forms to the NAB Research Department to facilitate our cooperation with the AAAA on the subject.

## FREE OFFERS

The following "free offers" have been reported by member stations during the past two weeks:

American Institute of Baking
Better Vision Institute, Inc.
Harcourt, Brace & Company, Inc.
Marine Studios.

The Bureau of Radio Advertising has written to these concerns, inviting them to pay for time. Though much of the material submitted to stations "free of charge" is undoubtedly interesting, the Bureau and NAB members are of the opinion that it is definitely commercial in nature and purpose, and therefore should be paid for. Broadcasters who accept on any other basis are, in the opinion of the NAB, undermining their own economic position.

The same applies to such percentage propositions as those of Leroy A. Kling, on behalf of Vita-Culture, and Rogers & Smith, on behalf of several clients. These agencies have recently written lengthy letters to a large list of stations, inviting them to accept contingent advertising on a basis of 35 cents for each $1 order stations produce. In both cases, the letter points out the potential profits which will accrue to broadcasters on this basis, but emphasizes the definite risk to advertiser on any other basis of payment. The Bureau has written these concerns, reminding them that agencies and media have a common interest in the proper and healthy growth of radio advertising, which can only be accomplished by maintaining radio's rate structure (as well as the 15 per cent commission), paying for time at card rates. No medium, the Bureau points out, can be expected to guarantee results from advertising or assume the risks of product promotion.

## SALES MANAGERS TO MEET

Chairman William R. Cline, WLS, Chicago, has called a meeting of the Steering Committee of the Sales Managers' Division for Monday, April 15, in Chicago.

Expected to attend the discussion of industry sales and advertising problems are Craig Lawrence, KSO, Des Moines, former Sales Managers' Chairman; Charles Caley, WMBD, Peoria; Ellis Atteberry, KCKN, Kansas City, Kansas; Barney Lavin, WDAY, Fargo; Owen Uridge, WJR, Detroit; and Sam Henry of the NAB Bureau of Radio Advertising.

## N. Y. SANITARY CODE

Neville Miller urged the New York City health department this week to amend a proposed new article of the Sanitary Code which would prohibit "the dissemination of any advertising relative to any drug or device or cosmetic which is false or misleading." Mr. Miller pointed out that the broadcasting industry already was covered by federal and state legislation on this point and that the section, as written, "will work an unfair hardship" on stations in New York.

## FM BRIEFS DUE APRIL 22

The FCC announced Thursday it had extended for one week from April 15 the time for filing briefs in connection with the hearing on Frequency Modulation.

## 44,000,000 RADIOS

In view of conflicting industry claims, the NAB Research Department reiterates its estimate published in NAB Reports (Vol. 7, No. 52, December 29, 1939) that at January 1st there were 44,000,000 radios in the United States. Further detail of this information is as follows:

| | |
|---|---|
| Radio Families | 28,000,000 |
| Extra Sets | 9,500,000 |
| Automobile Sets | 6,500,000 |
| Total Sets | 44,000,000 |

By way of explanation, under the heading Extra Sets, are secondary sets in homes, portable radios, radios in places of business, institutions, hotels, etc.

The 1940 Census which is now in the field will develop information on the number of radio families only and throw no light on the extra sets in homes, those in places of business, etc.

## FCC ORDER AMENDED

The FCC has adopted an amendment to its order issued March 13 in the matter of the application of the Presque Isle Broadcasting Company, to erect a new station in Erie, Pa., to operate on frequency 1500 kc., with power of 100 watts night, 250 watts local sunset, unlimited time, by adding a paragraph directing that permittee shall within two months after effective date of order file with the Commission an application for modification of construction permit, specifying exact transmitter site and antenna system.

## RADIO IN THE COURTROOM

Neville Miller took part in a panel discussion in New York on April 6 on radio and the press in the courtroom. The discussion was held under the auspices of the Regional Conference Section of Bar Association Activities of the American Bar Association. On the panel were William Allen White, Paul Bellamy, Giles Patterson and Mr. Miller. Raymer Maguire, chairman of the Section, presided.

## FCC APPEALS KSFO CASE TO SUPREME COURT

The FCC has petitioned the Supreme Court for a writ of certiorari in the KSFO-CBS case to determine whether appeal lies from the Commission's denial of a request for written consent to the assignment of a radio station license.

## Harry Wilder, Jr.

Harry Wilder, Jr., aged 21, son of NAB's Second District Director, was killed in an automobile accident in Florida last Sunday night. The funeral was held Thursday in Syracuse, N. Y. The entire industry extends its sympathy to Mr. and Mrs. Wilder.

## ANNOUNCE NATIONAL RADIO FESTIVAL, INDUSTRY'S SPRING PROMOTION

Plans for National Radio Festival, June 3-8, or "any date you select", were mailed to member stations Wednesday, April 10.

A follow-up mailing on Thursday contained a demonstration-talk suitable for delivery before business and civic groups, and a reproduction of two tie-in windows.

The talk was provided by Edward A. Allen, president of WLVA, Lynchburg, Va., and the window photographs by Paul J. Miller, production manager of WWVA, Wheeling, W. Va. A variety of activities and specific promotions were suggested in the announcement of the event.

Cooperation of members is urgently required at the outset in the matter of securing a large number of city and state Radio Festival proclamations, suggested copy of which was enclosed in the first mailing.

Station personnel with additional ideas for promotion are urged to send them in at once in order that they may be put to work throughout the industry.

One hundred dollars ($100) in cash has been made available by NAB for the best essay on the "American System of Broadcasting—Why It Is Best for Americans."

The best essay will be selected from among the prize winners at individual member stations. Allowance will be made for age and grade of contestants.

### STATE LEGISLATION

Mississippi:

H. 901 (Osborne) RADIO EQUIPMENT—POLICE—TRACTORS—To authorize the Governing Authority of the City of Greenwood to issue not exceeding $30,000.00 bonds for the purpose of buying garbage trucks, graders, tractors, sprinklers and flushers and other motor vehicles for use in the street department; two-way Radio Broadcasting and Receiving equipment for Police Station and Patrol Cars. Referred to Local and Private Committee.

### 823 STATIONS

During the month of March, 1940, the Federal Communications Commission issued operating licenses to five stations, and granted two permits for the construction of new stations. One station was deleted. A comparative table by months follows:

| | April 1 | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | April 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ...... | 732 | 734 | 735 | 735 | 738 | 739 | 743 | 751 | 755 | 765 | 769 | 771 | 775 |
| Construction .... | 37 | 38 | 38 | 43 | 56 | 59 | 57 | 58 | 57 | 49 | 48 | 51* | 48 |
| | 769 | 772 | 773 | 778 | 794 | 798 | 800 | 809 | 812 | 814 | 817 | 822* | 823 |

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* Correction.

## FEDERAL COMMUNICATIONS COMMISSION

### FINDINGS OF FACT

Federal Communications Commission has tentatively denied the application of the American Broadcasting Corporation of Kentucky, licensee of Station WLAP, **Lexington, Kentucky,** for a permit to install a new transmitter and a directional antenna for nighttime and to change its frequency from **1420** to **1270 kilocycles,** and to operate with 1000 watts, unlimited time, instead of 100 watts, 250 watts LS, unlimited time.

Application of the Neptune Broadcasting Corporation for a new station at **Atlantic City, New Jersey,** has been tentatively granted to operate on **1420 kilocycles,** 100 watts night, 250 watts LS, unlimited time, subject to a selection of an approved transmitter site and antenna system.

Commission has tentatively denied the application of Ben S. McGlashan for renewal of high frequency broadcast station licenses for stations W6XKG operating on frequency **25,950 kilocycles** with power of 1000 watts, and station W6XRE operating on **42,300, 116,950,** and **350,000 kilocycles** with power of 500 watts, both stations licensed on an experimental basis, located in **Los Angeles, California.**

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, April 15. They are subject to change.

#### Monday, April 15

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.,** 250 watts, unlimited time.

#### Tuesday, April 16

NEW—Miami Broadcasting Co., Miami, Fla.—C. P., **1420 kc.,** 250 watts, unlimited time.

#### Friday, April 19

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Modification of license to move main studio to Louisville, Ky., **1370 kc.,** 250 watts, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for hearings. They are subject to change.

#### April 25

Oral Argument Before the Commission

Report No. P-5:

NEW—Eddie Erlbacher, Cape Girardeau, Mo.—C. P., **2738 kc.,** 50 watts, emission A-3, unlimited time. Pts. of Comm.: With vessels on Mississippi and Ohio Rivers.

Report No. B-88:

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

#### May 27

Further Hearing

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of license, **810 kc.,** 1 KW, specified hours (6 a. m. to 11 p. m. EST), DA-Daytime. Present assignment: **810 kc.,** 1 KW, daytime—WCCO, directional antenna.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Commission this week.

### MISCELLANEOUS

W2XWF—William G. H. Finch, New York, N. Y.—Granted extension of special temporary authority to change from A-3 emission to special emission frequency modulation **75 kc.** swing to make comparative tests on amplitude modulation from April 4, 1940, to not later than April 13, 1940, in order to complete installation of FM unit.

KAXZ—United Air Lines Transport Corp., c/b Aeronautical Radio Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter, aboard the plane owned by United Air Lines Transport Corp., call letters KHAZT as a relay broadcast station, on the frequency **2790 kc.**, to relay broadcast program in connection with Washington-California Crew Races to be released through Radio Station KOMO to the NBC Red and Blue Networks from 2:00 p. m. to 5:00 p. m. PST on April 20, 1940.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:00 p. m., CST, to midnight on May 7, 1940, in order to permit WGBF to broadcast Primary Election returns (B4-S-624).

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with Station KFRU in order to broadcast Primary Election returns (B4-S-490).

W3XAD—RCA Manufacturing Co., Inc., New York, N. Y.—Granted special temporary authority to operate Television Station W3XAD on **288 mc.** in lieu of its normal assigned experimental channel **321-327 mc.** for the purpose of carrying out preliminary setup tests on April 5, 1940, and to relay the Army Day parade manuevers as the various contingents pass the reviewing stand at Fifth Ave. and 64th Street, New York City to Television Station W2XBS, on April 6, 1940.

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special temporary authority to rebroadcast army plane transmissions while flying over Pontiac and Detroit, on April 5 and 6, 1940, in cooperation with Selfridge Field officials for Army Day Celebration (B2-S-1040).

E. E. Krebsbach, Miles City, Mont.—Granted motion to dismiss without prejudice application for new station to operate on **1310 kc.**, 100 watts night, 250 watts LS, unlimited time.

Star Printing Co., Miles City, Mont.—Granted motion for indefinite continuance of hearing now scheduled for May 1, on application for new station to operate on **1310 kc.**, 250 watts, unlimited time.

Springfield Radio Service, Inc., Springfield, Ohio.—Dismissed with prejudice application for new station to operate on **780 kc.**, 250 watts, daytime only.

The Brockway Company, Watertown, N. Y.—Granted motion to accept amendment to application for construction permit for new station, to delete in its entirety the amendment filed July 13, 1936, and substitute therefor an amendment specifying 500 watts power instead of 250 watts, change in equipment, and deletion of any reference to lessee operation; the frequency requested is **1270 kc.**, daytime hours.

C. T. Sherer Co., Worcester, Mass.—Scheduled for oral argument the proposed findings in re application for new broadcast station, for April 25, 1940 (Docket No. 5474).

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted special temporary authority to rebroadcast program in connection with arrival of Army plane being flown blind from Mitchell Field to Langley Field, using Army short wave equipment and frequency on April 6, 1940 (B2-S-386).

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Granted special temporary authority to discontinue the broadcasting operations until the revocation of license and other matters can be placed before the Commission, but ending not later than August 1, 1940 (B3-S-401).

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted license to cover construction permit for changes in transmitting equipment; frequency **890 kc.**, 1 KW, unlimited time, directional antenna at night (B5-L-1125).

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted modification of construction permit for authority to make changes in type of transmitting equipment and extend commencement date 120 days after grant and completion date 180 days thereafter; **1420 kc.**, 250 watts, unlimited time (B1-MP-955).

WEKH—Peoria Broadcasting Co. (area of Peoria, Ill.), Portable-Mobile.—Granted license to cover construction permit for change of frequencies, changes in equipment and to operate with 50 watts power; frequencies **1622, 2058, 2150, 2790 kc.** (B4-LRY-189).

WHP, Inc. (area of Harrisburg, Pa.), Portable-Mobile.—Granted construction permit for new relay broadcast station; frequencies **33380, 35020, 37620, 39820 kc.**, power 25 watts (B2-PRE-339).

Pinellas Broadcasting Co. (area of St. Petersburg, Fla.), Portable-Mobile.—Granted construction permit for new relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.**, power 15 watts (B3-PRE-341).

WAUV—The Louisville Times Co., Louisville, Ky.—Granted modification of construction permit for new relay broadcast station, for change in corporate name to Courier-Journal and Louisville Times Co. (B2-MPRY-25).

WALM—The Louisville Times Co., (area of Louisville, Ky.), Portable-Mobile.—Granted modification of license to change corporate name of licensee to Courier-Journal and Louisville Times Co. (B2-MLRE-57).

WALN—The Louisville Times Co., (area of Louisville, Ky.), Portable-Mobile.—Granted modification of license to change corporate name of licensee to Courier-Journal and Louisville Times Co. (B2-MLRE-58).

WAUJ—The Louisville Times Co., (area of Louisville, Ky.), Portable-Mobile.—Granted modification of license to change corporate name of licensee to Courier-Journal and Louisville Times Co. (B2-MLRE-59).

WAIC—The Louisville Times Co., (area of Louisville, Ky.), Portable-Mobile.—Granted modification of license to change corporate name of licensee to Courier-Journal and Louisville Times Co. (B2-MLRY-23).

W9XWT—The Louisville Times Co., N.E. of Eastwood, Ky.—Granted modification of license to change corporate name of licensee to Courier-Journal and Louisville Times Co. (B2-MLFB-7).

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted license to cover construction permit for new transmitter; frequency **570 kc.**, 1 KW, unlimited, directional antenna day and night use (B1-L-1127).

KEIT—Midland Broadcasting Co. (area of Kansas City, Mo.), Portable-Mobile.—Granted license to cover construction permit for equipment changes (B4-LRE-291).

C. L. Burns (area of Brady, Tex.), Portable-Mobile.—Granted construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 40 watts (B3-PRY-212).

The Crosley Corp. (area of Cincinnati, Ohio), Portable-Mobile.—Granted construction permit for new relay broadcast station; frequencies **1606, 2022, 2102, 2758 kc.**, power 50 watts (B2-PRY-213).

The Sun Publishing Co., Inc. (area of Jackson, Tenn.), Portable-Mobile.—Granted construction permit for new relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.**, power 15 watts (B3-PRE-343).

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted construction permit to install new transmitting equipment and make changes in antenna system (B4-P-2801).

WFTM—Fort Meyers Broadcasting Co., Fort Meyers, Fla.—Granted license to cover construction permit as modified for new station; frequency **1210 kc.**, power 250 watts, unlimited; granted conditionally. (B3-L-1121.) Also granted authority to determine operating power by direct measurement of antenna power in compliance with Section 3.54 (B3-Z-368).

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted construction permit to move transmitter locally (B1-PRE-340).

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas.—Granted special temporary authority to operate simultaneously with Station WJBO from 9:30 p. m. to 10:30 p. m. CST on April 12, 1940, in order to broadcast Cavalry Bell of ROTC unit (B3-S-394).

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Continued to May 27, 1940, the hearing on application in Docket No. 5705, now scheduled for April 10.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.** from 9 p. m. to midnight, EST, on May 5, 1940, in order to broadcast speeches by political candidates in the Maryland State Primary Election and on May 6, 1940, in order to broadcast Maryland State Primary Election returns (B1-S-152).

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 5:00 p. m. to 6:00 p. m. CST on April 16, 17, 23, May 3, 1940, and from 4:00 p. m. to 5:00 p. m. CST on May 4, 1940, in order to broadcast Purdue baseball games (B4-S-501).

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 8:45 p. m. to 9:00 p. m. EST on April 15, 1940, in order to broadcast a program in celebration of Universal Notre Dame Night (B4-S-669).

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10:00

p. m. AST April 13, 1940, to 1:00 a. m. AST on April 14, 1940, in order to broadcast social activities of the College of Agriculture and Mechanical Arts (B-S-932).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 7:00 p. m. April 9 until 2:00 a. m., April 10, 1940, PST, for the purpose of broadcasting election returns only (B5-S-896).

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 6:30 p. m. to 10:00 p. m. CST on April 10, 1940, in order to broadcast a program concerning the Court of Honor being held by the Boy Scouts of the county (B4-S-995).

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ, authorized by modification of construction permit on frequency **43000 kc.**, with power in the range 2000 watts to 50000 watts, for the period April 14, 1940, to not later than April 28, 1940, in order to make adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

Queen City Broadcasting Co., Seattle, Wash.—Granted special temporary authority to use radio equipment licensed to the Department of the Interior and operated by the Mt. Rainier National Park Service (four pack transceiver sets operating on **3415** and **3255 kc.**, with power of 2 watts) from 2 p. m. to 3 p. m., PST, on April 13, 1940, for the broadcasting of the Silver Skis over radio station KIRO.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.**, from 9 p. m. to 10 p. m., EST, on April 10, 1940, in order to broadcast debate between Senator George L. Radcliffe and his opponent for Democratic Senatorial nomination, Howard Bruce, only (B1-S-152).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 6 p. m. to 11 p. m., CST, on April 11, 1940, to broadcast program sponsored by Rotary Club in order to raise money for school destroyed by fire. (B3-S-819).

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 3:30 p. m. to 4:30 p. m. and from 5:30 p. m. to 6:15 p. m., CST, on April 18, May 2, 7, 10, and 11, 1940, in order to broadcast college baseball games only (provided KGCA remains silent) (B4-S-520).

Alabama Polytechnic Institute, University of Alabama and Alabama College, Portable-Mobile (area of Birmingham, Ala.).—Granted construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 25 watts (B3-PRY-211).

The Baltimore Radio Show, Inc., Portable-Mobile (area of Baltimore, Md.).—Granted construction permit for new relay broadcast station, frequencies **31620, 35260, 37340, 39620 kc.**, power 100 watts (B1-PRE-342).

W2XOR—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Granted license to cover construction permit as modified for new high frequency broadcast station, frequency **43400 kc.**, power 1000 watts, special emission for frequency modulation, maximum band width not over 200 kc., granted upon an experimental basis only, conditionally (B1-LHB-55).

W3XMC—McNary and Chambers, Washington, D. C.—Granted license to cover construction permit as modified for new high frequency broadcast station, frequency **42600 kc.**, power 100 watts, special emission for frequency modulation, with a maximum band width of not over 200 kc., granted upon an experimental basis only, conditionally (B1-LHB-57).

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted license to cover construction permit for new high frequency broadcast station, frequency **43000 kc.**, power 250 watts, special emission for frequency modulation with a maximum band width of not over 200 kc., granted upon an experimental basis only, conditionally (B2-LHB-56).

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-372).

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit for installation of new transmitter, increase in power from 1 KW to 1 KW night, 5 KW day, move of transmitter, changes in directional antenna, for authority to install new transmitter; frequency **1350 kc.**, 1 KW, 5 KW day, shares with WAWZ.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Designated Commissioner Payne to preside at hearing on the order revoking the license of Eagle Broadcasting Co., Inc., for operation of Station KGFI, and to change the time and place heretofore fixed for such hearing, and to hear, consider, determine and act upon any and all petitions, motions and other preliminary matters in connection with or pertaining to said proceedings which may arise prior to the date of such hearing.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10:00 p. m. to 12:00 midnight AST, April 20 and 27, 1940, in order to broadcast dance music from the Escambron Beach Club at San Juan and to operate from 9:00 a. m. to 11:00 a. m. and from 2:00 p. m. to 6:00 p. m. AST, April 21 and 28, 1940, in order to broadcast athletic activities from the municipal stadium, only (B-S-932).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson, and John W. Boler, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Construction permit for a new broadcast station to be operated on **560 kc.**, 500 watts night, 1 KW day, unlimited time. Amended to give transmitter location as site to be determined, Brainerd, Minn. Requests Class III-B station.

### 610 Kilocycles

WCLE—United Broadcasting Co., Cleveland, Ohio.—Construction permit to install directional antenna for day and night use; install new transmitter; change frequency and power from **610 kc.**, 500 watts, to **640 kc.**, 1 KW, time from daytime only to daytime (local sunset, Calif.); move transmitter from Village of Seven Hills to Cleveland, Ohio; requests Class II station and facilities of station WHKC.

### 640 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio.—Construction permit to install directional antenna for day and night use; change frequency from **640** to **610 kc.**, power and time from 500 watts limited to 1 KW unlimited time; request Class III-B station; move transmitter and requests facilities of station WCLE.

### 710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Construction permit to increase power from 1 KW; 5 KW day to 5 KW day and night, move transmitter from 1418 E. 81st., Los Angeles, Calif., to Branford Ave., Van Nuys, Calif., and install directional antenna for day and night use. Amended: changes in direction antenna.

### 770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special experimental authority to operate synchronously with KFAB from sunset at Lincoln, Nebr., to 12 midnight, period ending 8-1-40.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special experimental authority to operate synchronously with WBBM, from local sunset at Lincoln, Nebr., to midnight CST, period from 5-1-40 to 8-1-40.

### 780 Kilocycles

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla. —Construction permit for a new station to be operated on **1240 kc.**, 250 watts, unlimited time, transmitter and studio to be located at 1655 Polk St., Hollywood, Fla. Amended to request **780 kc.** and make changes in antenna.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Modification of license to change corporate name of licensee to Memphis Publishing Co.

### 900 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, install directional antenna for day and night use, make equipment changes and move transmitter locally. Requests Class III-A station.

### 920 Kilocycles

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 to 5 KW. Amended: to install directional antenna for day and night use. Request Class III-A Station.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Construction permit to install a new transmitter.

### 970 Kilocycles

WCFL—Chicago Federation of Labor, Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power, for auxiliary transmitter.

### 1010 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Construction permit to install directional antenna for night use, increase power from 1 KW night 5 KW day to 5 KW day and night.

### 1040 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special experimental authority to operate on **1060 kc.** simultaneous with WBAL from 6 a. m. to local sunset, daily, suspend until 8 p. m., and limited time from then until midnight, period 4-1-40 to 5-1-40. Amended to change requested period to 5-1-40 to 8-1-40.

### 1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authority to operate simultaneous with KRLD unlimited time on **1040 kc.,** using directional antenna night, for period 5-1-40 to 8-1-40.

### 1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Construction permit to install directional antenna for night use and increase power from 250 watts night, 1 KW day to 1 KW day and night. Amended: to request Class III-A station.

### 1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama & Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Extension of special experimental authority for unlimited time, using directional antenna after sunset at Tulsa, Okla.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension of special experimental authority to operate unlimited time using directional antenna for night for period from 5-1-40 to 8-1-40.

### 1200 Kilocycles

KGDE—Charles L. Jaren, Fergus Falls, Minn.—License to cover construction permit (B4-P-2267) for installation of new transmitter.

WJBW—Charles C. Carlson, New Orleans, La.—License to cover construction permit (B3-P-2549) to make changes in equipment and increase power.

WSKB—McComb Broadcasting Corp., McComb, Miss.—License to cover construction permit (B3-P-2676) to make changes in transmitting equipment, and increase power.

NEW—Western Radio Corp., The Dalles, Ore.—Construction permit for a new broadcast station to be operated on **1200 kc.,** 100 watts night, 250 watts day, unlimited time. Requests Class IV station.

### 1210 Kilocycles

WGRM—P. K. Ewing, Grenada, Miss.—Authority to install automatic frequency control.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Voluntary assignment of license from Fountain of Youth Properties, Inc., to Fountain of Youth Broadcasting Company.

NEW—J. W. Birdwell, Knoxville, Tenn.—Construction permit for a new broadcast station to be operated on **1210 kc.,** 100 watts night, 250 watts day, unlimited time; Class IV station.

### 1220 Kilocycles

WDAE—Tampa Times Co., Tampa, Fla.—Construction permit to change frequency from **1220** to **740 kc.;** increase power from 5 KW (5 KW granted on construction permit) to 10 KW; install new transmitter and new directional antenna for night use and move transmitter from Tampa to Thonotosassa, Fla. (Request made upon the No. American Regional Broadcast Agreement becoming effective and operative.)

### 1250 Kilocycles

WAIR—C. G. Hill, George D. Walker and Susan H. Walker, Winston-Salem, N. C.—Modification of license to change frequency and hours of operation from **1250 kc.** daytime to **1310 kc.** unlimited time, using 250 watts power (contingent on WSJS being granted **600 kc.;** B3-P-2814).

### 1270 Kilocycles

NEW—The Brockway Co., Watertown, N. Y.—Construction permit for station WCAD to change frequency from **1220** to **1270 kc.;** change hours from specified to daytime; install new transmitter and antenna and move transmitter from Canton to Watertown, N. Y., and studio from Canton to Watertown, N. Y. (contingent on granting B1-AL-118). Amended to request construction permit for new station (instead of construction permit for WCAD) to be operated on **1270 kc.,** 500 watts, daytime, and equipment changes.

### 1280 Kilocycles

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Modification of license to increase power from 1 KW; 5 KW day to 5 KW day and night.

### 1310 Kilocycles

KARM—George Harm, Fresno, Calif.—Construction permit to install new transmitter; change frequency from **1310** to **1430 kc.;** increase power from 100 watts to 1 KW. Amended to change name from George Harm to Gilbert H. Jertberg, Executor of Estate of George Harm, Deceased.

KMYR—F. W. Meyer, Denver, Colo.—Modification of construction permit (B5-P-2067) for a new station for approval of antenna and transmitter site at 17th at Broadway, Denver, install new transmitter and change studio same as transmitter site.

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Construction permit to install new antenna and move transmitter from Ashland to Catlettsburg, Ky. Amended: to change location of transmitter from Catlettsburg to Ashland, Ky., and make change in antenna.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Penna.—Construction permit to make changes in equipment and increase power from 100 to 250 watts. Amended re equipment.

### 1320 Kilocycles

KGHF—Curtis P. Ritchie, Pueblo, Colo.—License to cover construction permit (B5-P-2450) as modified for installation of new antenna and move of transmitter.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Authority to determine operating power by direct measurement of antenna power.

NEW—J. C. Kaynor, Ellensburg, Wash.—Construction permit for a new broadcast station to be operated on **1310 kc.,** 250 watts, unlimited time.

### 1370 Kilocycles

WAGF—John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Alabama.—construction permit to move transmitter from Southeast Alabama Fair Grounds, Dothan, Alabama, and install new antenna.

### 1380 Kilocycles

KOH—The Bee, Inc., Reno, Nevada.—Modification of construction permit (B5-P-2279) to install new transmitter. Directional antenna for night use, change frequency from **1380** to **630 kc.,** power from 500 watts to 1 KW, and move transmitter, further requesting installation of new transmitter.

### 1390 Kilocycles

NEW—Champlain Valley Broadcasting Corp., St. Albans, Vt.—Construction permit for a new broadcast station to be operated on **1390 kc.,** 1 KW, daytime (request facilities WQDM).

### 1420 Kilocycles

NEW—Kokomo Broadcasting Corp., Kokomo, Ind.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time, requests Class IV Station.

KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Authority to determine operating power by direct measurement of antenna power.

NEW—Chattanooga Broadcasting Corp., Chattanooga, Tenn.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. (Contingent on B3-P-1939, facilities of WAPO, when vacated). Amended, re antenna and give transmitter site as corner 5th and Citico Ave., Chattanooga.

### 1440 Kilocycles

NEW—Glover Weiss, tr. as Glover Weiss Co., Jacksonville, Fla.—Construction permit for a new broadcast station to be operated on **1500** or **1120 kc.,** 250 watts, unlimited time, requests Class IV station. Amended: To change frequency to **1440 kc.**

### 1490 Kilocycles

NEW—Fairfield Broadcasting Corp., Lancaster, Ohio.—Construction permit for a new broadcast station to be operated on **1490 kc.,** 250 watts, unlimited time. Class IV station.

### 1500 Kilocycles

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for a new station to be operated on **1500 kc.,** 250 watts, unlimited time. Amended: To request **1420 kc.,** change location of transmitter and studio to 801 Venetian Way, Miami, Fla., changes in antenna and omit request for facilities of WKAT.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Construction permit to install new transmitter and new antenna, change frequency from **1500** to **1540 kc.,** increase power from 250 watts to 500 watts; 1 KW day, move transmitter from 5th and Broadway, East St. Louis, Ill., to Golden Gardens, near E. St. Louis, Ill. (request Class II station).

KDB—Santa Barbara Broadcasting Ltd., Santa Barbara, Calif.—Modification of license to increase power from 100 watts; 250 day to 250 watts day and night.

### MISCELLANEOUS

KEIV—Nichols & Warinner, Inc., Long Beach, Calif.—License to cover construction permit (B5-PRE-337) which authorized increase in power and changes in equipment.

KAOY—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-PRE-297) for a new relay broadcast station, requesting extension of commencement and completion dates from 12-10-39 & 6-10-40 to 6-10-40 and 12-10-40, respectively.

KEGN—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (B5-PRE-289) to install new equipment, requesting extension of commencement and completion dates from 11-27-39 and 5-27-40 to 5-27-40 and 8-27-40, respectively.

NEW—The Farmers and Bankers Broadcasting Corp., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1606, 2022, 2102, 2758 kc.,** 40 watts, emission A-3, area of Wichita, Kansas.

NEW—WDAY, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **133030, 134850, 136810, 138630 kc.,** power 1 watt, special emission for frequency modulation, area of Fargo, North Dakota.

W9XEN—Zenith Radio Corp., Chicago, Ill.—Construction permit to increase power from 1000 to 50000 watts, move transmitter locally and make equipment changes.

NEW—The Yankee Network, Inc., N. of Alpine, N. J.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.,** 5000 watts, special emission for frequency modulation. Amended: To request **43300 kc.**

W1XTG—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Modification of construction permit (B1-PHB-78) as modified for new high frequency broadcast station, requesting extension of completion date from 5-6-40 to 6-6-40.

NEW—Hildreth & Rogers Co., Andover, Mass.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.,** 1000 watts, special emission for frequency modulation.

NEW—WOKO, Inc., New Scotland, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.,** 250 watts, unlimited time, special emission for frequency modulation. Amended: To request 1000 watts and make equipment changes.

NEW—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.** (commercial basis), 1000 watts, special emission for frequency modulation.

NEW—World Publishing Co., Omaha, Nebr.—Construction permit for a new developmental broadcast station to be operated on **41000 kc.,** 1000 watts, special emission for frequency modulation.

NEW—L. B. Wilson, Inc., Crescent Springs, Ky.—Construction permit for a new high frequency station to be operated on **42800 kc.,** 1 KW, special emission. Site to be determined, near Crescent Springs, Ky.

W3XIR—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit to change frequency from **42140** to **43000 kc.,** emission from A-3 to special for frequency modulation and make changes in equipment.

NEW—William F. Maag, Jr., Youngstown, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.,** 1000 watts, special emission for frequency modulation.

NEW—Durham Radio Corp., near Durham, N. C.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.,** 1000 watts, special emission for frequency modulation.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.,** 1000 watts, special emission for frequency modulation.

NEW—The Associated Broadcasters, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.,** 15 watts, A-3 emission, area San Francisco, Calif.

NEW—Champlain Valley Broadcasting Corp., St. Albans, Vt.—License to cover construction permit (B1-P-2837) for a new station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Cigar Makers' Federation**—A complaint has been issued charging a group of New York manufacturers and dealers with misrepresentation in the sale of cigars, tobacco products, pipes, razor blades and other merchandise.

Respondents are Edwin Cigar Company, Inc., trading also as Cigar Makers' Federation, 100 East Sixteenth St.; House of Westminster, Ltd., trading also as Westminster Pipe Company, Westminster Steel Blade Company, and Westminster Steel Company, 191 Fourth Ave.; Max Rosenblum, Mrs. Max Rosenblum, Jules M. Cole, and Leonard R. Edwin, individually and as officers and directors of the two corporate respondents, 34 Union Square; and Fredi Mannara and John Schwab, of New York, Charles Grothe and Ruth Hess, York, Pa., and Park G. Shaw, Dallastown, Pa., employees of the respondents, trading as Cigar Makers' Federation, 35 R. Irving Place.

Acting in cooperation the corporate and individual respondents are alleged to have sponsored newspaper, magazine and mail order advertising in which they represented, among various other things, that certain cigars selling for 3 cents each are made of "Genuine Imported Havana Tobacco," which designation was printed in heavy display type qualified in small illegible type by the phrase: "The finest Conn. shade-grown tobacco blended with"; that cigars offered in a close-out sale for 3 cents each are perfect, hand-made "Lord Edwin Ambassador" cigars which have sold for 35 years at 10 cents each and contain the choicest tobaccos, including Havana, and that cigars priced at 2 cents each or 100 for $1.96 are perfect cigars, 5¼ inches long, and are fine, handmade blended with Havana and the equal in smoking satisfaction of cigars selling at 10 cents and more.

The complaint alleges, however, that the various cigars sold by the respondent at 3 cents each are all of inferior quality; are not fine, handmade or blended with Havana; that they neither contain any appreciable amount of Havana tobacco nor in any way conform to recognized standards employed by reputable manufacturers in making Havana blended cigars, and are not of 10 cent quality.

It is further alleged that the respondents, among other things, advertised that certain cigars are given "free of charge" when in fact their prices are included in the prices of other merchandise purchased, and that Edwin Cigar Company, Inc., occupies a large building in New York, owns tobacco plantations and warehouses in Havana, Cuba, and warehouses in Hartford and Suffield, Conn., is a tobacco importer and controls the movement of cigar tobacco from the growing stage until sold as cigars to ultimate consumers, when such are not the facts.

Through use of the corporate or trade name of "House of Westminster, Ltd.," and various pictorial representations of characteristic English scenes, institutions and names, the respondents allegedly exploit the idea that they are an English organization dealing exclusively in English pipes and other smoking accessories, when in fact House of Westminster, Ltd., has never been a British company or the agent of one. House of Westminster, Ltd., also is alleged to be advertised as owning and controlling a steel company or plant for making razor blades for direct sale to the public when in fact this respondent does not manufacture the blades it sells but buys them from a New York manufacturer. (4085)

**Columbia Pencil Company**—Bertram A. Strauss, trading as Columbia Pencil Company, 29 West 17th St., New York, engaged in the sale and distribution of ordinary lead pencils and mechanical or automatic pencils, is charged, in a complaint, with misrepresentation.

In circulars, letterheads and other advertising material distributed throughout the various States, the complaint charges, the respondent has represented himself as a manufacturer of pencils, through the use of such representations as the following:

> "FAMOUS
>
> "COLUMBIA PENCILS
>
> "Direct from the factory at a saving of 33 1/3%.
>
> "Here is our story. We are selling thousands of business concerns throughout the country, and we want you to become one of our customers. It is our notion that a straight line is the shortest, quickest, and most economical route from the factory to the ultimate consumer. Every time a product makes a detour at a distributor, a special factory representative or dealer, the COST GOES UP—and YOU pay it. Therefore, we have taken the middlemen by the seats of their trousers and tossed them out. We hope you don't mind!
>
> "Columbia Pencil Company, Manufacturers of Pencils for All Purposes."

In truth, the complaint alleges, the respondent does not manufacture any of the pencils sold by him, and, with the exception of his mechanical or automatic pencils, the respondent purchases all of his pencils outright from manufacturers or from wholesalers and jobbers. As to mechanical or automatic pencils, the complaint continues, the respondent purchases the parts from other parties and merely assembles the parts at his place of business. (4083)

**House of Crane,** 124 South Meridian St., Indianapolis, distributor of cigars, tobacco products, candy and other merchandise, has been charged in a complaint, with selling to dealers certain assortments of its merchandise so packed and assembled as to involve the use of a lottery plan when such articles are sold to ultimate consumers.

The complaint alleges that a typical assortment distributed by the respondent company consisted of a number of pieces of candy and additional articles of merchandise, together with a punch board device, and that by means of the punch board, candy or other merchandise was awarded to certain buyers entirely by lot or chance.

It is alleged that the respondent's use of lottery plans is a practice contrary to the established public policy of the Government. (4080)

**Lechler Laboratories**—A complaint has been issued charging Erwin Lechler, trading as Lechler Laboratories, 560 Broadway, New York, with misrepresentation in the sale of soap and cosmetic products.

The respondent allegedly advertised that his "Curl-A-New" soap contains substances which make straight hair curl, "preserve" natural curls, train the hair to curl and bring out curls or waves which "are asleep in the hair," when such are not the facts and when the use of the product will not accomplish any of the other things claimed for it other than what might be expected from use of a good quality of ordinary soap. The respondent also is alleged to have advertised that this soap is a new scientific discovery and is enthusiastically recommended by a host of parents' magazines, when such are not the facts.

The respondent's preparation "Moorish Snow White Pomade" allegedly was advertised as being made by the inventor of "Moorish Strate-Black," the famous combination hair dye and straightener; the product "569 Moorish Strate-Black" as serving to make and keep kinky hair straight and as being safe and harmless; and "Moorish Hair Pencil" as being capable of instantly eliminating the first white hairs. The complaint alleges that the respondent's "Snow White Pomade" is not a hair dye and straightener; that "Moorish Strate-Black" will not straighten kinky hair or keep it straight, and is not harmless for use as recommended because it contains pyrogallic acid, a benzine derivative, and a large proportion of copper salts, and that "Moorish Hair Pencil" will not instantly eliminate the first white hairs, and is not a safe and harmless product because it contains metallic salts which have a corrosive effect upon the skin. (4081)

**William C. Ohlendorf** —Alleging misrepresentation in the sale of a medicinal preparation containing drugs, a complaint has been issued against William Clarence Ohlendorf, trading under the names of W. C. Ohlendorf, Clarence Ohlendorf, C. Ohlendorf and Dr. Ohlendorf, 1924 Blue Island Ave., Chicago.

Advertising "Dr. Ohlendorf's Tonic" in newspapers and periodicals, the respondent allegedly represented it as a cure or remedy and competent and effective treatment for kidney, bladder and nervous disorders, rheumatism, neuritis, diabetes and catarrh of the bladder and bowels, when such were not the facts.

By the same means the respondent allegedly advertised that use of his preparation will be beneficial to the weak and anemic when in fact, according to the complaint, the preparation will have no therapeutic value in treating anemia cases in excess of improving the condition of the blood in those cases where anemia is caused from a deficiency of iron in the blood.

The respondent also is alleged to have represented that its product will tone up the nerves and act as a diuretic to the kidneys, when such are not the facts. (4079)

**Thermalaid Method, Inc.,** and its president, Charles H. McFarland, of Steubenville, Ohio, have been served with a complaint alleging misrepresentation in the sale of "Thermalaid," an electrical device for the treatment of the prostate gland and associated ailments by application of heat. Thermalaid Method, Inc. is a successor to Electro Thermal Company.

In newspaper periodical and circular advertising the respondents are alleged to have represented that use of "Thermalaid" provides a cure or remedy and competent and effective treatment for all prostate gland disorders ranging from milder forms of prostatitis due to irritation to a complete state of hyperthrophy (enlargement) or atrophy (hardening) of the gland, when in fact the device does not provide a cure or remedy, and does not offer competent and effective treatment in excess of the benefit that might be expected through the local application of heat in cases of acute or chronic prostatitis in its milder forms. The device has no therapeutic value in treating hypertrophy or atrophy of the prostate gland, according to the complaint.

A further representation alleged to have been made is that use of "Thermalaid" will prolong vigorous years of life and recuperate the vitality and sex virility, when such are not the facts. (4078)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Cote Products Company**—See Western Refining Company.

**Fairbanks Tailoring Company,** 2286 Wabansia St., Chicago, has been ordered to discontinue misleading representations in the sale of men's and women's garments.

In the Spring of 1938, the findings relate, the respondent distributed to its salesmen books of samples many of which were described as "all wool" and as "worsted" and prior to January 11, 1937, advertised the material from which certain of its garments were made as "The finest of wool fabrics," "all worsted" and "all wool," when in fact a number of the materials so advertised were not all wool.

Prior to January 11, 1937, the findings continue, the respondent company advertised openings for ambitious men to wear suits and overcoats tailored to measure by the respondent and to act as agents in selling such garments, the respondent representing that inexperienced agents could make up to $10 a day without canvassing, when such was not a fact. A "Free Suit Offer" was also advertised, when in fact such suits were not free but were earned by the agents through their services, according to findings.

The order directs the respondent to cease and desist from using the words "All Wool," "All Worsted," or other words indicating a fabric composed of wool in its entirety, to describe fabrics the fiber content of which is not composed wholly of wool; provided, however, that such words may be used to describe a fabric composed essentially of wool but containing a small percentage of materials for decorative purposes only, such as silk or rayon, when there is used in connection with the words indicating an all wool fabric words of equal conspicuousness such as "rayon decoration" or "rayon stripe," truthfully designating the decorative material used.

The respondent also is prohibited from using the word "free" to describe garments delivered to its agents as compensation for their services and from representing that inexperienced agents can make up to $10 a day without canvassing. (3525)

**John F. Jelke Company, Inc.,** 759 South Washtenaw Ave., Chicago, is prohibited in an order from misrepresentation in the sale of "Good Luck Oleomargarine," which it has sold in all but 8 Western and 2 Middle Western States and 1 Southern State.

Through its advertisements, the Commission finds, the respondent company represented its product as being made in or from whole milk, described by the respondent as "fresh pasteurized milk," from which none of the cream or butter-fat content has been removed, when in fact the product is made from skimmed milk.

The findings continue that the respondent's use in advertisements of the words "churn" and "churnery" and its picturization of an old-fashioned dasher butter churn in connection with the words "fresh pasteurized milk" and "milk solids" imply that the respondent's product is made from whole milk or cream taken from whole milk and contains butter fat extracted from whole milk or cream by the churning process used in making butter, when such are not the facts.

The respondent's advertisement that "there is 43.8 per cent more milk solids in Good Luck Margarine than in expensive spreads for bread" is found to imply that the product contains an appreciable quantity of solids, including butter fat extracted from whole milk, and that it contains more of such solids and has more food value than butter, when such are not the facts.

The Commission order directs the respondent corporation to cease and desist from (1) use of the words "churn," "churned," "sunlit churnery" or any derivative of the word "churn," or the picture of an old-fashioned dasher churn, or any words or pictures implying that its product has been churned through the process by which butter is made from milk or cream in describing its product or process; (2) use of the terms "fresh pasteurized milk" or other terms which do not clearly reveal that the milk so designated is not whole milk, to refer to milk used by the respondent in manufacturing its product when the milk so used is other than whole milk; (3) using the word "milk" to describe that part of milk remaining after any part of the cream or butter fat has been removed, unless the word "milk" is qualified by words clearly revealing that the "milk" referred to is not whole milk but "skimmed milk"; and (4) representing that its product contains 43.8 per cent or any other percentage more "milk solids" than butter or than other spreads for bread; that the product contains any appreciable quantity of "milk solids"; that the food value of the product is attributable to the "milk solid" content thereof, or that this content gives it more food value than butter. (3347)

**J. W. Marrow Manufacturing Company,** 3037 North Clark St., Chicago, manufacturer and distributor of cosmetics, has been ordered to discontinue certain misleading representations made in magazine, radio and circular advertising.

The order directs the respondent corporation to cease and desist from representing (1) that its preparations will nourish the skin or prevent, remove or correct lines or wrinkles; (2) that "Marrow Acne Cream" will correct or remove blemishes, pimples or enlarged pores, or that it has antiseptic properties; (3) that "Mar-O-Oil" will revitalize dead hair or correct the cause of excessive oiliness of the hair, and (4) that "Trimal" contains oil or has any effect upon live cuticle or upon the growth of finger nails.

Also prohibited under the order is false representation of the extent to which those who professionally treat the hair or skin have adopted and use the respondent's preparations, and the extent to which scientists or other experts, who supervise and direct makup in motion picture studios, recommend or specify the use of the respondent's cosmetics. (3626)

**Motex Company**—See Western Refining Company.

**Saks & Co.,** New York, has been ordered to cease and desist from misleading representations in the sale of women's garments.

Newspaper advertisements sponsored by the respondent company were found to have represented certain dresses as "Silk" and as "Ice Smooth Satin," when in fact such garments were made entirely of acetate rayon.

Fur coats of certain lots were found to have been advertised as being worth $200 each, brand new, and of the latest styles, when in fact such coats had been purchased at a wholesale price of from $42.50 to $44 each, and were worth not more than $100 retail value.

Coats advertised as "Black Persian Lamb" and as being brand new, of the latest style and worth $200, were found not to be "Black Persian Lamb" but were made from cross-breed caracul lamb peltries of types produced in Bagdad, Syria or Iraq; were not brand new, had been made over from previously manufactured coats, and did not have a retail value of $200.

The Commission order directs the respondent company to cease and desist from (1) using geographical or zoological terms to describe furs or fur products made in whole or in part of fur other than those which truthfully express the true origin of the animal from which the peltries actually have been obtained; (2) representing as the customary or regular values of furs, or fur products made in whole or in part of furs, prices and values in excess of the customary prices and (3) representing that furs or fur products made wholly or partly of old, renovated or remade furs are new (by failure to conspicuously designate that such products are renovated, rebuilt, remanufactured or restyled, as the case may be), or that furs or fur products made wholly or partly of such rebuilt or renovated furs are new or composed of new material.

The order also prohibits use of the unqualified descriptive terms "Satin," "Taffeta," "Crepe de Chine," or "Crepe" or other descriptive terms indicative of silk, to refer to any fabric or product not composed wholly of silk, provided that when such descriptive terms are truthfully used to describe the type of weave, construction or finish, they must be qualified by words of equal conspicuousness accurately naming the fibers or materials from which the products are made.

The order further prohibits use of the term "Silk" or other terms indicative of silk to designate a fabric or product not composed wholly of silk, provided that in the case of a fabric or product composed partly of silk and partly of other materials such terms may be used as descriptive of the silk content when immediately accompanied by language accurately designating such other materials in the order of their predominance by weight, beginning with the largest single constituent. (3456)

**Western Refining Company, Inc.**—An order prohibiting misrepresentation in the sale of medicinal preparations for use by women has been issued against Western Refining Company, Inc., 16 Robeson St., Lowell, Mass., trading also as The Motex Company and Cote Products Company.

In the sale of preparations known as "Motex", "Motex Pills" and "Cote Pills", the respondent corporation is directed to cease and desist from representing that they constitute safe, competent or scientific remedies for delayed menstruation, or have any value in treating this ailment, or that their use will have no ill effects upon the body.

The respondent is also directed to cease representing that its preparations contain no harmful or dangerous drugs or that use of the product will have no ill effects upon the body (this representation being made through failure to reveal that use of its products may result in serious or irreparable injury to health). (3355)

**Western Novelty Company**—John H. Mulkey, trading as Western Novelty Company, Portland, Ore., is charged in a complaint with misrepresentation in the sale of novelty jewelry.

The complaint alleges that the respondent is in the business of selling novelty jewelry, including finger rings set with hematite, a non-precious crystal, and has many competitors who do not in any manner misrepresent their products or the origin thereof.

In the course of his business, the complaint continues, the respondent distributes circulars to prospective purchasers in various States, advertising his rings with illustrations, upon which appear the following statements: "Alaska Black Diamond", "Genuine Laska Black Diamond", and "Sold at all reliable curio and jewelry stores in Alaska. Watch for this label. There are imitations on the market." On a metal tag customarily attached to the rings appears the statement "Genuine Laska Black Diamonds."

In truth, the complaint alleges, the sets in rings sold by the respondent are not diamonds, or a stone or jewel produced in Alaska but are composed of a non-precious crystal, hematite. Through use of the statement warning prospective purchasers that "there are imitations on the market", the complaint alleges, the respondent imports and implies that rings manufactured by competitors and offered for sale and sold to the public, and containing sets of hematite, as do the respondent's rings, are imitations, and that the respondent's rings contain a "genuine" stone or jewel. (4082)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Allied Petroleum Corporation,** Chicago, Ill., agrees to cease using the word "refineries" as part of the corporate or trade name employed in the advertisement or sale of its commodities and from use of this word in any way tending to convey to purchasers the impression that the corporation engages in business as a refinery or that it owns, operates, or absolutely controls the plant or factory in which are refined the commodities sold by it. The stipulation relates that this corporation was organized in April 1938 as the "Allied Refineries, Inc."; that it continued to sell its oil commodities under the corporate name containing the word "Refineries" until July 1939, when its corporate name was changed to "Allied Petroleum Corporation," and that since that date the respondent corporation, though having registered the change in its corporate name with the Illinois State authorities, has continued to use the name "Allied Refineries, Inc.," on letterheads, invoices and in advertising matter and on some of the cans in which its oil commodities are packed, when in fact the corporation is not engaged in the refinery business. (2724)

**James Bayne Company,** Grand Rapids, Mich., engaged in the manufacture of photographic and printed products, has entered into a stipulation to discontinue certain representations.

In connection with the sale and distribution of its products, the corporation agrees to cease and desist from designating its gelatin printing process or any other collotype or planographic form of printing as "Bayne Gravure," "gravure" or "photogravure," or in any other way using the word or term "gravure" as descriptive of products which are not in fact made of the gravure (intaglio) process as understood and applied by industry and the trade. (2728)

**Joe Bonomo Publications**—Joe Bonomo, trading as Joe Bonomo Publications, 229 West 42d St., New York, agrees to cease representing that use of an elastic product sold by him and designated "Companion Exerciser" will cause a return of pep, vitality, energy or better complexion right from the start or in any specified time; that his course designated "Muscle Tension System" will make the user a real man fast or give brawny strength, burly health or a he-man body; that his course designated "Complete Bonomo System" will enable one to excel in any form of sports or make the user a physical wonder, and that the "Beautify Your Figure" course will cause the user to acquire "inviting contours" quickly or in any specified time. (02535)

**Everett L. Bowers, Inc.,** Buffalo, N. Y., an advertising agency, has entered into a stipulation to discontinue misleading representations in disseminating advertisements of products of the Maritime Milling Company, Inc., Buffalo.

The agency agrees that in disseminating advertisements on behalf of Maritime Milling Company, Inc., it will cease representing that "Bull Brand Dairy Rations" alone will keep herds in better physical condition or milk production at consistently higher levels; that that product is the feed of champions; that "Bull Brand Vitamized Complete Starter Ration" alone builds into chicks increased livability, better feathering or pigmentation, or larger or sturdier bodies, and that the use of the complete "Bull Brand" poultry feeding program assures more eggs, more profit or more money. (02539)

**Gralett Company**—Fred F. Sefton and E. G. Krieg, trading as Gralett Company, Minneapolis, Minn., have stipulated to cease and desist from the sale and distribution of lottery devices.

The respondents agree to desist from supplying to or placing in the hands of others, or mailing, shipping or transporting to agents, distributors or members of the public, punch boards, push or pull cards or other lottery devices so prepared or printed as to enable such persons to sell or distribute any merchandise through use of these devices. They also agree to discontinue selling or otherwise disposing of any merchandise through the use of such lottery devices. (2734)

**Hot Drops Company**—William Orland, trading as Hot Drops Company, 116 Market St., Philadelphia, stipulates that he will cease advertising that his product "Hot Drops" is a competent remedy or effective treatment for coughs or for sore throat; that the preparation has any therapeutic value in treating such ailments in excess of providing a temporary palliative relief for some of the symptoms commonly encountered in colds, and that the preparation gives lasting relief. (02538)

**Melville Shoe Corporation,** 555 Fifth Ave., New York, trading as Thom McAn and selling shoes and hosiery designated "Thom McAn Shoe" and "Thom McAn Hosiery," has entered into a stipulation to cease certain representations in the sale of such products.

The respondent corporation agrees to cease representing that only the top grade of calf skin is used in the manufacture of its shoes, when in fact other grades are used; that its shoes will fit perfectly or afford immediate and instant comfort for everyone without breaking-in, eliminate or correct foot troubles, and prevent foot burning which is not due to ill-fitting shoes.

A further representation which the respondent agrees to discontinue is that any specific numbers of persons purchase the respondent's shoes or hosiery, or that all of its stores in the aggregate or otherwise sell more hosiery than any single department store, when statistics to verify these representations are not available.

The respondent also agrees to cease advertising that its women's hose are made from pure thread silk, when they contain any material other than silk, even when such other material is used as reinforcement only, in the foot and the garter top, and is plainly visible. (02540)

**Thom McAn**—See Melville Shoe Corporation.

**Quaker State Oil Refining Corporation,** Oil City, Pa., stipulates that it will cease representing that it has definitely ascertained: that most dealers are convinced that "Quaker State Motor Oil" is the purest or safest lubricant available; that this oil gives a definite percentage more of lubrication than all other motor oils, when in fact such definite percentage has not been so ascertained by it; that its product always gives more mileage than any other motor oil, unless it has been so ascertained, and that Quaker State Motor Oil eliminates the hazards of engine carbon. (02537)

**Wolverine Products, Inc.,** Maccabees Building, Detroit, agrees to cease representing that "Digests," a medicinal product, will overcome or in any way affect halitosis or improve bad breath; will aid, promote or result in improved digestion, and that it is a new product or gives "new relief." The respondent also stipulates that it will cease designating its preparation as "Digests" or by any other name implying that it is a digestive or has any direct effect on digestion. (02536)

## FTC CASE DISMISSED

Upon final hearing, the Federal Trade Commission has dismissed a complaint charging Gordon Baking Company, 2303 Vernor Highway, East, Detroit, with misleading representations concerning "Silver Cup Bread."

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 16, April 19, 1940

## President Roosevelt Wants Television Competition

President Roosevelt gave the broadcasting industry a pat on the back at his April 12 press conference, and made it plain that he thought television should be developed along similar competitive lines.

When asked about his conference the previous day with Chairman Fly of the FCC, Mr. Roosevelt said that television undoubtedly had a great future. Claims that it would result in employment of millions, however, he said, were exaggerated. More important was the question of monopoly control. The FCC wanted to be certain that in this new art there will be the same kind of competition on three angles that the country now had in radio. The President said that the country didn't want to get into a position where one company could control all sending. Radio had pretty effective competition with national networks, regional and local stations. Any set could pick up any program. The development of television ought to follow the same general lines with the listeners having a choice of stations. Eventually the owner of a television set could even get foreign television programs. All the Commission was doing was working along the line of developing television on a competitive basis with no one organization controlling all the sending and every set in the home being able to pick up any television band. The President predicted all this would be worked out this spring and summer so that sets could be put into production. In response to another question as to how the industry felt, he said that the bulk of the industry wanted television on the same basis as broadcasting.

### TELEVISION HEARING

#### Friday, April 12

Mr. Elmer Engstrom resumed testimony for RCA. When questioned about a combination television receiver designed to receive the RMA and the DuMont signals, he said that if the set were built to operate best with a frame frequency of 30 that it would not give as good results when switched to the frame frequency of 15, and that if the set were built for 15 frames it would not function as well on 30. Mr. Engstrom discussed the relative merits of the various standards proposed, and he reiterated his opinion that the RMA standards represented the best engineering compromise between the various factors involved. However, in view of the apparent deadlock on standards, he recommended that they be left flexible until field testing could determine which set of standards to accept. Mr. Engstrom went into a discussion about the additional cost required in a television receiver in order that the receiver might accept signals transmitted over various standards. His estimate ran between three and forty dollars, depending on the combination of standards to be met. In response to questions put to him by Commission Attorney Dempsey he said that he felt that if standards are set that television will go ahead more rapidly. However, he feels that in view of the deadlock on standards, that field tests should be made before setting standards; and it was also his feeling that not less than six months are needed for field tests after the different system stations are in operation in order to determine which set of standards should be used. Mr. Engstrom also commented that if all considerations except engineering could be eliminated, then we could have standards set by the engineers in a conference rather than wait for field testing on the practical basis. He said that he had hoped that this could be done so that standards could be set at an earlier date. Mr. Engstrom was questioned further concerning the proposed RCA television relay system. He said that it was their intention to have two channels each way between Washington and New York, and that these channels could be rented by anyone who so desired to transmit television programs over and that any standards desired could be transmitted over this system. The television hearing was concluded Friday.

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Manton Davis, RCA Vice President and General Counsel, made the following statement at the hearing:

> The engineers of the Radio Corporation of America subscribe to the majority opinion of the engineers of the radio and television industry that the transmission standards formulated by the Radio Manufacturers Association represent the best set of standards with which to start commercial television operation in the United States. The RCA is using these standards because it believes they incorporate the best features that have been developed in the major

(Continued on page 4182)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## PRESIDENT ROOSEVELT WANTS TELEVISION COMPETITION

*(Continued from page 4181)*

television laboratories of the United States, England, Germany and the rest of the world.

After years of experimentation and practical operation, we believe that television products built under these standards are superior in performance. In our opinion they will give the public a larger measure of satisfaction than if built under any other standards that may be proposed in the present state of the art, within the 6-megacycle channel which the FCC has allocated for television operation.

During the course of the present hearings the suggestion has been made that television receivers be manufactured that would be able to receive from television transmitters operated under other standards as well as under those of the RMA.

The Radio Corporation of America does not believe that the adoption of such a suggestion would prove to be of advantage either from an engineering, economic or public service standpoint. Nevertheless, if the FCC licenses transmitters to broadcast television programs to the public on standards in addition to those now in use, and will specify what such standards are to be, the Radio Corporation of America is prepared now to build television receivers so that they will also receive television programs from such transmitters.

The Radio Corporation of America hopes that this offer will help the Commission to overcome the present deadlock which is retarding the progress of a new and promising industry and thus create employment for idle men and idle money, on a wide, competitive basis.

### The DuMont interests issued the following statement:

By providing for flexible reception now and in the future in his television receivers presently coming off the assembly line, Allen B. DuMont, pioneer television manufacturer of Passaic, N. J., believes he has struck the happy compromise between fear of freezing the art on the one hand, and premature obsolescence of receivers on the other, indicated in recent opinions and decisions of the Federal Communications Commission. He states:

"I am the rare exception in upholding the FCC in its television citation of March 23, ordering a leading company to explain its high pressure merchandising of inflexible television receivers. Frankly, I'm not in accord with the widespread criticism of the FCC's action by other television interests and by an obviously misinformed or at least inadequately informed press. It is patent that all the facts in the case are not being considered by those who hasten to accuse the FCC of autocratic handling of television. Hence I am moved at this time to disclose some of the lesser-known points in the involved television situation.

"In insisting on keeping the television art open for any and all developments and improvements, the FCC is working for the best interests of television progress. Present television images are good, to be sure, but they can be made far better. Especially so in reproducing more general scenes so necessary in telecasting news and sporting events. And particularly so if we go to larger screen dimensions, which we must do. To freeze the art now on the basis of present RMA standards of 441-line 30-pictures-per-second would be just as short-sighted as though the automobile industry had standardized on the basis of the lowcompression slow-speed engine of fifteen years ago, because gasoline producers then were not ready to supply high-octane gas.

"To me it seems that the television art has got to be kept wide open. Yet the public must not be sold receivers that may become obsolete next month or next year. That simply means that we must have *flexible* television reception to follow any and all refinements that may be made at the transmitting end.

"My own organization, the Allen B. DuMonts Labs., Inc., has probably a broader vision of this television flexibility than is generally the case. We originally started with cathode-ray tubes and oscillographs for the industrial market, taking the erstwhile laboratory curiosity and making it generally available as an everyday tool for the factory, serviceman and others. When television reached the electronic stage, we simply revised our cathode-ray oscillograph designs to weave television images in place of usual graphs.

"To us a television receiver is simply a refined oscillograph. And if the latter is so flexible that it can translate the most intricate electrical phenomena into visual terms, surely the television receiver can be made equally flexible in handling a wide assortment of television signals. To fit the television receiver rigidly to a given television standard is, in my opinion, poor business. It isn't playing fair with our public nor, for that matter, with the telecaster. Both are being chained together and must lockstep together without hope of freedom and progress.

"Proving our point, the DuMont television receivers now coming off our production line are *flexible* receivers. By means of several inexpensive refinements, these receivers can handle any television signal of any number of lines from 400 to 900, and any picture rate from 15 to 30, in any combination. The added cost for such flexibility is ridiculously small.

"These new receivers follow the present RMA standard signals yet, by the mere flip of a switch, they will follow other standards as well.

"It is our opinion, based on a long study and use in our own television station of the RMA standards, that there already exist better ways of synchronizing transmitter and receiver. The DuMont video signal, for example, follows the same general plan as the RMA signal except that in the vertical synchronization pulse interval a 500 kc. sine wave is introduced which is capable of controlling the receiver at any rate required and for any number of lines between 400 and 800.

"A further refinement is our so-called 'memory screen' which, by its persistence characteristic, tides over from one picture to the next, thereby fading from one to the other without noticeable flicker, even down to 15 pictures per second. By halving the RMA repetitive rate, we can cut the usual television band with from 6 to 4 megacycles or less. Thus we can provide more television channels, but our own recommendation is to retain the present 6 MC. band width and utilize the gained ether space for a greater number of lines and better pictorial resolution so essential in larger screen images such as obtained with our latest 20-inch tube.

"Again I repeat, the FCC, based on all the facts in the case, is correct in insisting first on a flexible system in a television art left open for further progress."

## Networks Now Playing New BMI Music

The networks are playing the new BMI tunes.

NBC scheduled four of the new songs for April 17-21, while Columbia scheduled two for April 16-18.

All broadcasters should hear them. The NAB would like to know what use other broadcasters are making of the new music.

The selections and the NBC Blue programs on which they are scheduled are:

"Sagebrush Serenade," April 17, 7:30-8:00 EST—Bill Johnson.

"In the Silence of the Dawn," April 19, 10:45-11:00 a. m. EST—The Novelettes, sung by Frances Adair, directed by Irving Miller.

"In the Silence of the Dawn," April 21, 1:30-2:00 p. m. EST—Al and Lee Reiser.

"We Could Make Such Beautiful Music," April 21, 5:00-5:15 p. m. EST—Yvette.

The selections and the CBS programs on which they are scheduled are:

"Here In the Velvet Night," Tuesday, April 16th, 2:00 p. m. EST —Drifting Melodies.

"We Could Make Beautiful Music," Thursday, April 18th, 4:00 p. m. EST—Ray Bloch.

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Merritt E. Tompkins, vice president and general manager of BMI, announced the policy of BMI with respect to the electrical transcription of the compositions of which BMI owns the copyright.

"The copyright law is clear," Mr. Tompkins said. "The maximum fee which can be charged for the right mechanically to reproduce the work is 2¢ per composition for each record manufactured, regardless of the form or purpose of the record.

"Music publishers initially succeeded in levying higher rates, which have been imposed upon electrical transcriptions by a threat to restrict the performance of compositions after the time of recordation and before the time of broadcast. The precedent created by these charges has been followed by many persons who have not been aware of its implications.

"BMI is in a position to break away from what I think is an improper precedent. We shall, therefore, charge the statutory fee for the use of our compositions for electrical transcriptions. This will help not only the transcription industry, but also the broadcasters themselves, since transcription costs in the last analysis are paid by the broadcasters.

"In thus aiding the transcription industry," Mr. Tompkins concluded, "we are also aiding BMI authors as the use of BMI compositions will be enormously stimulated by our adherence to the legal charges."

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The following additions to the BMI staff were announced this week:

HAVERLIN, CARL—
With KFI-KECA from 1923 to 1938. Started as publicity man, then covered sports and special events. Was made sales manager in 1927, which post he held until 1938. In 1938 he joined Davis & Schwegler as station relations director and left to become station relations director at BMI. Mr. Haverlin will be in direct charge of all matters pertaining to station relations and in matters concerning staffs of member stations.

SKINNER, GEORGE DICKSON—
Graduate of Princeton University and Columbia University Law School, has been a lawyer, teacher and writer. He practiced law in New York City. His writing, published under the name Dickson Skinner, includes both fiction and magazine articles. Much of his article work has been in the field of music. Mr. Skinner will be in the public relations department in charge of magazine article writing and publicity.

MERRIMAN, DANA—
Associated with WTIC, Hartford, Conn., as program director from 1924 to 1928, then with the NBC in the program and production department until he went with the World's Fair in charge of music and music copyright. Mr. Merriman will be office manager for BMI.

## RCA GIVES GREEN LIGHT TO VICTOR RECORD USE

RCA on April 12 notified stations that until further notice they are free to use Victor and Bluebird phonograph records for broadcasting purposes. Existing licenses were terminated and license fees refunded. This action was taken on the day appeal briefs were filed in the RCA-Whiteman case and was ascribed to the belief that final determination of the appeals will be delayed longer than RCA had anticipated. Decca and Columbia had previously notified broadcasters they were free to use their records.

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NAB has always taken the position that broadcasters are entitled to play phonograph records, and is represented by special counsel in the Whiteman case in support of this view.

## SESAC ADDITIONS

SESAC on April 8 announced the addition of the following publishers to their list:

T. S. Denison & Company, Chicago, Illinois
David Gornston, New York, N. Y.
Heinrichshofen's Verlag, Magdeburg
Frank A. Panella, Pittsburgh, Pa.

## INTERNAL REVENUE BUREAU SAYS FCC EXPENSE DEDUCTIBLE

In response to the NAB's inquiry, the Bureau of Internal Revenue has ruled that expenses incurred by broadcasters in connection with applications to the FCC are deductible expenses for Federal income tax purposes for the year in which paid or accrued.

Here is the correspondence:

March 22, 1940

Bureau of Internal Revenue,
Washington, D. C.

Dear Sirs:

Because of pertinent inquiries received and its general application to the broadcasting industry, permit me to request an opinion on the question of the deductibility of expenses incurred in connection with applications to the Federal Communications Commission.

Such expenses include legal fees, engineering fees, travel and clerical expenses, etc. Such applications may be for a construction permit for a new station, for an increase in operating power of an existing station or for an increase in hours of operation of an existing station—in any case, having to do only with the terms of a license from the Commission looking to broadcasting operations on an assigned frequency for a limited period of time. Licenses are at present issued for one year, but may be issued for a maximum of three years, are revocable for cause, and grant no property rights in the frequency assigned.

Is it your opinion that such expenses are ordinary business expenses which may be deducted from income in the year paid or accrued, depending upon whether the taxpayer's books are kept on a cash or accrual basis?

Your opinion on this question will be greatly appreciated.

Very truly yours,

National Association of Broadcasters.
Russell P. Place,
*Counsel.*

RPP/hml

TREASURY DEPARTMENT
Washington
Office of
Commissioner of Internal Revenue

IT:P:T:2
CP

April 11, 1940.

National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.,
Washington, D. C.

Attention: Russell P. Place, Counsel.

Sirs:

Further reference is made to your letter of March 22, 1940 requesting an opinion as to the deductibility for Federal income tax purposes of expenses incurred in connection with applications to the Federal Communications Commission.

The facts, as stated by you, are as follows:

"Such expenses include legal fees, engineering fees, travel and clerical expenses, etc. Such applications may be for a construction permit for a new station, for an increase in operating power of an existing station or for an increase in hours operation of an existing station—in any case, having to do only with the terms of a license from the Commission looking to broadcasting operations on an assigned frequency for a limited period of time. Licenses are at present issued for one year, but may be issued for a maximum of three years, are revocable for cause, and grant no property rights in the frequency assigned."

Section 23(a) of the Internal Revenue Code (53 Stat., Part 1) provides for the deduction from gross income in computing net income for Federal income tax purposes of all ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business. In order to secure a license to engage in the business of radio broadcasting an individual is required by law (Title 45, Chapter 5, section 308, U. S. Code) to make application to the Federal Communications Commission for a permit. Inasmuch as you state that the licenses are only issued for one year, it is the opinion of this office that ordinary and necessary expenses incurred in connection with securing the licenses constitute deductible expenditures for Federal income tax purposes for the year in which paid or accrued.

Respectfully,

(signed) J. Mooney,
*Deputy Commissioner.*

## WAGE AND HOUR ACT

Both Congress and the Wage and Hour Administration are now seriously considering exemption of higher-paid employees from the hours limitations of the Act.

The House is going to take up soon both the Norton (D-NJ) and the Barden (D-NC) amendments. The Norton amendments would exempt employees making more than $200 a month. The Barden amendments would set the figure at $150. In other words, an employee making more than $200 (or $150) a month could work any number of hours without payment of overtime unless a union contract provided otherwise. Both the A. F. of L. and the C.I.O. are against both sets of amendments.

The Wage and Hour Administration has been holding hearings on proposals to redefine "executive" and "administrative" in the administration's regulations. The Act provides for exemption of "executive" and "administrative" employees, but the definitions of these in the regulations were so strict that few employees were exempt under them.

The hearings, to date, have been confined to proposals to change the definitions for the wholesale industry. In brief, these proposals called for elimination of that section of the definitions which said a bona fide executive could do no substantial amount of work of the same character as that performed by those under him; and for a minimum wage of from $25 up. Both the A. F. of L. and the C.I.O. have opposed the redefinitions.

## DATA FOR CONVENTION TOURS AVAILABLE AT NAB

Itineraries for Two-Weeks and Three-Weeks All-Expense Tours to the NAB Convention at San Francisco August 4-7 were mailed April 10 to those members responding to the recent questionnaire. Any others may secure this detailed information by writing to the NAB.

## "POT O' GOLD" PROGRAM CLEARED BY D. OF J.

The Justice Department last week cleared the "Pot O' Gold" and "Mead's Bakery" programs referred to it by the FCC. Chairman Fly received the following letter from O. John Rogge, Assistant Attorney General:

> "Reference is made to our letter of February 21, 1940, acknowledging receipt of yours of February 19, 1940, transmitting for such action as the Department may deem appropriate certain information concerning the broadcasting of the "Pot O' Gold" and "Mead's Bakery" programs, both of which are alleged to be in violation of Section 316 of the Communications Act of 1934.
>
> "After a thorough examination of the material submitted and a careful consideration of the facts presented, the Department has concluded that prosecutive action under Section 316 of the Communications Act of 1934 in these two matters should not be instituted."

## Mrs. Selma Seitz

Mrs. Selma Seitz, owner of Station WFAS from 1930 to 1939, died April 7 at her home in White Plains, N. Y. Mrs. Seitz, one of the early woman station-owners, always had as her policy a "local station for a local audience" and concentrated, in programming, on events of special interest to her community. She retired last year because of failing health. Her son, Frank A. Seitz, is still managing director of the station.

### FAR EAST NEWS

The American Council Institute of Pacific Relations, Inc., informs the NAB that it has available for news commentators a great deal of background material "which they could use to explain dispatches from the Far East." The Council says it has furnished material for the "American School of the Air" and other programs. The address is 1795 California Street, San Francisco, or 129 East 52nd Street, New York City.

The NAB does not know whose axe, if any, this outfit has to grind.

## Sales—Promotion

### PUBLIC LIKES TO LISTEN WHILE IT RIDES

When automobile radios were first introduced city councils solemnly debated for long hours over the question of passing a law against them. But they never did, though escape from restrictive ordinances was achieved, in many cities, by an extremely narrow margin.

The motoring public took to auto radio as a duck takes to water. Today 7,000,000 are on the highways, adding approximately 11,000,000 extra hours of radio set use per day during the heavy motoring months of spring and summer, according to Paul Peter, NAB director of research. Others place the figure at 18,000,000.

Nowadays, objections to automobile radio are relatively few and when they are made it is always possible to show that the attack was entirely unwarranted. When a reader of "The Oregonian," Portland, Ore., "wrote a letter to the paper," the newspaper which operates radio stations KGW and KEX, replied editorially:

#### "Car Radios a Hazard?"

> "A reader contends that automobile radios contribute to traffic accidents, consequently should be banned. A single incident was cited in support of the contention, an "accident" which just missed happening. Such incidents are myriad and inconsequential.
>
> "The argument is made that car radios, by distracting the driver's attention, by taking his hand from the steering wheel to dial, by drowning out sirens and other warning sounds, are contributory causes of accidents. But statistics are lacking, and a strong case also can be made that car radios contribute to safety.
>
> "Thus it is very difficult for most people to concentrate continuously on driving. The motions used tend to become automatic, like lacing shoes, or any routine a thousand times repeated. Attention wanders. Day-dreaming takes possession of the mind. Under such circumstances the radio may help. It is less dangerous for a motorist to listen to a radio and keep his eyes on the road than to stare vacantly in a day-dream, seeking something of interest in the landscape or to turning his eyes in conversation with a passenger. Some motorists use their radios as an antidote for drowziness.
>
> "Some eastern broadcasters during peak traffic hours carry safety programs. Suggestions to have brakes adjusted, to drive carefully, are most effective when they reach the motorist at the wheel. Car radios make announcements of road hazards suddenly arising more effective. Radio stations everywhere have letters from listeners thanking them for warning of a flood, slide or other unsafe condition on a highway they were about to traverse. Organizations interested in traffic safety testify to the value of the radio in getting warnings to motorists already on the road, and in generally helping their safety campaigns. In Portland not a few motorists have been thankful for warning word coming through the car radio en route to work that ice had formed during the night on some hill or bridge approach."

People like to hear radio programs while they ride. And broadcasters and advertisers are naturally overjoyed that there is such an appreciation of the American program service. Whenever auto radio receives unjust criticism the industry will be served best by a stout defense similar to that taken by "The Oregonian."

### TWO IDEAS TO BUILD RADIO AUTO LISTENING

Stations in many sections are busy increasing spring and summer listening through the medium of auto radios. Maximum listening naturally occurs when auto sets are in first class operating condition.

In Cleveland where the local chapter of the Radio Servicemen of America has long been a factor in maintaining all sets at a high degree of efficiency, Carl George, program manager, WGAR, is especially active.

At our request he has made two suggestions for special programs which provide a vehicle for service announcements. Since such programs would be heard by auto set owners and non-owners, alike, they might also recite the advantages of being able to "Listen While You Ride." so as to influence increased ownership. Mr. George's suggestions follow:

#### Idea No. 1

> "Here is one which not only promotes radio listening by car owners, but also encourages safe driving. For example—here in Cleveland—certain police cruisers could be designated to short wave the license number of a car that they have chosen as being driven safely. This information would be passed on to the studio announcer and he could immediately announce that the driver of the car bearing license number 000 has been recognized by the Police Department as being a safe driver under observation.
>
> "Because of his safe driving he will receive a complete check up on his auto radio by a RSA member with new parts supplied at cost, providing he telephones his identification into the station within ten minutes after the announcement is made.
>
> "While this program is on the air we could also give safe driving hints to all drivers who have car radios tuned into the program."

#### Idea No. 2

> "Conduct a daily quiz program for auto radio listeners and have spotters telephone in the license plate numbers of cars that pass a given point. Then the announcer will say: 'if the driver of the car bearing license number LX-157 can answer this question, he will receive a free auto radio check up by a qualified RSA member.'
>
> "This auto radio listener would be required to phone in the correct answer to the question within ten minutes after it is asked on the air, in order to qualify for the prize. This will encourage all auto radio owners to listen to the program and will give the announcer an opportunity to put in a good plug for set repair and proper tune up. License numbers would be chosen at random just like a participant in a studio quiz bee would be picked."

### GREENSBORO'S MAYOR IS FIRST TO PROCLAIM RADIO FESTIVAL

Preparations for Radio Festivals are already underway in many states, according to letters beginning to drift in at headquarters.

To His Honor Ralph L. Lewis, mayor of Greensboro, North Carolina, goes the distinction of issuing the first proclamation of the event in any city. Official action was taken on April 15 according to Major Edney Ridge, director of WBIG, Greensboro.

On Saturday, April 20, a Radio Festival news bulletin will be sent to all members.

## SALES MANAGERS DISCUSS "MEDIA RECORDS" FOR RADIO

A proposed "Media Records" of radio advertising, and NAB participation in the Convention of the Advertising Federation of America to be held June 23-27 in Chicago, were among the matters discussed by the Steering Committee of the NAB Sales Managers' Division, which met in Chicago, April 15.

The Committee reiterated the need for an accurate yardstick to determine radio advertising activity and trends, especially in the national spot and local fields. The NAB Research Department has had such an index, in the form of a standard unit of measurement, under consideration for several months. The data would be made available to member stations and to interested agencies and advertisers.

Preliminary plans for "Broadcasters' Night" at the forthcoming AFA Convention were discussed and approved by the Committee. Tuesday evening, June 25, will be NAB Night when the broadcasting industry will present a program of broadcasts, specialty acts, music and other entertainment in compliment to the AFA and its members. Chicago stations and networks will form a program committee under William R. Cline, Commercial Manager of WLS and Chairman of the NAB Sales Managers' Division, to line up the necessary talent and work out final details for the evening's entertainment.

For the Convention, the NAB Sales Managers' Division is also planning a panel discussion of industry sales and advertising problems, one session to be open to AFA members.

The activities of the Bureau of Radio Advertising were reviewed by the Committee and the problem of dealer-cooperative advertising discussed at length. Present at the April 15 meeting were the following:

William R. Cline, WLS, Chicago, chairman; Ellis Atteberry, KCKN, Kansas City, Kans.; Craig Lawrence, KSO, Des Moines; Charles Caley, WMBD, Peoria; Barney Lavin, WDAY, Fargo; Samuel J. Henry, Jr., NAB Bureau of Radio Advertising.

Also present were C. E. Arney, Jr., recently appointed assistant to the president of NAB, and Earle Pearson, general manager of the AFA, who was a luncheon guest and who outlined general plans for his Federation's 36th Annual Convention.

## FCC TO INVESTIGATE RADIO ADVERTISING FURTHER

The Radio and Periodical Division of the Federal Trade Commission, established in October, 1918, which examines newspapers, magazines, catalogues and almanacs for false and misleading advertising matter, and which also reviews advertising copy broadcast through radio for the same purpose, has released an analysis of advertisements reviewed by it during 1939. The percentages presented relate only to the initiation of inquiry and are not necessarily representative of any final adverse action taken by the Commission.

Of the total number of commercial radio continuities marked as warranting further investigation during the first half of 1939 (later data not available), the following shows the respective sources thereof:

| | *Per Cent* |
|---|---|
| Nation Wide Networks | 23.1 |
| Regional Networks | 4.2 |
| Transcription Recordings | 3.9 |
| Individual Low Powered Stations | 18.1 |
| Individual Medium Powered Stations | 34.2 |
| Individual High Powered Stations | 5.9 |
| Individual Clear Channel Stations | 10.6 |

## PAYNE RECOMMENDS REVOCATION OF FOUR TEXAS LICENSES

Recommendation that license revocation orders be affirmed in the cases of four Texas radio stations—KTBC, Austin; KNET, Palestine; KRBA, Lufkin, and KGKB, Tyler—is made to the FCC by Commissioner George Henry Payne as a result of hearings which he conducted in that State during March. In his opinion, the charges of hidden ownership made in connection with all four stations "have been fully sustained."

At the same time, Commissioner Payne has signed an order remanding the case of a fifth Texas station, KSAM, at Huntsville, for further hearing.

The March hearings developed that the technique used in securing the licenses of KTBC, KNET, and KRBA and of transferring the rights under them was practically the same. To quote Commissioner Payne's preliminary report:

> "First, James G. Ulmer prevailed upon three local men of excellent reputation and financial stability to organize a copartnership for the sole purpose of securing a station license. Next, he directed all the important details . . . and finally had his own lawyer, James H. Hanley, file the papers. . . . Soon after the construction permit had been secured, the partners entered into a contract authorizing Ulmer (or one of his co-workers) to finance, construct and operate the station. Thus, in the early history of the station, did the partners assign their license rights without the knowledge or consent of the Commission.
>
> "The partners made no capital investments and received no income from the station. . . . All, or almost all, of the profits found their way into Ulmer's pockets or the pockets of one of his close associates. The partners had no control of the station's bank accounts, receipts or expenditures. . . . They continued to sign papers because they were the licensees of record in order to deceive the Commission.
>
> "It is clear that the partners were simply puppets manipulated by Ulmer who was the puppeteer. It was Ulmer, or one of his associates, who financed, constructed and operated the station.

> It was he who controlled the programs and the station policy. It was he who hired or fired employees and enjoyed the profits.
>
> "The partners signified under oath by their application and associated papers that they would finance and control the station. This they never intended to do, thus perpetrating fraud upon the Commission. In several instances the partners submitted sworn statements showing that the partnerships involved possessed substantial assets, whereas, in fact, such partnerships possessed no assets whatever. Station assets belonged to Ulmer or one of his associates."

Ulmer is also identified with Station KGKB but this case, points out Commissioner Payne, involves a corporation and differs somewhat from the partnership cases. According to the report:

> "Here Ulmer gained voting control of the East Texas Broadcasting Company by means of stock purchases, without the knowledge or consent of the Commission. . . . Here, too, the license rights were illegally assigned and illegally exercised by the assignee, who again was Ulmer.
>
> "Ulmer's conduct is reprehensible in more ways than one. He has induced honest and self-respecting men to violate the law and participate in an intricate scheme of deception. Most of these men made themselves parties to Ulmer's machinations through honorable intentions—a desire to serve their communities. Some of them even tried to break through the net in which Ulmer had caught them. But Ulmer's own conduct was prompted wholly by greed. Ulmer has cast a shadow upon the business of broadcasting."

Orders of revocation were issued by the Commission against Stations KTBC, State Capitol Broadcasting Association, Inc., KNET, Palestine Broadcasting Association, and KRBA, Red Lands Broadcasting Association, on February 7; in the case of KGKB, East Texas Broadcasting Co., on February 13, and that of KSAM, Sam Houston Broadcasting Association, on February 8.

### BROADCAST RULES AMENDED

FCC has announced that Sections 3.6, 3.8, 3.9, 3.10, 3.23(c), 3.79, and 3.84 of the Standard Broadcast Rules were amended, effective immediately, providing for a change in the beginning of the broadcast day from 6:00 a. m., local standard time, to local sunrise.

### INTERNATIONAL REBROADCASTS

The FCC has amended its rules and regulations to permit standard and non-commercial educational broadcast stations to pick up and rebroadcast the non-commercial programs of international broadcast stations. It was specified, however, that such rebroadcasting shall be on a non-commercial basis.

Briefly, this means that any broadcast station or a non-commercial educational station in the United States may, upon authority of the station originating the international program, pick up and retransmit the same for the benefit of its listeners. This applies to the program of any international broadcast station, whether it is located within or outside of the United States.

This action was taken on the basis of recommendations by a special committee of the Commission that, where possible, domestic listeners should enjoy the benefits of non-commercial international broadcasts.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS

Federal Communications Commission has entered a final order granting the application of the Martinsville Broadcasting Company for the erection of a new station at **Martinsville, Va.,** to operate unlimited time on **1420 kilocycles,** 250 watts day and 100 watts night. The application of the Patrick Henry Broadcasting Company for the same facilities was denied.

Chairman Fly and Commissioner Craven dissented.

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Application of WLAP, **Lexington, Kentucky,** for special experimental authority to rebroadcast over its present broadcast assignment with 250 watts, facsimile transmissions originating over Station WLW, **Cincinnati, Ohio,** has been denied by the Commission.

The Commission found that since the program of research and experimentation proposed by WLAP relate wholly to reception, and applicant has failed to show that the proposed program of research and experimentation has reasonable promise of substantial contribution to the development of facsimile broadcasting service, the granting of the application would not serve public interest.

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### PROPOSED FINDING

Federal Communications Commission has announced a proposed finding of fact denying the application of Publix Bamford Theatres, Inc., of **Asheville, N. C.,** for a construction permit for a new station to operate on **1430 kilocycles,** 1000 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled to be heard before the Commission for the week beginning Monday, April 22. They are subject to change.

**Monday, April 22**

NEW—West Virginia Newspaper Publishing Co., Morgantown, W. Va.—C. P., **1200 kc.,** 250 watts, unlimited time.

**Tuesday, April 23**

NEW—Guy S. Cornish, Cincinnati, Ohio.—C. P. for Public Address Relay Station, **310000 kc.,** 1 watt night, 1 watt LS, Emission A-3, unlimited time.

### Tuesday, April 23

To Be Held Before Commissioner George Henry Payne, in Judge Ben Fly's Court Room, Hall of Records, Dallas, Texas.

KAND—Navarro Broadcasting Assn. (J. C. West, Pres.). Corsicana, Texas.—In re: Revocation of Station license of KAND.

### Wednesday, April 24

Further Hearing

To Be Held Before Commissioner George Henry Payne, in the County Records Building, Dallas, Texas.

KSAM—Sam Houston Broadcasting Assn. (H. G. Webster, Pres.), Huntsville, Texas.—In re: Revocation of Station license of KSAM.

### Thursday, April 25

Oral Argument Before the Commission

Report No. P-5:

NEW—Eddie Erlbacher, Cape Girardeau, Mo.—C. P., **2738 kc.,** 50 watts, emission A-3, unlimited time. Pts. of Comm.: with vessels on Mississippi and Ohio Rivers.

Report No. B-88:

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### April 29

To Be Held Before Commissioner George Henry Payne, in the Criminal Court Room, County Courts and Jail Building, Houston, Texas.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—In re: Revocation of Station license of KGFI.

### June 3

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.,** 250 watts, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

WPRP—Julio M. Conesa, Ponce, P. R.—Granted amended construction permit requesting installation of new equipment, new antenna, move of transmitter site and change in frequency from **1420** to **1480 kc.,** power from 250 watts to 1 KW-5 KW LS, unlimited time.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Granted modification of license to increase night power from 100 watts to 250 watts.

The Peninsula Broadcasting Co., Salisbury, Md.—Granted construction permit for new station to operate on **1500 kc.,** 250 watts, unlimited time. Exact site of transmitter and studio to be determined.

The Delmarva Broadcast Co., Salisbury, Md.—Granted construction permit for new station to operate on **1200 kc.,** 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined subject to Commission's approval.

Allen B. DuMont Laboratories, Inc., New York City.—Granted construction permit for a new television broadcast station to be located in New York City and operate on an experimental basis on frequencies **60,000** to **86,000 kc.,** inclusive, with 1 KW power.

WISE—Harold H. Thoms, Asheville, N. C.—Granted consent to assignment of license for station WISE from Harold H. Thoms to radio station WISE, Inc. (**1370 kc.,** 250 watts, unlimited time).

WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Granted modification of license to increase night power from 100 to 250 watts.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Cal.—Granted construction permit to increase night power from 1 to 5 KW, move transmitter and install directional antenna for day and night use as a Class II station. (B5-P-2804).

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted construction permit to increase power from 250 watts, unlimited time to 500 watts night, 1 KW LS; install new transmitter and make changes in antenna. (B1-P-2526).

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted construction permit authorizing installation of directional antenna and increase in power from 1 KW, 5 KW LS, S-WAWZ on **1350 kc.,** to 5 KW-N. (B1-P-2238).

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted modification of construction permit to make changes in directional antenna system, extend commencement and completion dates, in re application to move transmitter site locally, install new equipment to 5 KW. (B1-MP-938).

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted construction permit to make changes in directional antenna (night and day). (B1-P-2319).

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted construction permit to move transmitter site, increase power from 1 KW to 10 KW, and install new transmitter and directional antenna system for day and night use. (B5-P-2437).

## APPLICATION DENIED

WPAY—Chester A. Thompson, Portsmouth, Ohio.—Denied consent to the acquisition by Brush-Moore Newspapers, Inc., of control of the VEE BEE Corporation licensee of station WPAY, operating on **1370 kc.,** 100 watts, unlimited time.

## DESIGNATED FOR HEARING

WAGA—Norman K. Winston, Atlanta, Ga.—Application for consent of the Commission to the voluntary transfer of control of the Liberty Broadcasting Corp., licensee of Station WAGA, Atlanta, Ga., from Norman K. Winston to James M. Cox, Jr. (**1450 kc.,** 500 watts night, 1 KW day, unlimited time).

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Application for construction permit to change transmitter location to Mendota Road, near Delaware Ave. (near) St. Paul; change frequency from **1250** to **710 kc.;** increase power from 1 KW, 5 KW LS, to 10 KW; install new transmitter and directional antenna system for night use. (B-4-P-2439)

KSOO—Sioux Falls Broadcasting Assn., Inc., Sioux Falls, S. Dak.—Application for construction permit to change frequency from **1110** to **710 kc.,** hours of operation from limited to unlimited; move transmitter from west of Sioux Falls to 6.5 miles east of Sioux Falls; and install directional antenna for night use. (B4-P-2667)

## RENEWAL OF LICENSES

Renewal of licenses for the following high frequency broadcast stations were granted for the period ending April 1, 1941:

W2XMN, near Alpine, N. J.; W2XDV, New York City; W8XNU, Cincinnati, Ohio; W9XLA, Denver; W2XAG, Yonkers, N. Y.; W8XNT, Cleveland; W9XBA, Kansas City, Mo.; W5XAU, Oklahoma City; and W1XER, Sargents Purchase, N. H.

The following developmental broadcast stations were granted renewal of licenses for the period May 1, 1940, to May 1, 1941:

W3XDD, Whippany, N. J.; W9XC, Mitchellville, Iowa; W8XO, Mason, Ohio; W10XF, Portable-Mobile (area of New York City); W10XR, Portable-Mobile (area of New York City).

W1XG—General Television Corp., Boston, Mass.—Granted renewal of television broadcast station license for the period ending February 1, 1941.

WBOE—Cleveland City Board of Education, Chas. H. Lake, Supt., Cleveland, Ohio.—Granted renewal of non-commercial educational broadcast station license for the period May 1, 1940, to May 1, 1941.

WNYE—Board of Education, City of New York, Brooklyn, N. Y. —Granted renewal of non-commercial educational broadcast station license for the period May 1, 1940, to May 1, 1941.

## MISCELLANEOUS

KOH—The Bee, Inc., Reno, Nev.—Granted modification of construction permit which authorized installation of new transmitter, directional antenna for night use, increase in power from 500 watts to 1 KW, and move of transmitter, for authority to install new transmitter; frequency **630 kc.**, 1 KW, unlimited, directional antenna for night use (B5-MP-960).

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted license to cover construction permit for installation of new transmitter, changes in antenna, and increase in power; frequency **580 kc.**, 1 KW, 5 KW LS, unlimited time, directional antenna day and night (B1-L-1129); also granted authority to determine operating power by direct measurement of antenna power (B1-Z-376).

WSMB—WSMB, Inc., New Orleans, La.—Granted license to cover construction permit for increase in power and changes in antenna; frequency **1320 kc.**, 5 KW, unlimited time (B3-L-1128); also granted authority to determine operating power by direct measurement of antenna power (B3-Z-375).

WAIX—WJHL, Inc., Portable-Mobile (area of Johnson City, Tenn.).—Granted license to cover construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 40 watts (B3-LRY-198).

A. Frank Katzentine, Portable-Mobile (area of Miami Beach, Fla.). —Granted construction permit for new relay broadcast station; frequencies **1646, 2090, 2190, 2830 kc.**, power 50 watts (B3-PRY-207).

Don Lee Broadcasting System, Portable-Mobile (area of Los Angeles, Calif.).—Granted license for new special relay broadcast station to be used in connection with Television Station W6XAO, Los Angeles, Calif., and Television Relay Station W6XDU; frequencies **1646, 2090, 2190, 2830 kc.**, power 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of Station KABB (B5-LRY-175).

Don Lee Broadcasting System, Portable-Mobile (area of Los Angeles, Calif.).—Granted license for new special relay broadcast station to be used in connection with Television Station W6XAO, Los Angeles, Calif., and Television Relay Station W6XDU; frequencies **1646, 2090, 2190, 2830 kc.**, power 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of Station KABD (B5-LRY-176).

Don Lee Broadcasting System, Portable-Mobile (area of Los Angeles, Calif.).—Granted license for new special relay broadcast station to be used in connection with Television Station W6XAO, Los Angeles, Calif., and Television Relay Station W6XDU; frequencies **1646, 2090, 2190, 2830 kc.**, power 8 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of Station KAOG (B5-LRY-177).

Don Lee Broadcasting System, Portable-Mobile (area of Los Angeles, Calif.).—Granted license for new special relay broadcast station to be used in connection with Television Station W6XAO, Los Angeles, Calif., and Television Relay Station W6XDU; frequencies **31620, 35260, 37340 and 39620 kc.**, power 2 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of Station KEGO (B5-LRE-277).

Don Lee Broadcasting System, Portable-Mobile (area of Los Angeles, Calif.).—Granted license for new special relay broadcast station to be used in connection with Television Station W6XAO, Los Angeles, Calif., and Television Relay Station W6XDU; frequencies **1646, 2090, 2190, 2830 kc.**, power 10 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of Station KEGQ (B5-LRE-276).

WQDM—Regan & Bostwick, St. Albans, Vt.; and Champlain Valley Broadcasting Corp., St. Albans, Vt.—Referred to Commission en banc the Motion to Stay Further Proceedings in re application of WQDM for renewal of license to operate on **1390 kc.**, 1 KW, daytime.

Thumb Broadcasting Co., Brown City, Mich.—Granted motion for leave to amend application for construction permit for new station so as to request frequency **600 kc.** instead of **880 kc.**

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition requesting extension of time until May 8, 1940, within which to file Statement of Facts in re application for renewal of license for WBAX to operate on **1210 kc.**, 100 watts, unlimited.

WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Denied motion for extension of time to file proposed findings of fact and conclusions due April 10, in re applications in Dockets 3941, 4029, 4050, 4302, 4331, 4622, etc., and the Commission on its own motion waived default in filing proposed findings.

Miami Broadcasting Co., Miami, Fla.—Denied motion for 30-day continuance of hearing now scheduled for April 16, on application for new station to operate on **1420 kc.**, 250 watts, unlimited time.

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted petition to accept appearance in re application for construction permit to change frequency from **1310** to **880 kc.**, and power from 100 watts to 1 KW, unlimited.

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Granted motion to postpone hearing now scheduled for April 15 on application for construction permit to operate on **1370 kc.**, 250 watts, unlimited time. Hearing to be held June 3.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast on a sustaining basis the programs to be received from International Broadcast Stations WNBI and WRCA over Station WNEL, for the period April 11, 1940, to not later than June 1, 1940 (B-S-836).

W2XVP—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted license to cover construction permit as modified for new high frequency broadcast station; frequency **26100 kc.**, power 1000 watts; granted upon experimental basis only, conditionally (B1-LHB-54).

WASQ—The WGAR Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted license to cover construction permit for new relay broadcast station; frequencies **132260, 134080, 135480, 135760 kc.**, power 100 watts (B2-LRE-307).

WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted license to cover construction permit to make changes in transmitting equipment and increase power to 250 watts; frequency **1200 kc.**, unlimited time (B3-L-1131).

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted authority to determine operating power by direct measurement of antenna power in compliance with Section 3.54 (B5-Z-378).

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power in compliance with Section 3.54 (B4-Z-379).

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted authority to determine operating power by direct measurement of antenna power in compliance with Section 3.54 (B4-Z-329).

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted modification of construction permit for increase in power, new equipment, move of transmitter and studio, for new type of transmitter and changes in antenna; frequency **740 kc.**, 1 KW, daytime (B1-MP-958).

WKHH—Columbia Broadcasting System, Inc., Portable-Mobile (area of New York, N. Y.).—Granted modification of construction permit for changes in equipment and reduction of power, to extend completion date from April 30, 1940, to July 30, 1940 (B1-MPRE-40).

KEGN—Don Lee Broadcasting System, Portable-Mobile (area of San Francisco, Calif.).—Granted modification of construction permit for installation of new equipment, to extend commencement date from November 27, 1939, to May 27, 1940, and completion date from May 27, 1940, to August 27, 1940 (B5-MPRE-42).

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted license to cover construction permit as modified for installation of new antenna and move of transmitter; frequency **1320 kc.**, power 500 watts, unlimited (B5-L-1133).

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 a. m. to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period April 18, 1940, to not later than May 17, 1940, or until the Saginaw Broadcasting Co. is in a position to use said time, in order to broadcast special non-commercial educational programs (B2-S-326).

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 1 to 3 a. m., CST, on the morning of April 20, 1940, in order to broadcast part of the Purdue Junior Prom only (B4-S-501).

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period April 18, 1940, to not later than May 17, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC. (B4-S-519).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF with power of 250 watts from 8:30 p. m. to 9 p. m. CST on April 15, 1940, in order to broadcast opening baseball season program (B4-S-624).

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with KFRU with power of 250 watts to permit KFRU to broadcast special program (B4-S-490).

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 8:00 p. m. to 9:00 p. m. EST (or to the conclusion of the address) on Friday, April 19, 1940, in order to broadcast an address only to be delivered by Dr. John W. Studebaker, U. S. Commissioner of Education before the faculty of the State Teachers' College, Indiana, Pa. (B2-R-835).

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from 7:45 p. m. to completion of program of East Texas County Judge Meeting on April 20, 1940, and on April 21, from 6:45 p. m. to start of Church Service and from 7:45 p. m. on April 22 and 23, to completion of program of East Texas Chamber of Commerce Convention; to operate April 27 from 7:30 p. m. to completion of Band and Orchestra Contest, and May 13 and 14, from 7:30 p. m. to completion of program of Longview Friendly Trek. All time above CST. (B3-S-838).

WAAU—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to transmit to standard broadcast station WGAR on April 16, 1940, between 10:00 a. m. and 5:00 p. m., EST, program material in connection with the Ohio State World's Fair Women's Committee program.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted modification of construction permit which authorized antenna changes new equipment, move of transmitter, change in frequency, increase in power and change in hours of operation, for extension of completion date from April 26, 1940, to May 26, 1940; frequency **780 kc.**, 1 KW, 2½ KW day, unlimited time. (B-MP-963).

KAOY—Don Lee Broadcasting System (area of Los Angeles, Calif.), Portable-Mobile.—Granted modification of construction permit for new relay broadcast station to extend commencement date from December 10, 1939, to June 10, 1940, and of completion date from June 10, 1940, to December 10, 1940. (B5-MPRE-41).

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to remain silent April 16, 1940, from 10 a. m. to 6 p. m. CST, on account of death of Mrs. Wm. O. Knox, wife of president of Knox Radio Corp. (B4-S-487).

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y. —Granted special temporary authority to operate a 50-watt television transmitter on frequencies **60000-86000 kc.**, at 515 Madison Avenue, New York City, for the purpose of conducting field tests for a period not to exceed 30 days.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts from 7:45 p. m. CST, to completion of services on May 5, 12, 19, and 26, 1940, in order to broadcast church services only. (B3-S-838).

WGRM—P. K. Ewing, Grenada, Miss.—Granted authority to install automatic frequency control. (B3-F-139).

The Associated Broadcasters, Inc. (area of San Francisco, Calif.), Portable-Mobile.—Granted construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 15 watts. (B5-PRY-214).

## APPLICATIONS FILED AT FCC

### 610 Kilocycles

WCLE—United Broadcasting Co., Cleveland, Ohio.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency and power from **610 kc.**, 500 watts to **640 kc.**, 1 KW, time from daytime to daytime (local sunset California). Move transmitter from Pleasant Valley Rd., Village of Seven Hills, Ohio to Clinton Rd., Cleveland, Ohio. Class II station. Requests facilities WHKC. Amended: Request limited time to local sunset California.

### 630 Kilocycles

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Modification of construction permit (File No. B1-MP-831) for equipment changes, changes in directional antenna and increase in power, further requesting changes in directional antenna and extend commencement date to 30 days after grant and completion date 90 days thereafter. Amended: Re antenna.

### 1350 Kilocycles

WBNX—WBNX Broadcasting Co., New York, N. Y.—License to cover construction permit (B1-P-1527) as modified, for changes in D. A., increase power, move transmitter and install new transmitter.

WBNX—WBNX Broadcasting Co., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Modification of construction permit (File No. B-P-1941) as modified, for change in frequency, increase power, change hours of operation, move transmitter, changes in equipment and antenna, requesting extension of completion date from 4-26-40 to 5-26-40.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—License to cover construction permit (B3-P-2419) as modified for change in frequency, increase power, new transmitter and antenna and move of transmitter.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Modification of construction permit (B5-P-2278) to change frequency, increase power, new transmitter and antenna, move transmitter and studio requesting approval of antenna and transmitter site at Oak at Ming, Bakersfield, Calif., and studio location at present site.

WCNC—Aubrey G. McCabe & Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

KRBM—KRBM Broadcasters, Bozeman, Mont.—Authority to determine operating power by direct measurement of antenna power.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Modification of license to increase power from 100 watts, 250 watts day to 250 watts day and night.

## MISCELLANEOUS

NEW—Seaboard Radio Broadcasting Corp., Hillcrest, Pa.—Construction permit for new high frequency broadcast station to be operated on **43800 kc.**, 1000 watts, special emission for frequency modulation. Location: Cheltenham Twp., Hillcrest, Pa.

NEW—Piedmont Broadcasting Corp., near Salisbury, N. C.—Construction permit for new high frequency broadcast station to be operated on a regular commercial basis, **43400 kc.**, 1000 watts. Special emission for frequency modulation. Location: Statesville Rd., near Salisbury, N. C.

NEW—Spartanburg Advertising Co., near Spartanburg, S. C.—Construction permit for new high frequency broadcast station to be operated on **43600 kc.**, 1000 watts. Special emission for frequency modulation. Location: U. S. Highway 176, 1.3 miles north, near Spartanburg, S. C.

NEW—KTRH Broadcasting Co., Houston, Texas.—Construction permit for new high frequency broadcast station to be operated on **43400 kc.**, 5000 watts. Special emission for frequency modulation. Location: Main and Rusk Sts., Houston, Texas.

W1XCS—Connecticut State College, Storrs, Conn.—Construction permit to change frequencies from **39540, 139960, 300000-400000 kc.** to **26300, 139960, 300000-400000 kc.**; increase power from 250 watts to 1000 watts; add multiplex emission; changes in equipment; and change corporate name to UNIVERSITY OF CONNECTICUT.

NEW—WODAAM Corporation, New York, N. Y.—Construction permit for new high frequency broadcast station to be operated on **42400 kc.,** 1000 watts, special emission for frequency modulation. Site to be determined, in or near New York City, N. Y.

NEW—New Jersey Broadcasting Corp., Jersey City, N. J.—Construction permit for new high frequency broadcast station to be operated on **43600 kc.,** 1000 watts, special emission for frequency modulation. Location: Foot of Washington St., Jersey City, N. J.

W3XO—C. M. Jansky, Jr., and Stuart L. Bailey, d/b as Jansky & Bailey, Georgetown, D. C.—Modification of license to change frequency from **43200 kc.** to **43400 kc.**

W1XSO—The Travelers Broadcasting Service Corp., Avon, Conn.—Construction permit to increase power from 1000 watts to 50000 watts and make changes in equipment, operating on a regular commercial basis.

WEIC—General Electric Co., Portable-Mobile.—Construction permit to increase power from 15 watts to 50 watts and install new transmitter.

WOEG—General Electric Co., Mobile.—Construction permit to install new transmitter.

NEW—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **42400 kc.,** 1000 watts, special emission for frequency modulation.

NEW—United Broadcasting Co., Cleveland, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.,** 1000 watts, special emission for frequency modulation.

KAOW—Albert S. and Robert A. Drohlich, d/b as DROHLICH BROTHERS, area of Sedalia, Mo.—Modification of construction permit (B4-PRE-333 for new relay station), requesting extension of commencement and completion dates from 3-25-40 and 9-25-40 to 7-1-40 and 12-1-40, respectively.

NEW—WGN, Inc., Chicago, Ill.—Construction permit for new relay broadcast station to be operated on **133030, 134850, 136810** and **138630 kc.,** 50 watts power, special emission for frequency modulation. Location: 435 N. Michigan Ave., Chicago, Ill.

NEW—United Broadcasting Co., Seven Hills Village, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.,** 1000 watts, special emission for frequency modulation.

NEW—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.,** 1000 watts, special emission for frequency modulation.

NEW—KSTP, Inc., St. Paul, Minn.—Construction permit for a new Class II television broadcast station to be operated on **44000-50000 kc.,** 1000 watts visual and aural, emission A3 and A5.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—License to cover construction permit (B4-PHB-75) as modified for a new high frequency broadcast station.

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—Construction permit for new broadcast station to be operated on **1500 kc.,** 250 watts power, unlimited time. Studio, Stop 21, Ponce de Leon, Puerto Rico; transmitter to be determined, San Juan, P. R. Amended: for antenna changes and specify transmitter site as Stop 21, San Juan, P. R.

NEW—United Broadcasting Co., Columbus, Ohio.—Construction permit for new high frequency broadcast station to be operated on **42600 kc.,** 1 KW power, special emission for frequency modulation. Amended: re transmitter site to be determined, in or near Columbus, Ohio.

NEW—Havens & Martin, Inc., near Richmond, Va.—Construction permit for new high frequency broadcast station to be operated on **42800 kc.,** 1 KW power, special emission for frequency modulation.

NEW—Courier-Journal and Louisville Times Co., Louisville, Ky.—Construction permit for new high frequency broadcast station to be operated on **42600 kc.,** 1 KW power, special emission for frequency modulation.

NEW—Tom M. Bryan, Miami, Fla.—Construction permit for new high frequency broadcast station to be operated on **43200 kc.,** 1 KW power, special emission for frequency modulation.

NEW—The Kansas City Star Co., Rural (Johnson County), Kans.—Construction permit for new high frequency broadcast station to be operated on **43000 kc.,** 1000 watts, special for frequency modulation.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**L. C. Case & Company, Inc.**—See Sanford Mills.

**Ideal Candy Novelties Co., Inc.**—A complaint has been issued charging Ideal Candy Novelties Co., Inc., 770 Coney Island Ave., Brooklyn, and Abraham and Rose Aronoff, its president and vice-president, with the sale of assortments of candy and other merchandise so packed and assembled as to involve the use of lottery plans when resold to consumers.

The complaint alleges that one assortment sold by the respondents consisted of 150 pieces of caramel candy of uniform size and shape, together with 14 lead pencils and 8 lead pencil sets. It is alleged that some of the caramels were red, some were chocolate, and a majority were vanilla, the color being effectively concealed from purchasers until a purchase was made and the wrapper removed. All of the caramels retailed at 1 cent each.

Without additional cost, a purchaser procuring a chocolate caramel receives a pencil and the purchaser obtaining a red caramel or the last caramel in an assortment, gets a pencil set, wholly by lot or chance, according to the complaint. (4086)

**Macher Watch & Jewelry Company**—A complaint has been issued against Caroline R. and Robert J. Macher, trading as Macher Watch & Jewelry Co. and as Wholesale Watch & Jewelry Co., 15 Maiden Lane, New York, alleging misrepresentation in the sale of watches, jewelry, silverware, electrical appliances and other merchandise.

Catalog and circular advertising of the respondents allegedly represented that they are wholesalers and jobbers and that by reason thereof are enabled to sell merchandise at prices far below the customary retail prices; that the prices they charge represent the wholesale or jobber prices with resulting large discounts and savings to the purchaser; that the respondent's rings are set with genuine rubies and sapphires, and that their business has been in operation for more than half a century.

The complaint alleges that in fact the respondents are not wholesalers or jobbers but retailers; that the prices they represent as customary retail prices are in most instances exaggerated; that the prices they charge are not wholesale but the customary retail prices; that the rings they sell as being set with genuine stones or gems have artificial or synthetic stones of little or no value, and that the respondents have not been in business for 50 years, having begun operations about 1930. (4087)

**National Lacquer Manufacturing Company**—Alleging misrepresentation in the sale of paint and paint products, a complaint has been issued against Jacob Swimmer, trading as National Lacquer Manufacturing Company and as National Titanium Company, 123-131 Eleventh St., Brooklyn.

In advertising literature the respondent is alleged to have represented, among other things, that the regular price of his "Genuine Synthetic Outside White Paint" is $3.65 a gallon and that is being offered at a sacrifice price of $1.55, when in fact the customary price is $1.55; that he maintains warehouses at points other than at his place of business and at places in the vicinity of the solicited prospective purchasers, in which certain specified amounts of his products will be available; that he has been in business for more than half a century; that his product is fresh stock, implying that the ingredients are fresh, unused material, and that the product comes directly from the original paint manufacturer, which is the world's largest synthetic paint maker, when such are not the facts.

The complaint alleges that the respondent's product is not fresh stock but is made from waste paint which has been lost in the process of applying the original fresh stock on refrigeration boxes and other surfaces, and which has been recovered and sold to the respondent, who reconditions and redissolves it into the product he sells. The respondent's representations are alleged to be misleading in that they fail to disclose that his product is a reconditioned, redissolved paint product. (4088)

**National Titanium Company**—See National Lacquer Mfg. Company.

**Sanford Mills,** of Sanford, Me., and its subsidiary and exclusive sales agent, L. C. Chase & Co., Inc., 295 Fifth Ave., New York, are charged with misleading representation in the sale of a mohair upholstery fabric, in a complaint.

Through advertising matter, the respondents are alleged to have represented their product "Velmo" as having "a moth-proof guarantee—permanently," as being "moth-proofed at the mill" and as being treated by a process which makes moth trouble "so negligible that the guarantee is given, not for a term of years, but for the life of the fabric—permanently," when in fact their fabric is not permanently moth-proofed and moth-resistant, but is subject to attack and destruction by moths. (4084)

**Wholesale Watch & Jewelry Company**—See Macher Watch & Jewelry Co.

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Beanit Mills, Inc.**—See Luxuray, Inc.

**Brockman & Schloss, Inc.,** New York, N. Y., agrees to cease representing that it has taken over the handkerchief manufacturing activities of Marshall Field & Co. or of any other organization and to discontinue employing the word "Manufacturing" or similar words in a manner indicating that the respondent manufactures the products it sells or owns and controls the factory in which they are made, when such are not the facts. (2737)

**Consolidated Pinnacle Coal Company,** Denver, Colo., operating mines in Routt County, Colo., has been prohibited from using the word "Pinnacle" in any corporate or trade name, or at all, when the coal sold has not been mined from the Pinnacle Mine at Pinnacle, Routt County, Colorado. The Commission cease and desist order also forbids description of coal not mined from the Pinnacle Mine as being Pinnacle coal.

The term "Pinnacle," as applied to coal, the Commission finds, has been used since 1915 by Victor American Fuel Company, a competitor of Consolidated Pinnacle Coal Company and operating a mine at Pinnacle, Routt County, Colorado. Victor American spent more than $200,000 in advertising and has built up good will and reputation for its coal under that name, and registered a trade-mark containing the word "Pinnacle" in combination with the phrase "mined and shipped only by the Victor American Fuel Company," the Commission finds.

Use of the name "Pinnacle" by the respondent company tended to confuse purchasers into believing that in buying the respondent's coal, which was mined at Hayden, Routt County, 42 miles from Pinnacle, they were getting the higher grade Victor American Fuel Company's "Pinnacle" coal, according to Commission findings. (3234)

**Victor Eckardt Manufacturing Company, Inc.,** 132 Green point Ave., Brooklyn, agrees to cease and desist from use of the word "Manufacturing" as part of its corporate or trade name in connection with the offering for sale, sale, or distribution of its boys' carpenter sets, and from use of the word "Manufacturing" or the words "Made by", followed by its corporate or trade name or in any way, the effect of which tends to convey the belief to purchasers that it makes or manufactures tools of which the carpenter sets are composed, or that it actually owns and operates or directly and absolutely controls the plant or factory in which such tools are made or manufactured. The corporation also agrees to cease representing, on containers of its merchandise or in any other way, by use of the words "Made in U. S. A." or similar words, that an assortment of merchandise to which the words refer is composed wholly of American-made products. If the assortment is composed of items made in the United States and in part of an item or items made elsewhere and the letters "U. S. A." are used properly to designate American-made items, there shall be accompanying words printed in equally conspicuous type which indicate clearly that the assortment is not composed wholly of items made in the United States. (2739)

**Hall Hardware Company,** Minneapolis, Minn., in the sale of its "Supermix" varnish and paint products, agrees to desist from the use of the name "Supermix" in a manner implying that its products have been recommended or endorsed by the United States Department of the Interior or by any Federal department or agency, when such as not a fact. The respondent stipulates that it will cease using in advertisements the word or trade name "Supermix" in connection with the statement "Facts You Should Know About Painting—Most of These Facts Are Taken from Bulletin No. 193, U. S. Dept. of The Interior", so as to imply that the products are specifically referred to in that Government bulletin, when such is not a fact. (2736)

**Hedaya Importing Company**—The copartners trading as Hedaya Importing Company, New York, N. Y., stipulate that they will desist from using the word "Manufacturers" as descriptive of their business and from representing that they have plants at Shanghai, Swatow, Wusih and Wenchow or elsewhere, when in fact they are not manufacturers and do not have factories of their own in the cities named. (2741)

**Licourie Sponge Company, Inc.,** San Francisco, Calif., packer and distributor of sponges, agrees to cease representing that it maintains offices or places of business in Chicago or in Tarpon Springs, Fla., or in any other city or locality, or that it has a wharf or packing house at Tarpon Springs or elsewhere, when such are not the facts. The respondent also stipulates that it will desist from use of illustrations or other representations the natural and probable consequence of which may be to mislead buyers into believing that the corporation operates a fleet of sponge fishing boats from which fishing by the diving method is conducted, when in fact it neither operates such a fleet nor carries on sponge fishing by means of divers. A further representation which the respondent agrees to discontinue is that it is a producer of the highest grade of "Rock Island Sponges", or that it is a "producer" of any sponges, when in truth it conducts no sponge fishing operations but buys from others the sponge products which it packs and sells. (2738)

**Luxuray, Inc.,** wholly owned subsidiary of Beaunit Mills, Inc., Fort Plain, N. Y., and Beaunit Mills, Inc., 450 Seventh Ave., New York, each of them engaged in the sale and distribution of women's undergarments, agree to cease and desist from representing, by means of advertising matter, labels or otherwise, that their undergarments, of the type commonly known as "Woolies," or garments made of similar fabrics, are 30 per cent wool and silk, or that they are composed of fibers in any designated proportion other than the correct and accurate ratio thereof. (2749)

**Maxine Company**—Frederick Hoffman, doing business under the trade name of Maxine Company, Fairfax, Okla., in the sale of "Aviola," designed for use in the prevention, treatment and cure of rectal diseases, agrees to cease representing that the preparation is a preventive or competent cure for rectal ailments; that it is sold at a price intended to cover only the cost of manufacture and not to include a profit; is "Guaranteed under the Pure Food and Drug Act"; has been examined or approved by the Federal Government, or that the Federal Government guarantees that it complies with the law. He also agrees to cease representing that his instructions for enema are free or will enable one to keep the bowels clean and the body healthy. (02541)

**Nasal Filter Company,** 12 North Third St., Columbus, Ohio, agrees to cease representing that "Dr. Weaver's Nasal Filter" will cure hay fever, relieve asthma or sinus trouble, prevent asthma, hay fever, sinus trouble or anthracosis, or that it will provide a defense against colds or prevent all dust from entering the nostrils. (02543)

**Purcell and Company, Inc.,** 11 South Desplaines St., Chicago, distributor of drugs, cosmetics, toilet goods and other beautician supplies, has entered into a stipulation to discontinue certain representations in the sale of its products.

The respondent company agrees to cease furnishing to beauty shop or school operators which it designates as "service members", so-called "membership certificates" representing or implying that the respondent company possesses knowledge enabling it to certify that the "member" or person named in the certificate is informed concerning the chemicals used in the manufacture of beauty preparations, when in fact the respondent corporation is not so informed as to the extent of the knowledge on this subject possessed by such "service members".

Further representations or implications which the respondent corporation agrees to cease making are that it manufactures the products it sells, does chemical research work, maintains a laboratory, employs chemists, or prepares quantitative analyses of preparations submitted to it by its "service members" or others, or that its products have world-wide distribution. (2735)

**Puro Company, Inc.,** 3107 Pine St., St. Louis, has entered into a stipulation in which it agrees to discontinue certain representations in the sale of a moth repellent designated "Puro". The stipulation is supplemental to one accepted by the Commission September 5, 1934.

The respondent company agrees to cease representing that "Puro" will protect upholstery from damage by moths; that it is a brand new and an amazing discovery and contains a secret chemical, or that, by any other terminology, it is new or different from all other moth preventives.

The respondent company also stipulates that it will cease representing that persons selling "Puro" are earning fortunes thereby, or are making $5 to $8 a day, and agrees to cease representing, by use of such words as "up to", "as high as" or words or terms of like import, that prospective salesmen, agents or dealers can make earnings or profits within any specified period of time which are in excess of the net average earnings or profits within like periods made by a substantial number of its active full-time salesmen or other representatives in the usual course of business. (0727)

**Rittan Knitting Mills, Inc.,** 11th and Jefferson Sts., Hoboken, N. J., agrees to cease and desist from selling or offering for sale any silk product which contains any metallic weighting, without full and non-deceptive disclosure of the presence of such metallic weighting together with the proportion or percentage thereof, made on the labels, tags or brands attached to the merchandise and in the invoices and all advertising matter, sales promotional descriptions or representations, and also from selling or offering for sale any silk or silk product without disclosure of the fact that such material or product is silk, made clearly and unequivocally in the invoices or labels, tags or brands attached to the merchandise and in whatever advertising, sales promotional descriptions or representations thereof may be used where such non-disclosure has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. (2750)

**Schultz Surgical Instrument Company**—Jacob Schultz, trading as Schultz Surgical Instrument Company, 17 West 20th St., New York, engaged in the sale and distribution of hospital and laboratory supplies and equipment, including microscopic cover glasses bearing the trade name "Crystal", has agreed, in connection with the sale and distribution of his cover glass products, to cease from use in his advertising matter or trade literature, or otherwise, of the slogan or legend "Made in U. S. A." or other words or terms of similar inference so as to import or imply that the imported glass of which his products are composed is, or that the products in their entirety are, of domestic origin. (2740)

**Sutton & Hosney**—Joseph M. Sutton and Abraham Husney, trading as Sutton & Husney, 244 Fifth Ave., New York, engaged in the importation, sale and distribution of handkerchiefs, linens and laces, agree to cease and desist from representing that they have or maintain their own office or place of business in China or in any other locality when such is not a fact, or from representing as their own any office or establishment belonging to an independent agency with which they have no more than a contractual relationship. (2744)

## CEASE AND DESIST ORDERS

Following cease and desist orders have been issued during the past week:

**Curtice Brothers Company,** packer and distributor of fruits, vegetables and vegetable products, and which maintains packing plants at Rochester, Bergen, Mount Morris and Wilson, N. Y., with its principal office at 20 Curtice St., Rochester, N. Y., has been ordered to cease and desist from certain price discriminations, in violation of the Robinson-Patman Act, in the sale of its products.

Findings of the Commission are that since June 19, 1936, in the course of its business, the respondent corporation has used three different price lists designated by the letters "R," "A" and "S." The "S" price list is designated for those customers who place a minimum order for 1,000 cases of the respondent's products for shipment in quantities of not less than 250 cases. The "A" price list is designated for those customers who place a minimum order for 300 cases of the respondent's products for shipment in quantities of not less than 50 cases. The "R" price list is designated for customers who place orders for less than 300 cases. The prices at which the respondent's products were and are sold by use of the "A" price list, were and are lower by from 2.5 per cent to 8.3 per cent than the prices at which such products were and are sold by use of the "R" price list, and the prices at which the products were sold by use of the "S" price list were and are lower by from 5.1 per cent to 16.6 per cent than the prices at which the products are sold by use of the "R" price list.

Findings further are that the respondent sold its products at prices specified by the "S" price list to some customers who did not take the required minimum number of 1,000 cases of respondent's products. In practice, the findings continue, the respondent has confined its sales made by use of the price lists to "future orders" for goods to be shipped when harvested and packed.

The Commission also finds that since June 19, 1936, the respondent has been discriminating between different purchasers of its canned fruits, vegetables and vegetable products by paying, granting and contracting to pay certain sums of money to and for the benefit of some of its customers in consideration for advertising services furnished by such customers in connection with the sale or offering for sale of the respondent's products without making such payments or advertising allowances available on proportionally equal terms to all of its customers competing in the sale and distribution of its products. (3381)

**Forson Laboratories, Inc.,** 353 Fifth Ave., New York, engaged in the sale and distribution of a medicament known as "Nu-Myst" and a vaporizer for its use, has been ordered to cease and desist from misrepresentation of the efficacy of the preparation.

The Commission finds that "Nu-Myst" is a liquid composed of common ingredients prescribed by physicians for relieving "colds", and containing menthol, camphor, thymol, oil of pine, eucalyptol, benzyl benzoate and aromatics, with an alcohol base of 87 per cent.

Through radio broadcasts over stations of sufficient power to convey programs to various States, and in advertisements in newspapers, periodicals and trade journals, the respondent corporation is found to have represented that the preparation brings speedy relief to sufferers from colds, hay fever, rose fever, asthma and other nasal and bronchial afflictions.

Findings are that the representations are misleading and untrue; that the diseases named, except colds, are grouped under the socalled "allergies," the causes of which are manifold, and that since there are so many causes it is impossible for a formula such as "Nu-Myst" to bring relief from any of these conditions.

The respondent is ordered to cease and desist from representing that the preparation will destroy or prevent the growth of bacteria; that it is a cure or remedy for colds, whooping cough, hay fever, rose fever or asthma, or that it is an effective treatment or relief for these ailments beyond such temporary relief as may be afforded by the temporary allaying of local irritation. (3361)

**Michigan Bean Shippers Association,** Saginaw, Mich., a trade association, its officers and members, have been ordered to discontinue activities deemed to be in restraint of price competition in the purchasing of beans and barley from Michigan growers and the resale thereof to canning companies, chain store organizations, foreign importers and other buyers.

Respondent member companies, representative of the association's membership, are: Charles Wolohan, Inc., Birch Run, Mich., jobber; J. P. Burroughs & Son, Flint, jobber; Hammerslag & Tinkham, Inc., and Minor Walton Bean Company, Grand Rapids, jobbers; Michigan Elevator Exchange, East Lansing, jobber and elevator operator; Ryon Grain Company and Stickle-Swift, Inc., Lansing, jobbers; Hart Brothers and Michigan Bean Company, Saginaw, jobbers and elevator operators.

Respondent officers of the association are: L. W. Todd, president, and Asa E. Walcott, secretary-treasurer, and the respondent directors are Claude H. Estee, E. H. Bueschlen, and William R. Neumann. (3937)

**Mills Sales Company of New York, Inc.,** 901 Broadway, New York, and five of its officers, have been ordered to discontinue lottery methods in the sale of cosmetics, shaving and dental creams, drug and household sundries and other articles. The respondent officers are David, Evelyn, Joseph and Walter Jacoby, and Estelle J. Kruger.

The Commission order directs the respondents to cease and desist from (1) selling and distributing merchandise so packed and assembled that sales to the public are to be made by means of a game of chance; (2) supplying to or placing in the hands of others (a) merchandise together with push or pull cards, punch boards or other lottery devices, or (b) such devices either with assortments of merchandise or separately, which devices are to be or may be used in selling any merchandise to the public, and (3) selling or otherwise disposing of any merchandise by means of a gift enterprise or lottery scheme. (3910)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 17, April 26, 1940

## THE WEEK IN WASHINGTON

ASCAP's jokes about BMI's six songs will be heard no longer. BMI this week acquired performing rights for the entire M. M. Cole catalogue, effective January 1, 1941. The Cole catalogue, including between 2500 and 4000 songs, is best known for its hillbilly music, cowboy tunes and folk ballads, although it also includes a number of recent hits. Its acquisition will prove to be especially valuable to the smaller stations.

Meantime BMI has announced the release of seven more popular numbers, including a waltz, a "hot" rhythm tune, foxtrots and ballads. The networks and other stations are continuing to make use of the first six numbers released several weeks ago.

The printing trade unions are trying to drum up support among newspaper and magazine publishers for a united front against radio, but they are apparently making little headway. A program of harassing legislation is being contemplated by the unions.

Again the Supreme Court has sounded a note of warning to those who would set up a Government censorship of the media of free discussion. In its decision declaring unconstitutional an Alabama State anti-picketing law this week, the Court said "it is not the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

William J. Dempsey and William C. Koplovitz, FCC general counsel and assistant general counsel, have resigned to go into private practice together in Washington. It is expected that they will leave the Commission within a few weeks.

Stations throughout the country are preparing to take part in the National Radio Festival promoted by the NAB.

## BMI Buys Cole Catalogue; Seven New Songs Ready

A long-term contract for the exclusive performing rights to all the music in the catalogue of the M. M. Cole Publishing Company of Chicago and affiliated companies was closed Wednesday by Broadcast Music, Inc. It becomes effective on January 1, 1941.

At present the Cole music is controlled by SESAC and until January 1, 1941, only SESAC licensees may play it. The catalogue includes from 2,500 to 4,000 songs.

The catalogue includes the publications of M. M. Cole Publishing Company, Belmont Music Company, Calumet Music Company, Happy Chappies, Ltd., Moderne Publications, Moderne Edition, Hearst Music Publishing Co., Ltd. (Canada), Vincent, Howard & Preeman, Ltd. (Los Angeles), Vincent & Howard, Ltd., and Morse M. Preeman.

The Cole catalogue is perhaps best known for its hillbilly music, cowboy tunes, and folk ballads, although it also includes such recent hits as *Mexicali Rose, Strawberry Roan,* and *Silver-Haired Daddy.* Other important and popular songs will fall into this catalogue shortly. It is a catalogue that is extensively performed on broadcasts originated locally as well as on the networks.

Merritt Tompkins, general manager of BMI, expressed satisfaction that this agreement works out to the great benefit of independent stations as well as of all others. In common with the rest of the BMI organization, Mr. Tompkins feels that this event is concrete evidence of the fact that BMI is working for the whole broadcasting industry.

"The acquisition of the Cole catalogue for the BMI licensees is of importance to the broadcasting industry and all other commercial users of music," said Mr. Tompkins, "to all who love American music, and to the whole musical public. BMI has scored."

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Seven new songs will soon be ready for release to the 290 BMI member stations. In selecting the songs, Mr. Tompkins said, the BMI editorial board endeavored to pick a group appealing to many different tastes and included a waltz, and a "hot" rhythm number, as well as foxtrots and ballads. The additions to the list were:

"Give Me Music," waltz, music by Malcolm Reid, lyrics by Robert Sour and Don McCray, arranged by Helmy Kresa.

"I'll Be Goin'," foxtrot, music by Lee Wainer and lyrics by Robert Sour, authors of "What Good's the Moon?"

"Keep An Eye On Your Heart," music by Henry Manners, lyrics by Milton Leeds.

(Continued on page 4196)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## BMI BUYS COLE CATALOGUE; SEVEN NEW SONGS READY

*(Continued from page 4195)*

"What's The Matter My Darling?" ballad, words and music by Charlie Beal, swing pianist and a protege of John Hammond, international swing authority. This number has been arranged by Sam Grossman.

"You Mean So Much To Me," music by Edgar "Puddinhead" Battle and lyrics by Ken Byron. "Puddinhead" Battle was formerly featured trumpet with Willie Bryant's swing orchestra, and is now actively engaged in arranging and composing for leading orchestras.

"Boogie Woogie To You," rhythm "Jump" number, with music by Ernest Gold and lyrics by Don McCray, authors of "Here In The Velvet Night," is being arranged by Jimmy Mundy, formerly arranger with Bennie Goodman. It is believed to be the first successful effort of a composer schooled in the Viennese tradition to write a "jump" song in the American idiom.

"Please Don't Tell Her I Told You," music by Irving Wallman and lyrics by Max Wartell.

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The BMI Board of Directors will meet at 580 Fifth Avenue at 10:30 a. m. next Tuesday, April 30.

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The BMI band wagon can never be overcrowded but it is certainly getting well filled. The boys are climbing aboard even from outside the broadcasting industry.

That, of course, is as it should be. The ASCAP monopoly has its clutching fingers on the throat of every commercial user of music. With BMI acting as a cross between a munition plant and a recruiting station, the broadcasters are leading the fight but other interests are coming in as allies and sending their troops.

Last week in Chicago, the National Council of State Liquor Dealers Associations, meeting in convention, joined the allies. The convention heard speeches from various members who have been making an active fight against ASCAP on behalf of the places of entertainment represented by the member associations. These include hotels, restaurants, night clubs and other places where the tactics of the ASCAP agents and the demands of the organization have often resulted in making it impossible for the proprietor to afford an orchestra for the entertainment of his guests.

To those who attended the convention, it was plain that the members of these groups are really up in arms against ASCAP.

A resolution was presented at the convention giving expression to this attitude. In support of this resolution, John Fetterman, legal adviser to the Buckeye Liquor Dealers Association of Ohio, urged members of the Council to give their full cooperation to BMI.

"The fight has begun and it is to every tavern owner's interest to back it to the limit," Mr. Fetterman declared. "Our field of activity has suffered great hardships at the hands of ASCAP. Under the strong, sincere leadership of Broadcast Music, Inc., we have affiliated interests on our side who will help us battle this unfair monopoly."

The resolution as finally adopted, read as follows:

Whereas, under the United States copyright laws, the American Society of Composers, Authors and Publishers, commonly called "ASCAP," is permitted to and in fact does levy arbitrary and unreasonable "fees" upon users of copyrighted musical works, proprietors of entertainment places, restaurants, inns, cafes, hotels, theatres, radio stations and other establishments wherein are operated amusements and entertainments involving the use of copyrighted musical works, and

Whereas, there is at present no statutory limit to the "fees" which may be charged by the American Society of Composers, Authors and Publishers for the use of copyrighted musical works, and

Whereas, the affiliated associations of this council are in accord with the premise that the author of a copyrighted musical work should receive proper and adequate compensation, and

Whereas, it is the belief of this Council that the fairest method of insuring such proper and adequate compensation to the author would be the establishment of an equitable system of fees to be paid in compensation for the use of copyrighted musical works, and

Therefore Be It Resolved that the House of Delegates of the National Council of State Liquor Dealers' Association instruct the Chairman of this Council to appoint a committee of three with instructions to make a complete study of the inequities above mentioned and to formulate plans to remedy such inequities, and

*Be It Further Resolved that this Committee be given full authority to act in its own judgment and in its own discretion and full power to become affiliated, in the name of this Council, with any group or organization formed for the purpose of relieving users of copyrighted musical works from the imposition of such arbitrary "fees".*

The committee named, included James Donovan of Cleveland, Vice Chairman of the National Council, as Chairman, and Mr. Fetterman as Counsel. Inasmuch as Mr. Fetterman made such a strong speech in behalf of BMI, it is understood that the new committee will lend its full cooperation and support to BMI.

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Another large and important group who have declared war on the side of the Allies are the operators of coin operated machines. At the time of the New York convention of the Automatic Phonograph Manufacturers Association, clear evidence was given of their support in the fight against ASCAP. Arrangements between them and BMI are pending and their full cooperation is expected.

The coin operators have been lucky. Because of the wording of the 1909 Copyright Law, they have been the only large group of commercial users of music from whom the ASCAP gang has not been able to exact tribute. Under the proposed revision of the Copyright Law which is now pending in Congress, they will no longer be protected. ASCAP in pushing for the passage of the new act, is motivated in large measure by the desire to hook the coin operators. It has been stated by an official of ASCAP that ASCAP expects to collect a minimum of $5 a month for each machine. At that rate they expect to take about $12,000,000 per year from the coin machine industry. It is not strange that the operators are ready to join forces with the broadcasters and to give their support to BMI music. This is of great importance to BMI. Next to the radio itself the coin-operated phonograph is probably the best medium for the popularization of music.

Meanwhile the ranks of the broadcasting industry itself grow daily more solid. Merritt Tompkins received the following letter from a small independent station:

> "You will undoubtedly be interested to know that as one station to receive ASCAP's "belated blessing" we are totally unimpressed. We are of the opinion that the only plan that will ever be acceptable is a per use basis. Until we can exercise the right of determining the amount of patronage we wish to extend to ASCAP, and pay on the basis of that use of their commodity, we shall steadfastly refuse to sign any agreement or commit ourselves in any manner."

The music publishing industry was thrown into consternation by the announcement that BMI intended to observe the law.

Copyright law provides a fee of two cents for the use of a composition for the making of a transcription. The practice for a number of years has been to collect twenty-five to fifty cents for each commercial broadcast of a transcription. When Mr. Tompkins made the announcement that the policy of BMI would be to adhere to the statutory rate, *Variety* ran three column head-lines. Mr. Tompkins said:

> "This will help not only the transcription industry, but also the broadcasters themselves, since transcription costs in the last analysis are paid by the broadcasters. In thus aiding the transcription industry, we are also aiding BMI authors as the use of BMI compositions will be enormously stimulated by our adherence to the legal charges."

It has come to BMI's attention that ASCAP's Paine, in a moment of unwonted inspiration gave a description of BMI which, except for one detail, is surprisingly accurate considering its source. He described BMI as "a puppet organization that is to be the Moses to lead the broadcasters out of the bondage of Egypt; ASCAP being Egypt." Mr. Paine has apparently not read his Bible for some time. Moses was hardly a puppet; neither, of course, is BMI. Otherwise the description is perfect. We'll take the "Moses" and let the "puppet" go.

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The article called "What is ASCAP" written by E. C. Mills, Chairman of the ASCAP Administrative Committee, is printed on the back of sheet music published by ASCAP houses and reprinted at every opportunity. It seems to have become an official platform. The arguments, based on a distortion of facts and aided by cork-screw reasoning are so misleading that they call for a detailed reply. Such a reply has been drafted for the purpose of submission to all trade papers which from time to time print the Mills article.

Because the ASCAP arguments are made to sound so plausible until they are refuted by the facts, we give you here the main portions of the reply to Mr. Mills. If any of the readers encounter people who have been taken in by the ASCAP claims, this detailed rebuttal may be useful.

Mr. Mills says: "at the inception of radio broadcasting, the broadcasters . . . maintained that it was quite sufficient compensation to the composers if they were 'honored' and 'glorified' and their songs 'advertised' by being performed on the air. . . . 'The bucher, the baker, the candlestick maker' cannot be paid with honors and glory. They demand money. Composers and authors are human beings . . ."

The truth is: It was in 1923 that the radio became a regular income-producing medium for commercial advertising, and since 1923 the broadcasters have paid for the music they used. At present they are paying at the rate of about $5,000,000 a year. Radio fees make approximately two-thirds of ASCAP's total income.

Mr. Mills cannot name a commercial broadcaster in the country who does not wish the composers and authors to receive full and just compensation. The broadcasters are working in a practical way through their new organization, Broadcast Music, Inc., to give a fair chance to the many composers whose way has hitherto been blocked by ASCAP itself.

Mr. Mills says: "With the advent of radio broadcasting . . . Composers and authors were almost economically destroyed . . . Sales of sheet music and of photograph records rapidly declined . . . With the drying up of normal sources of revenue it became economically necessary for the Society to increase the rates charged for licenses issued to commercial users of music in public performance for profit."

The Truth is: ASCAP's total income for 1923 was less than half a million; for 1939 it was nearly seven million. The increase was steady. Only in one year was its income less than in the preceding year. ASCAP took $2,004,496 in 1931 as against $2,043,791 for 1930. Otherwise, through good times and bad, it has multiplied its income year by year. *In 1939 it received from sources other than radio more than six times as much as it received before the advent of radio broadcasting. This, according to Mr. Mills, is economic destruction!*

Mr. Mills says: "Our Society seeks the most practical means of making it possible for them (composers and authors) to live comfortably—by protecting them in their lawful rights and collecting for them their infinitesimal portion of the enormous profits made by commercial users of their products in enterprises, which but for the availability of music, could not be successfully operated."

The Truth is: Music makes up less than 22% of the commercial radio time from which the broadcasters receive their income. According to an independent estimate made by the magazine *Variety,* the new demands made by ASCAP are "tantamount to half of the networks' profits." That is what Mr. Mills calls an "infinitesimal portion"!

Mr. Mills says: "The revenue which it (ASCAP) collects for licenses issued to commercial users of music in public performances, after the expenses of operation have been deducted is entirely divided each three months amongst the members of the Society and the foreign societies with which ASCAP is affiliated."

The truth is: In the period from 1921 to 1939 less than one third of ASCAP's income went to American composers and authors.

After operating expenses and payments to the foreign societies are deducted, the balance is distributed half to the publishers and half to the composers and authors. The distribution of the writers' share, however, is governed partly by seniority and other matters which have nothing to do with the use made of each man's work.

When ASCAP payments to its members were published one year, they showed that a writer credited with more than 16,000 performances received $60.00 and one with 45,000 performances received $200.00 while two with 4,778 and 8,644 performances respectively received $7,000.00 each. And a publisher got $80,000.00!

Thus does ASCAP divide its revenue among the composers for whom the great heart of Mr. Mills beats so tenderly.

Mr. Mills says: "The membership of the entire group (ASCAP and the foreign societies with which it is affiliated) exceeds forty-five thousand of the men and women who write most of the music which the world enjoys."

The truth is: On the list of its members published by ASCAP in 1939 there are 131 names of publishers and 1511 names of composers and authors, including 126 estates of deceased writers and a number of men listed under two or three names. ASCAP represents less than 1385 living American writers and less than one third of these are in any way active. In 1938 only 411 of them published anything at all; only 228 published as many as three works.

About 10% of ASCAP's income goes to its foreign affiliates, who presumably make up the rest of Mr. Mill's "forty-five thousand."

In spite of Mr. Mills's effort to boost the count by bringing in all of Europe, it is a very small group who write most of the current popular music which America enjoys and for which ASCAP collects most of its fees—not 45,000 but about 200!

Mr. Mills says: "The Society is the sole hope and refuge of the indigent, aged, or ailing composer and author in our country.

"It is dedicated to the principle that no man or woman in the United States who writes successful music, or anyone dependent upon them, shall ever want."

The truth is: No man or woman would ever be kept from want by the payments ASCAP makes to most of its members.

One of its most prominent members and staunchest defenders can say only this: "A large percentage of the members draw quarterly royalties of at least $100, and the average is probably higher than this." A few old-timers in the inner circle who have produced nothing in years get their thousands and their tens of thousands; the powerful publishers get their hundreds of thousands; and the average composer is saved from want by a figure that is "probably" somewhat over $400 a year!

But the cruelest sophistry in the ASCAP claim lies in the fact that, whatever it does or does not do for its own members, ASCAP has made it practically impossible for anyone else to achieve any success at all in music. ASCAP is a barrier and a menace to every composer who is not among its members.

Under the circumstances created by the ASCAP licensing policy, only the music covered by the ASCAP license has been played enough to have any chance of becoming popular. To secure membership in ASCAP a writer has to have five songs published—"successful works," says Mr. Mills, "of a type such as are performed in establishments licensed by the Society."

The new writer could get his works into the ASCAP catalogue only by having them issued by one of the publisher members of the Society. But these publishers want only "established" writers. That may be sound business so far as the publishers are concerned. But when the ASCAP organization and the most influential publisher-members have created this situation, it is sheer gall for Mr. Mills to imply that ASCAP is concerned with "the most practical way in which to encourage the composition of worthwhile music."

The implication that ASCAP is the guardian angel of American composers in general is at once the most heartless and the most shameless piece of hyprocrisy that has come from a responsible man in American public life in years.

## ASCAP—NETWORK FREE HOURS

It is generally the opinion of radio lawyers that ASCAP's claim for percentage payments on free-hours to the networks has no basis in law. NAB is in full agreement.

## ASCAP TRIAL COMPLETED

Retrial of the ASCAP suit testing the constitutionality of the Florida law has been completed. The court granted 30 days for filing of briefs and the decision is not expected until summer.

The witnesses were:

1. For ASCAP, Mills and Paine
2. The principal witnesses for the State were Walter Tison (WFLA), Spencer Mitchell (WDAE), both of Tampa; Tom Belviso, Director, Music Department, NBC; Jerry Maulsby, Production Manager, CBS; James W. Baldwin, former Managing Director, NAB; William Richardson, Lawyer-Accountant. Six other clerical witnesses on tabulations were used.

After everything was over the Court authorized the introduction into testimony of any testimony taken in connection with the Nebraska suit. Whereupon ASCAP put in the testimony of Gene Buck, Sigmund Spaeth, and a couple of minor witnesses, and we introduced the testimony of John Gillin, Edwin H. Morris and the President of the Nebraska Dance Hall Association.

The attorneys for the State were Thomas J. Ellis, Assistant Attorney General, Lucien H. Boggs and Andrew W. Bennett. The attorneys for ASCAP were Manley Caldwell, Frank Wideman, Louis D. Frohlich and Herman Finkelstein.

## "NEW MUSIC IN THE AIR"

"There's New Music In the Air" was the subject of an address given by Neville Miller, April 22, before the radio forum of the National League of American Pen Women in Washington.

## LITTLE SUPPORT APPARENT FOR UNION'S ANTI-RADIO DRIVE

Although the printing trades unions are trying to drum up support among newspaper and magazine publishers for a united front against radio, they are apparently making little headway.

At both the Associated Press and A. N. P. A. meetings in New York this week, there was evidence that a substantial majority of the newspaper publishers wanted to work with rather than against radio.

The A. P. membership meeting voted to broaden the organization's policy covering the use of its news services for sponsored radio programs. Details were left to the board of directors.

At the A. N. P. A. meeting, the radio committee's report stated that one-third of all radio stations now were newspaper owned or controlled.

The committee's report, presented by its chairman, J. S. Gray, of The Monroe (Mich.) Evening News, declared that while radio as a medium had become "a powerful commercial entity, an inevitable gravitation associates it increasingly, and in many of its best uses, with newspaper operation." The moderate cost of the new frequency modulation system, the report added, offered inducement for the establishment of stations in smaller communities.

Paul Bellamy, editor of The Cleveland Plain Dealer, said: "But I am ready to accept them, the gentlemen of the radio, as partners," when he presented the report of his committee on cooperation of press, bar and radio. He added:

"We can agree on pretty much everything except the use of cameras and microphones in court. It remains to be seen what can be done about that."

Furthermore, *Editor & Publisher* said editorially that the printing trades unions were making the wrong approach to the problem. It was up to the newspapers to show that they were the better advertising media, it said, and not to try to cripple radio.

The letter which the printing trades union sent to the publishers follows:

INTERNATIONAL ALLIED PRINTING TRADES ASSOCIATION
WASHINGTON, D. C.
*Office of the President*

April 15, 1940.

GENTLEMEN:

The officers and members of the Printing Trades Unions have noted, during the past few years, the ever increasing diversion of Advertising from Magazines and Newspapers to other forms of media.

The Board of Governors, at their last meeting, appointed a committee to investigate this matter and, if possible, to prepare some constructive plan to protect the job opportunities of Printing tradesmen, which means also to protect and to promote the continuance of Magazines, Newspapers and other printed publications dependent upon Advertising.

For the year 1939, the gross sales of Radio Time amounted to $171,113,813, while the gross volume of National Magazine Advertising was $151,484,530. The Radio Advertisers not only paid this sum of $171,113,813 to the Radio Stations but, in addition thereto, they paid many additional millions of dollars for Music, Entertainers, Royalties, etc. While Newspaper Advertising in 1939 increased 1.5% over 1938, Magazine Advertising increased 9.1% over 1938, National Farm publications advertising increased 2.6% over 1938. Radio Station and Radio Chain Advertising increased 15.9% over 1938.

Magazines and Newspaper plants represent large and substantial investments and provide employment for many thousands of organized workers while Radio stations, in most cases, represent but a small investment for physical equipment and provide employment for a relatively small number of persons.

While Radio Broadcasting licenses are issued by our Government, without cost to the holders thereof, through the reports of the Federal Communications Commission, we note that the present value of these licenses represent vast amounts of money.

The following citations, only a few of the many available, are illustrative: Station A—the new owners paid $1,826,125 for 70.6% of the stock of a station the replacement cost of the fixed assets of which were $286,507.90. Station B—the new owners paid $300,000 for a station the replacement value of the fixed assets of which were $77,106.38, and Station C—the new owners paid $450,000 for a station the replacement value of the fixed assets of which were $163,327.03. Yet, the Securities and Exchange Commission has recently stated that the value of a Radio Station is dependent on the license issued by the Governmental Agency.

We believe this is a highly important subject to every person sincerely interested in the welfare of the Printing and Publication industry and appreciating your interest in promoting and enlarging the Printed Publication field we would greatly appreciate knowing what plans, if any, have been considered or what plans may be considered to correct this situation which has already proven most harmful to the best interests of printing trades workers and their employers.

Trusting that you will favor us with a prompt response and with such suggestions as you deem advisable.

Very truly yours,

JOHN B. HAGGERTY,
JBH/MH *Chairman, Board of Governors.*

It is understood that these unions contemplate support of anti-radio legislation in the future.

The NAB is keeping an eye on developments and will take appropriate action.

## Supreme Court Scores Existence of Censorship

The Supreme Court says, "It is not the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

This statment was included in the Court's decision this week, declaring unconstitutional an Alabama state anti-picketing law (Thornhill v. State of Alabama).

The state had contended that Thornhill could not complain of the deprivation of any rights but his own under the anti-picketing law, but Mr. Justice Black, who wrote the opinion, waved that contention aside, and added:

"There is a further reason for testing the section on its face. Proof of an abuse of power in the particular case has never been deemed a requisite for attack on the constitutionality of a statute purporting to license the dissemination of ideas. Schneider v. State, 308 U. S. 147, 162-165 [5 LRR 332]; Hague v. C.I.O., 307 U. S. 496, 516 [4 LRR Man. 501]; Lovell v. Griffin, 303 U. S. 444, 451. The cases when interpreted in the light of their facts indicate that the rule is not based upon any assumption that application for the license would be refused or would result in the imposition of other unlawful regulations (Note No. 10). Rather it derives from an appreciation of the character of the evil inherent in a licensing system. The power of the licensor against which John Milton directed his assault by his "Appeal for the Liberty of Unlicensed Printing" is pernicious not merely by reason of the censure of particular comments but by reason of the threat to censure comments on matters of public concern. It is not the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion. See Near v. Minnesota, 283 U. S. 697, 713. One who might have had a license merely for the asking may therefore call into question the whole scheme of licensing when he is prosecuted for failure to procure it. Lovell v. Griffin, 303 U. S. 444; Hague v. C.I.O., 307 U. S. 496 [4 LRR Man. 501]. . . ."

## NEW YORK LIBEL LAW

On April 17, Governer Lehman of New York approved an amendment (Chapter 561, Laws 1940) of the New York law concerning libel.

Section 1345 of the Penal Law now reads as follows:

"Section 1345. Publishing a true report of public official proceedings. A prosecution for libel can not be maintained against any person, firm or corporation, for the publication of a fair and true report of any judicial, legislative or other public and official proceedings, or for any heading of the report which is a fair and true headnote of the statement published."

Section 337 of the Civil Practice Act now reads as follows:

"Section 337. Privileges in action for libel. A civil action cannot be maintained against any person, firm or corporation, for the publication of a fair and true report of any judicial, legislative or other public and official proceedings, or for any heading of the report which is a fair and true headnote of the statement published.

"This section does not apply to a libel contained in any other matter added by any person concerned in the publication; or in the report of anything said or done at the time and place of the public and official proceedings which was not a part thereof."

## GOLDSTEIN BILL (NY) APPROVED

The Goldstein Bill in New York banning untrue, deceptive or misleading advertisements over radio stations was approved April 21 and takes effect on September 1. The Act (c. 639, Laws of 1940) follows:

"AN ACT to amend the penal law, in relation to advertising.

"The People of the State of New York, represented in Senate and Assembly, do enact as follows:

"Section 1. Section four hundred and twenty-one of the penal law, is hereby amended to read as follows:

"Section 421. Untrue and misleading advertisements. Any person, firm, corporation or association, or agent or employee thereof who, with intent to sell or in any wise dispose of merchandise, real estate, securities, service, or anything offered by such person, firm, corporation, or association, or agent or employee thereof, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper, magazine or other publication, or in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, or tag, or over any radio station or in any other way, an advertisement, announcement or statement of any sort regarding merchandise, securities, service or anything so offered to the public which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor.

"Section 2. Section four hundred and twenty-one-a of the penal law, is hereby amended to read as follows:

"Section 421-a. Advertisements. Any person, firm, corporation or association, or agent or employee thereof, hereinafter called person, who, being engaged in the business of dealing in any property, makes, publishes, disseminates, circulates or places before the public or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, any advertisement respecting any such property, in any newspaper, magazine, or other publication, or over any radio station, unless it is stated in any such advertisement that the advertiser is a dealer in such property or from the context of any such advertisement it plainly appears that such person is a dealer in such property so offered for sale in any such advertisement; or when placing or causing any such advertisement to appear in any newspaper, magazine or other publication or radio station as described in this section, if requested by the publisher of any such newspaper, magazine or other publication or owner or operator of such radio station or any agent or representative thereof to file with such owner or operator, publisher, agent or representative thereof his true name, or where he is transacting business under a name other than the true name pursuant to law, then the name under which such business is transacted, and each business address wherein any business is transacted by him, in the class of property advertised or to be advertised for sale in such advertisement, shall make any false statement in relation to any of such items; or if requested by the publisher of any such newspaper, magazine or other publication or owner or operator of such radio station or any agent or representative thereof to file with such owner, operator, publisher, agent or representative thereof a statement showing whether he is causing such advertisement to appear or is offering to make such sale or disposition or transaction, as herein set forth, as principal or agent, and if as agent, to set forth such information as is specified in this section, in relation to his principal as well as in relation to himself, shall make any false statement in relation to any of such items; is guilty of a misdemeanor."

## RADIO "COURTS"

A new statute (Chapter 251, Laws 1940) has been enacted in New York to endeavor to prevent the public being deceived as to the nature of the so-called "radio courts".

In a recent decision (Matter of Blake, New York Law Journal, December 1939) one of the New York Supreme Court judges took occasion to say the following:

"I have listened to a number of such programs on the air, and the ignorance of those in charge of the commonest principles of law was appalling. Atrocious advice has been given to poor, ignorant people which could serve only to multiply the trouble they have brought to these mounte-bank 'courts'. In the beginning a few men learned in the law permitted themselves to be used in connection with this 'swing time justice' until they realized the iniquity of the scheme. Today, no judge or self-respecting lawyer will lend himself to the capitalization of human misery. Outstanding members of the laity, flattered by the temporary prominence given them, and fancying themselves no little in the role of a 'Solomon come to justice', served in capacities for which they have no qualifications or training. Certainly, no good is accomplished for the poor litigants who are beguiled into making their troubles entertainment for the world, and, assuredly, much harm is done. These 'courts' have no ability, no responsibility and no authority and should, as a matter of public interest, be discouraged."

NAB is in receipt of a communication from Mr. Edwin M. Otterbourg, Chairman of the American Bar Association's Standing Committee on Unauthorized Practice of the Law, with reference to this statute, saying in part:

"I think that all of the radio stations, particularly in New York State of course, should be apprised of this law and should take steps to have removed from their programs any broadcasts which either in the letter or in the spirit violate what the Legislature is trying to prevent.

"In view of the very fine effort at cooperation that is being made between radio broadcasters and the bar, it seemed to be far more appropriate to send this to you so that you may take such action thereon as you see fit, rather than for me to communicate directly to the radio stations."

The pertinent provisions of the Act are:

"Section 3. Use of term "court" prohibited. No person, firm, association or corporation shall hereafter use or employ the term "court" as part of or in connection with the name of any body, board, bureau, association, or organization or corporation, or in referring to any body, board, bureau, association, organization or corporation, in such manner as to be calculated reasonably to lead to the belief that the body, board, bureau, association, organization or corporation is vested with judicial power or is a part of the judicial system of the state; the use of such term being expressly limited by this section for reference to a court of record or a court not of record, duly organized and existing under the laws of the state as a part of the judicial system of the state."

# Promotion

*To all Station Managers:*

*Radio Festival is a grass roots promotion.*

*You can take it whole or piece meal, as desired. It is good medicine in any amount. We invite you to write your own ticket, some kind of a ticket, large or small.*

*There is plenty of time to get started.*

* * *

*Don't overlook the NAB $100 cash award for the best essay on the American System of Broadcasting. The best essay can be in your area.*

* * *

*I'll be glad to pass on any challenge you gentlemen may care to make other members as to your chances for getting this money away from me. Edney Ridge and Ralph Brunton have come up with pretty good plans, but the money is still in the bank.*

*Let's give them some real competition!*

*Sincerely yours,*

Arthur Stringer.

## MORE STATIONS MAKE PLANS FOR NATIONAL RADIO FESTIVAL

With the addition of KSL, Salt Lake City, and KQW, San Jose, Calif., to the list of stations which have announced their decision to participate in National Radio Festival, all of the country is within the scope of operations.

Three Nebraska stations will also participate. Cliff Johnson, their program director made the announcement by wire: "KOIL (Omaha) KFAB and KFOR (Lincoln) behind you with Radio Festival. Nebraska will know about it."

In Nashville, Tenn., according to information received at headquarters, the stations in "The Athens of the South" are to have a Radio Festival in which all stations will pool their ideas and efforts. This is the same practice which Pittsburgh and Richmond broadcasters have decided best meets their needs. Nashville stations are: WLAC, WSIX and WSM.

In San Jose, Ralph Brunton, president of KQW, has completed arrangements with Superintendent of Schools, Walter Bachrodt by which 10,000 boys and girls will be brought within the radio circle. For five consecutive Saturdays, beginning with May 4, the operation of KQW will be turned over to San Jose students, and the city's entire student body will have their finger in the radio pie in some fashion or other.

After certain preliminaries, students of a different school will take over the station's operation each Saturday. They will handle sustaining and commercial schedules and will produce shows of their own including remotes from the schools featuring student talent.

Up to last Monday, phases of station operation assigned to students included: continuity writing, production, music, transmitter operation and maintenance, sales traffic, sales promotion and publicity, announcing and sound effects. The KQW staff will act in an advisory capacity.

"The entire plan", says Mr. Brunton, "is being coordinated with the National Association of Broadcasters' National Radio Festival in order that the students may be better equipped to enter the essay contest on "The American System of Broadcasting—Why It Is Best for Americans."

### Says Earl Glade

In a letter to headquarters, Earl J. Glade, executive vice president of KSL, wrote: "Thank you sincerely for your constructive suggestions regarding the Radio Festival. We shall work right along with you, and are happy to get this fine material."

In Greensboro, N. C., where Major Edney Ridge, manager, WBIG, is running up a record in the number of Mayoralty Radio Festival proclamations, the members of the Senior High School will present "Are you There" on May 3. "High Life," full newspaper size school publication carried a two column picture with complete story. Other plays are to be given at a later date.

In the Radio Festival bulletin, dated April 20, twenty stations and two transcription companies were reported as having made preliminary plans for engaging in the spring-summer industry promotion. Those stations were:

Atlantic City, N. J.—WBAB
Charlottsville, Va. —WCHV
Greensboro, N. C. —WBIG
Kansas City, Mo. —KMBC
New Orleans, La. —WWL
Pittsburgh, Pa. —KDKA, KQV, WWSW
WJAS, WCAE
Quincy, Ill. —WTAD
Richmond, Va. —WMBG, WRNL, WRTD, WRVA
Roanoke, Va. —WDBJ
Rock Island, Ill. —WHBF
Wheeling, W. Va. —WWVA
Wilmington, Dela. —WILM, WDEL
NBC Transcriptions
World Broadcasting System

## "LISTEN WHILE YOU RIDE"

It looks like a big summer for auto radio listening.

Active station executives in various parts of the country have already scheduled announcements designed to increase the hours of such listening and/or the number of auto radio installations.

Reports of auto radio promotion have reached headquarters from Boston to San Francisco. In the former city John Shepard, III, president of the Yankee Network, is lending aid, and in the latter city, Ralph Brunton, president of KJBS, is actively engaged in making the listeners of northern California auto radio and new set conscious.

Three fifteen minute programs per week over the Brunton stations, KJBS, San Francisco, and KQW, San Jose, also discuss new home sets with ample attention given to console models.

KDKA, Pittsburgh, has scheduled three announcements per week straight through the summer. They have been on for two weeks, according to James R. Luntzel, director of publicity.

The KRGV, Weslaco, Texas, campaign was of the intensive type, covering the period of April 21 through the 27. Station Manager Ken Lowell Sibson preceded it with the following letters to all radio dealers and motor car dealers:

> "Dear Mr. —
>
> "'LISTEN WHILE YOU RIDE!
>
> "'Listen While You Ride' will not only increase your spring and summer car set sales but, of course, will lift our set population. Estimates have it that there are 11,000,000 hours of auto radio listening now, based on the 7,000,000 sets in use.
>
> "I am attaching a sample of three of the announcements, in order that you might get the gist of them.
>
> "Let's boost the listening habit and set population by tying in with this 'Listen While You Ride' campaign."

And from WDZ, Tuscola, Ill., came this note from Program Director Hank Fisher:

> "We will run the auto radio announcements that you forwarded to us. Thanks for your cooperation in the past, and please don't fail to call upon us in the future for anything that we can do for you."

WGAR, Cleveland, is running auto radio announcements at regular intervals over several weeks. In addition the station will build special features for broadcast which call attention to the use of auto radios.

In the interest of more and better listening KVI, Tacoma, Washington, scheduled a service meeting in the ballroom of the Olympic Hotel, Seattle, on April 25. It was held in cooperation with Northern Radio Company and the Hygrade Sylvania Corporation, tube manufacturers of Emporium, Pa. Their Engineer, George C. Connor, was guest speaker.

## NATIONAL EMPLOYMENT WEEK

The President has signed a proclamation designating the first week in May as "National Employment Week." Full text of the proclamation follows:

> Both the State and Federal Governments have been especially concerned with the problems of older workers, many thousands of whom, despite their persistent efforts, still lack a place in industry. Among these are a considerable number of World War Veterans, men who now average 47 years of age, and who, I feel, have a particular appeal to our national sense of responsibility.
>
> Our public employment service—a Nation-wide network of 1,600 offices now operated jointly by the State and Federal Governments—has made special efforts in behalf of workers past 40 years of age, including veterans. We know from the facts gathered by this Agency that men and women in middle life possess abilities and skills which would fit them for employment in nearly every line of work. We know further that these older workers, when given an opportunity, demonstrate a seasoned experience and a mature application to their tasks which in many callings outweigh the physical advantages of youth.
>
> A year ago with these considerations in mind, I designated a National Employment Week during which I asked that all our citizens give particular and active attention to the problem of older workers who lack employment. During the month in which the special week occurred, over a third of a million jobs—a third more than during the same month of the previous year—were filled through the public employment offices, and a quarter of a million of these placements were in private industry. Moreover, placements proceeded at an accelerated rate in the month following the week set aside. Because of the concerted efforts of government, many public-spirited groups, and particularly of employers throughout the land, thousands of workers past 40, among them veterans, shared beneficially in this fine result.
>
> I am grateful for the wholehearted response to my first appeal; and as President, I desire to encourage a continued Nation-wide interest in this persistent problem.
>
> NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby declare the week beginning May 1, 1940, as National Employment Week, and Sunday, May 5, 1940, as National Employment Sunday. I urge all churches, civic organizations, chambers of commerce, boards of trade, veterans' organizations, industry, labor, public-spirited citizens, radio, and the press throughout the United States to observe that week as National Employment Week, to the end that interest in the welfare of all the unemployed, and especially the worker over 40, may be stimulated and employment be extended to them.
>
> IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.
>
> FRANKLIN D. ROOSEVELT

## ALL-EXPENSE CONVENTION TRIPS NOW BEING ARRANGED

If you are one of those who expressed interest in the All-Expense Tours to the Convention, we urge you to return to headquarters the form mailed you with the itineraries. Simply indicate the route you prefer so that we can make plans. Please do it NOW! You do not commit yourself, but it is important that we get some idea NOW as to the route you wish to travel.

It is probable that enough will choose some one route each way to warrant a special train and personally conducted train on that route, resulting in a saving of several hours time in all probability. Furthermore, if enough want to travel on other routes we can arrange for special cars for personally conducted tours on those routes.

We are endeavoring to please YOU and make your convention trip a memorable one. But you must let us know your wishes. Please do it NOW!

Russell Place, NAB counsel, who is handling arrangements for these trips, received the following letter this week from Harry R. Spence, KXRO, Aberdeen, Washington:

> "Congratulations on the splendid way in which you have worked out the proposed all-expense tours to the convention in San Francisco. These tours are very complete and are certainly flexible and they should meet with the approval of everyone. The outline indicates a great deal of thought and work and I feel sure that the plans will prove so attractive that we will have a splendid representation in San Francisco. I hope that a great many of our people will decide on going North from San Francisco as we here in the Pacific Northwest are particularly anxious that our Eastern friends should see what a great country we really

have. Don't let any of them tell you that buffalos roam the streets of Seattle and that Indians are still stopping transcontinental trains."

## WILDER THANKS INDUSTRY

Harry C. Wilder, Director of District 2, wishes to thank the entire industry for the expressions of sympathy he and Mrs. Wilder received after the death of his son, Harry, Jr., recently. Mr. Wilder is president of Station WSYR in Syracuse.

## DEMPSEY, KOPLOVITZ RESIGN

William J. Dempsey and William C. Koplovitz, FCC General Counsel and Assistant General Counsel, respectively, have submitted their resignations, to engage in private law practice jointly at Washington, D. C. The resignations are effective "at the convenience of the Commission."

In making public the impending separation, Acting Chairman Thad H. Brown commented:

"It is with genuine regret that the Commission has received the resignations of General Counsel Dempsey and Assistant General Counsel Koplovitz. They are able, industrious, and conscientious young men with an exceptionally high regard for public service. Their going is a distinct loss to the Commission."

Chairman James Lawrence Fly, who is absent from the city, wired:

"The Commission is sorry to lose such valuable services to private practice."

He credited Messrs. Dempsey and Koplovitz with expediting and simplifying Commission procedure, and particularly complimented them for their unbroken record of favorable decisions for the Commission in 7 cases before the United States Supreme Court and in 29 cases before the Court of Appeals.

Mr. Dempsey and Mr. Koplovitz have "teamed" in Government service since 1933. Before joining the Federal Communications Commission legal staff, they were counsels to the Federal Power Commission and, before that, the Public Works Administration.

## FCC AMENDS RULES

The FCC, upon consideration of the petition filed by Mayor Fiorello H. LaGuardia, New York, New York, requesting amendment of Rules 3.94(a) and 4.10, Docket No. 5450, and as a result of study of the general problems involved and after consideration of the record made during the hearing in this matter, and the report of the Committee of the Commission submitted on April 4, 1940, made the following changes in Parts 3 and 4 of its Rules and Regulations, effective immediately:

Section 3.94(c) is hereby made Section 3.94(d), and Section 3.94(d) is made Section 3.94(e), and the following is inserted as Section 3.94(c):

"*Section 3.94(c).* The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast on a noncommercial basis a noncommercial program of an international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the license certifies that express authority has been received from the licensee of the station originating the program."

Section 4.10(d) is deleted; Section 4.10(c) is made Section 4.10(d), and the following is inserted as Section 4.10(c):

"*Section 4.10(c).* The licensee of a noncommercial educational broadcast station may, without further authority of the Commission, rebroadcast the noncommercial programs of a standard broadcast station or an international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program."

The words "or noncommercial educational" are stricken from Section 4.10(b).

## HOW TO GET A LICENSE

The FCC this week issued the following statement on procedure necessary to establish a radio broadcast station:

Because radio frequencies are limited, it is necessary to license broadcast stations to serve the "public interest, convenience, or necessity."

The rules of the Commission do not contemplate licensing any new radio station, the purpose of which is to engage in broadcasting for reception by the general public, to operate with a power of less than 100 watts. This is the minimum power capable of rendering appreciable public service, and it is allowable only on frequencies allocated for local service (1200, 1210, 1310, 1370, 1420 and 1500 kilocycles).

Likewise, in the public interest, the Commission has not licensed stations to broadcast recordings only.

The approximate cost of constructing a 100-watt broadcast station is, roughly, between $5,000 and $8,000.

Any person, firm or corporation legally qualified may apply to the Commission for radio broadcast facilities in any locality. Formal application for construction permit is submitted in duplicate direct to the Commission on Form 301 (Application for Standard Broadcast Station Construction Permit or Modification Thereof), which is obtainable on request.

Each construction permit will specify a maximum of 60 days from date of grant thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

The time required for an application for a new broadcast station to go through the necessary routine varies with individual cases. In the case of a purely local station, where no interference is involved, the time can be as short as four to six weeks, providing that the application is accurately and completely filled out and all the required exhibits are appended. However, where interference and formal objection by other stations enter, a longer time is necessary.

Where the Commission, upon examination of a particular application, is unable to reach determination that a grant will serve the public interest, the case is designated for formal hearing upon specific issue, and all persons having an interest in the matter are given opportunity to be heard. Under present procedure, after a hearing has been held the parties are permitted 20 days in which to file supporting statements. The Commission then issues its "Proposed Findings of Fact and Conclusions," and the parties are allowed 20 days thereafter to file exceptions and to request oral arguments before final decision is rendered. In the event that no exceptions or requests for oral argument are received, the Commission issues an order adopting and making effective its proposed decision. This is the final determination unless there is court action.

Upon completion of construction of a radio station the permittee is authorized to test the equipment for a period not to exceed 10 days. The Inspector in Charge of the district in which station is located, as well as the Commission, are notified 2 days in advance of the beginning of equipment tests. When construction and equipment tests are completed, and after application for station license has been filed with the Commission on Form 302 (Application for

Regular Broadcast Station License) and Form 306 (Application to Determine Operating Power of Broadcasting Station by Direct Measurement of Antenna Power), showing transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service or program tests for a period not to exceed 30 days, again advising the Commission and Inspector in Charge 2 days in advance of the beginning of such tests.

Broadcast station licenses are denied corporations "of which any officer or director is an alien or of which more than one-fifth of the capital stock of record is owned or voted by aliens or their representatives."

Broadcast stations are licensed for a period of one year. Request for renewal of license is made on Form 303 (Application for Renewal of Regular Broadcast Station License).

The Government exacts no fee or other charge in connection with radio licensing.

In order to provide broadcast service to the varying population densities found throughout the United States, it has been found necessary to establish four general classes of broadcast stations:

*Class I*—which operates on a clear channel, is intended to serve a large center of population besides serving, particularly at night, the remote rural areas.

*Class II*—which also operates on a clear channel, renders secondary service over a primary service area limited by interference from Class I stations.

*Class III*—which operates on a regional channel shared by several similar stations, serves a center of population and its adjacent rural area during the daytime, and at night similarly serves the center of population but gives a lesser service to the rural region because of interference from other stations on the same channel.

*Class IV*—which operates on a local frequency shared by many similar stations elsewhere, serves a small center of population both day and night.

If an applicant for a radio station asks a special call letter assignment, whenever possible the Commission grants this request. Otherwise call letters are selected by the Commission.

Unlike telephone and telegraph, a radio broadcast station is not deemed a "common carrier" under the Communications Act. No standard tariffs apply. While certain prohibitions are imposed by the Act, the Commission is given no general censorship powers over radio broadcast programs.

Useful in connection with broadcast applications are the following publications obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., at the prices indicated: "Rules Governing Standard Broadcast Stations" (Part 3), 5 cents; "General Rules and Regulations" (Part 2), 10 cents; "Rules of Practice and Procedure" (Part 1), 10 cents, and the Communications Act of 1934 with amendments thereto, 15 cents.

## FROM THE FCC MAIL BAG

The warden of a State prison wants local radio stations to cooperate in broadcasting emergency information regarding escaping prisoners. The Commission has advised that, though the law prevents standard broadcast stations from being used for routine police work, there is no bar to news flashes containing information about escaping prisoners which may be of interest or concern to the general public.

Amateurs in a certain New Jersey city complain that local authorities charge for the privilege of "ham" operations in that locality. The Commission, which itself exacts no fee for licensing amateurs or other radio operators or stations of any kind, is inquiring as a matter of information but, of course, cannot interfere in such local matters.

The Commission still receives inquiry as to a "license for the operation of radio receivers." The answer, of course, is that no such federal license is required.

A New Yorker asks about Commission "regulations relative to rates which may be charged by standard broadcast stations for the use of their facilities." The Communications Act stipulates that stations engaged in program broadcasting are not common carriers. They are not subject to rate regulation as are common carriers such as the telephone and telegraph. Hence, the matter of charges is one resting between the stations and the sponsors.

Frequently, the Commission is asked to help locate a radio operator or a radio station employee. The Commission does not require or maintain a complete, continuing record of the whereabouts of each radio operator. It has no jurisdiction over other personnel of the broadcasting industry, and keeps no tabs on individual employees.

A recent letter suggests "the danger from X-rays to which the public will be subjected in the use of television receiving sets." According to the best available information, the efficiency of X-ray generation at the voltages employed in cathode-ray television systems is extremely low, and any X-rays so produced are of such low penetrating power as to be completely absorbed by the glass walls of the tube. Not only is this true of cathode-ray tubes in television receiving sets, but also of the tubes used in transmitters. In neither case do engineers consider there is any danger from X-radiation.

A CCC camp in Nevada wants to establish point-to-point radio communication between its main camp and a branch camp. The Interdepartment Radio advisory Committee advises the President with regard to the assignment of frequencies to Government stations and the Federal Communications Commission has no jurisdiction over such assignments. Consequently, if the proposed operation is for Government business with Government equipment and conducted by Government employees, the application is one for the Interdepartment Radio Advisory Committee to handle, but if, on the other hand service is to be privately owned, both station and operator license applications should be made to the Commission.

The Commission makes frequent reply that it is not authorized to assist individual inventors promote their radio inventions, or expedite patents thereon. Nor can it help individuals copyright or market radio programs or musical selections, or obtain positions for radio operators or performers.

By the same token, and one which the Commission has often reiterated, it cannot censor individual radio programs, or "rule" individuals either on or off the air. Therefore, it is unable to deal with a Maryland man's complaint about a program discussing the birth of babies, a magician's protest about airing the secrets of his profession, a Cleveland man's resentment at manner in which classic music is rendered by so-called "swing bands," the desire of a Massachusetts man to put all international broadcasts in Esperanto, or a Philadelphia Parent Teacher Association's criticism of the character of programs presented for children between 4 and 8 p. m.

Every so often the Commission has to point out that small radio frequency devices used as transmitters to distribute programs within buildings are capable of radiating considerable power and consequently can cause interference to radio communication in the immediate vicinity. The Commission has established regulations which permit the operation, without license, of low-powered radio frequency devices for remote control receivers, for connecting record players with receivers, and for similar applications so long as the field radiated does not exceed a predetermined value and no interference results.

Among aircraft radios recently licensed was that of Borrah Minevitch, of Beverly Hills, California. However, it may be difficult for him to sound his new call signal, KHDQH, on his famous harmonica!

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, April 29. They are subject to change.

### Monday, April 29

NEW—West Virginia Newspaper Publishing Co., Morgantown, W. Va.—C. P., **1200 kc.**, 250 watts, unlimited time.

### Monday, April 29

To Be Held Before Commissioner George Henry Payne, in the Criminal Court Room, County Courts and Jail Building, Houston, Texas.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—In re: Revocation of station license of KGFI.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for hearings and oral arguments. They are subject to change.

### May 9

Oral Argument Before the Commission

Report No. P-5:

NEW—Eddie Erlbacher, Cape Girardeau, Mo.—C. P., **2738 kc.**, 50 watts, emission A-3, unlimited time. Pts. of Comm.: With vessels on Mississippi and Ohio Rivers.

Report No. B-88:

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

### June 3

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.**, 250 watts, unlimited time.

NEW—World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—C. P., **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc.**, 250 watts, emission A, A-1, A-2, A-3, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Commission this week.

### MISCELLANEOUS

North Side Broadcasting Corp., New Albany, Ind.—Granted motion for leave to amend petitioner's application for modification of license (Docket No. 5811), so as to request additional authority to move transmitter location from McCullough Pike, near Silver Creek, New Albany, Ind., to a site to be determined, Louisville, Ky.; directed hearing now scheduled for April 19, 1940, on said application be continued without date.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted construction permit to install new transmitter, frequency **920 kc.**, 500 watts, daytime (B1-P-2835).

WGRM—P. K. Ewing, Greenwood, Miss.—Granted license to cover construction permit for move of studio and transmitter from Grenada, Miss., to Greenwood, Miss.; **1210 kc.**, 100 watts, 250 watts LS, unlimited (B3-L-1019).

Central States Broadcasting Co. (area of Omaha, Nebr.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies **1606, 2022, 2102, 2758 kc.**, power 2 watts (B4-PRY-208).

Central States Broadcasting Co. (area of Omaha, Nebr.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies **1606, 2022, 2102, 2758 kc.**, power 2 watts (B4-PRY-210).

Central States Broadcasting Co. (area of Omaha, Nebr.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies **1606, 2022, 2102, 2758 kc.**, power 2 watts (B4-PRY-209).

WKAR—Michigan State College, E. Lansing, Mich.—Denied petition to intervene in the hearing on the application of WFDF, Flint, Mich., to change frequency from **1310** to **880 kc.**, increase power from 100 watts to 1 KW, and the application of WJHL, Johnson City, Tenn., to change frequency from **1200 kc.** to **880 kc.**, and increase power from 250 watts to 1 KW. (Exception to ruling noted by counsel for petitioner.)

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Denied petition to intervene and enlarge issues in re application of WJHL, referred to above. (Exception to ruling noted by counsel for petitioner.)

Miami Broadcasting Co., Miami, Fla.—Dismissed without prejudice the application for a new station to operate on **1420 kc.**, 250 watts, unlimited time, and hearing cancelled.

Black River Valley Broadcasts, Inc., Watertown, N. Y.—Granted petition for leave to amend application for construction permit to request frequency **1210 kc.** instead of **1420 kc.**, night power of 250 watts instead of 100 watts, and make changes in equipment.

KEIV—Nichols & Warinner, Inc. (area of Long Beach, Calif.), Portable-Mobile.—Granted license to cover construction permit for changes in equipment of relay broadcast station and increase in power to 10 watts (B5-LRE-308).

KRBM—KRBM Broadcasters, Bozeman, Mont.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-361).

WCNC—Aubrey G. McCabe & Trim W. Aydlett, d/b as Albermarle Broadcasting Co., Elizabeth City, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-381).

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-374).

WJBW—Charles C. Carlson, New Orleans, La.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts; frequency **1200 kc.**, unlimited (B3-L-1130).

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted modification of construction permit for installation of new transmitter, increase in power from 100 watts, 250 watts day, to 250 watts day and night, move of transmitter, site to be determined, install vertical antenna, for approval of antenna and of transmitter site at Crow Island, Fairhaven, Mass.; **1310 kc.**, 250 watts, unlimited (B1-MP-924).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 p. m. to 3 p. m., EST, on April 27, May 4, 11, 18 and 25, 1940, in order to broadcast programs as follows: 2 to 2:10, Newscast; 2:10 to 2:30, Matinee Moods; 2:30 to 3, Suggestions in Symphony; to operate from 2 to 3 p. m., EST, April 28, May 5, 12, 19 and 26 in order to broadcast programs as follows: 2 to 2:15 p. m., Newscast; 2:15 to 2:30 p. m., Tune Travels; 2:30 to 2:45 p. m., Sabbath Mediations; 2:45 to 3 p. m., ¼ Hour in ¾ Time (provided WSVS remains silent) (B1-S-879).

KAQY—Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to use the relay broadcast equipment formerly licensed to the KANS Broadcasting Co., under call letters KDEA, on Sunday, April 21, 1940, between the hours of 1:00 and 5:00 p. m. for the purpose of broadcasting a golf match at the Wichita Country Club.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 10:00 p. m. to 11:00 p. m., CST, April 26, 1940, in order to broadcast Barnyard Frolic of Agricultural Engineering Society (B3-S-394).

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Granted license to cover construction permit for increase in power from 1 KW to 1 KW, 5 KW day, install new transmitter, and make changes in antenna and move transmitter; **1350 kc.**, shares with WAWZ (B1-L-1135). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-383).

Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26,300 kc.**, using maximum power of 1000 watts, special emission (frequency modulation) in cooperation with the licensee of high frequency broadcast station W2XJI, for a period not to exceed 30 days, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26,300 kc.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

Edwin H. Armmstrong, New York, N. Y.—Granted special temporary authority to operate frequency modulated transmitter with power of 10000 watts on **43 mc.** at the site of the transmitter of Station W2XMN, Alpine, N. J.; to be operated simultaneously with Station W2XMN (40 KW on **42.8 mc.**), in order to secure data on adjacent channel operations and to complete certain tests outlined in letter dated March 22, 1940; authority is for period beginning May 1, 1940, and ending not later than May 30, 1940.

WJHO—Yetta G. Samford, G. S. Shealy, Thomas D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Granted modification of construction permit for new broadcast station, for approval of studio and transmitter, installation of new equipment, and approval of antenna (B3-MP-940).

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted license to cover construction permit for installation of new transmitter;

frequency **1200 kc.,** 100 watts, 250 watts LS, unlimited (B4-L-1134).

KFPW—Southwestern Hotel Co., Forth Smith, Ark.—Granted license to cover construction permit as modified for change in frequency, increase in power, installation of new transmitter and new antenna, and move of transmitter; frequency **1370 kc.,** 250 watts, unlimited (B3-L-1137); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-386).

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted license to cover construction permit as modified for erection of new broadcast station; **950 kc.,** 1 KW, daytime operation (B1-L-1136); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-384).

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, New York.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-385).

WSVS—Elmer S. Pierce, Principal, Senaca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10:00 a. m. and 2:00 p. m. to 3:00 p. m., Eastern Daylight Saving Time, instead of Eastern Standard Time, for the period beginning April 28, 1940, to not later than 3:00 a. m., EST, August 1, 1940 (provided WBNY remains silent) (B1-S-225).

The Farmers & Bankers Broadcasting Corp., Portable-Mobile. (area of Wichita, Kans.).—Granted construction permit for new relay broadcast station; frequencies **1606, 2022, 2758 kc.;** power 40 watts (B4-PRY-215).

KAOW—Albert S. & Robert A. Drohlich, d/b as Drohlich Bros. (area of Sedalia, Mo.), Portable-Mobile.—Granted modification of construction permit for new relay broadcast station, to extend commencement date from March 25, 1940, to July 1, 1940 and completion date from September 25, 1940 to December 1, 1940 (B4-MPRE-43).

W1XTG—Worcester Telegram Publishing Co., Inc., Holden, Mass. —Granted modification of construction permit for new high frequency broadcast station, to extend completion date from May 6, 1940 to June 6, 1940 (B1-MPHB-56).

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted license to cover construction permit for new high frequency broadcast station; frequency **42600 kc.,** power 1000 watts, special emission, granted upon an experimental basis only, conditionally (B1-LRE-52).

KRSC—Radio Sales Corp., Seattle, Wash.—Granted modification of construction permit for changes in equipment, move of transmitter to site to be determined, Seattle, Wash., and increase in power from 250 watts to 1 KW, for approval of antenna, approval of transmitter and studio sites at 4th South and Hanford St., Seattle, Wash., and change type of transmitter; frequency **1120 kc.,** 1 KW, unlimited time (B5-MP-948).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Modification of construction permit (B2-P-2578) for new transmitter, install new antenna, increase power, and move transmitter, further requesting approval of antenna and giving transmitter site as present location, East of Valley Pike, 5 miles south of Harrisonburg, Va.

### 570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Transfer of control of corporation from South Dakota Broadcasting Corporation to Iowa Broadcasting Company, 1500 shares of Class A and 500 shares Class B stock.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 600 Kilocycles

NEW—Thumb Broadcasting Co., Brown City, Mich.—Construction permit for new broadcast station to be operated on **880 kc.,** 1 KW, daytime. Amended to change frequency requested to **600 kc.,** and power to 250 watts.

### 620 Kilocycles

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—Construction permit to increase power from 1 KW, 5 KW day, to 5 KW day and night; changes in directional antenna for night use. Amended to change name of applicant from St. Petersburg Chamber of Commerce to City of St. Petersburg, Florida.

### 800 Kilocycles

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Authority to install automatic frequency control.

WFAA—A. H. Belo Corporation, Dallas, Tex.—Authority to install automatic frequency control.

### 860 Kilocycles

WABC-WBOQ—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to install new antenna and transmitter. Move transmitter from Vincent St., ½ mile from Wayne, N. J. to Little Pea Island, New Rochelle, N. Y.

### 880 Kilocycles

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Authority to make changes in automatic frequency control.

### 940 Kilocycles

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for new broadcasting station on **940 kc.,** 500 watts night, 1 KW day, unlimited time. Amended: change type of transmitter.

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Amended to change frequency to **940 kc.,** increase power to 500 watts night, 1 KW day, change antenna and request Class III-B station.

### 950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—License to cover construction permit (B1-P-1332) as modified, for a new station.

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1050 Kilocycles

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—License to cover construction permit (B4-P-1865) as modified for new equipment, antenna and move transmitter and studio.

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans. —Authority to determine operating power by direct measurement of antenna power.

### 1150 Kilocycles

WHAM—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1200 Kilocycles

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Transfer of control of corporation from Wayne M. Nelson, E. Z. Jones and R. Hoy Whitlow *to* J. E. Lambeth, Helen McAuley Lambeth and J. E. Lambeth, Jr., 100 shares common stock.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Modification of construction permit (B1-P-2240) for increase in power, move of transmitter to site to be determined, Hartford, Conn., install new transmitter, changes in antenna, further requesting approval of antenna change in type of transmitter, increase power from 100 watts night, 250 watts day to 250 watts day and night, approval of transmitter site at NE corner of Talcott Road and S. Quaker Lane, West Hartford, Conn. Amended to give transmitter location as 983 Main St. (present location), Hartford, Conn., using present antenna and make changes in equipment.

### 1210 Kilocycles

WLOK—The Fort Industry Co., Lima, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WJW-WENI-WENJ—WJW, Incorporated, Akron Ohio.—Authority to transfer control of corporation from Wm. F. Jones, Ruth Rubin and Edw. S. Sheck *to* William M. O'Neil, 237½ shares common stock.

### 1310 Kilocycles

NEW—Keys Broadcasting Co., Key West, Fla.—Construction permit for new broadcast station on **1310 kc.**, 250 watts, unlimited time. Amended to change studio location from Duval St. at Fleming to foot of Duval St., Key West, Fla.

### 1370 Kilocycles

NEW—Central Broadcasting Corp., Sanford, Fla.—Construction permit for new broadcast station to be operated on **1550 kc.**, 1 KW, unlimited time, Class III. Amended to change frequency to **1370 kc.** and power to 250 watts, changes in antenna and request Class IV station.

WRPT—C. P. Edwards and Howard Long, d/b as Kingsport Broadcasting Company, Kingsport, Tenn.—Modification of construction permit (B3-P-2616) for a new station, requesting approval of antenna and approval of studio site at Commerce St., Kingsport, Tenn., and transmitter site at Kingsport, Tenn.

NEW—Central Broadcasting Corp., Sanford, Fla.—Construction permit for new broadcast station on **1370 kc.**, 250 watts, unlimited time. Amended to change location of transmitter to Seminole Blvd. at San Juan Ave., Sanford, Fla.; change type of transmitter and antenna changes.

WECA—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to make changes in transmitting equipment.

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—License to cover construction permit (B1-P-2246) as modified for a new station.

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—Construction permit for new broadcast station to be operated on **780 kc.**, 250 watts, unlimited. Amended to change frequency to **1420 kc.**, and changes in antenna.

NEW—Carl Sholtz, Fort Pierce, Fla.—Construction permit for new broadcast station to be operated on **940 kc.**, 250 watts, unlimited time. Amended to change frequency to **1420 kc.**, and changes in antenna.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Authority to determine operating power by direct measurement of antenna power.

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Modification of construction permit (B5-P-2551) for a new station, requesting approval of antenna and transmitter site at 2 miles southeast of Marysville at intersection of Riverside Ave. and Island Road, Marysville, and change location of studio to same as transmitter.

KLBM—Harold M. Finlay and Mrs. Eloise Finlay, La Grande, Ore.—Voluntary assignment of license and construction permit from Harold M. Finlay and Mrs. Eloise Finlay to Harold M. Finlay.

### 1460 Kilocycles

KSTP—KSTP, Inc., St. Paul, Minn.—Modification of construction permit (B4-P-1828) as modified for move of transmitter, installation of new equipment and directional antenna, and increase in power, requesting extension of completion date from 5-8-40 to 7-8-40.

### 1500 Kilocycles

NEW—Robert V. Lee, Bradenton, Fla.—Construction permit for new broadcast station on **1120 kc.**, 250 watts, unlimited time. Class IV. Amended: To change frequency from **1120** to **1500 kc.** and changes in antenna.

## MISCELLANEOUS

NEW—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Construction permit for a new relay broadcast station on **30820, 33740, 35820,** and **37980 kc.**, 2 watts, A-3 emission, Portable-Mobile, in area of Fairbanks, Alaska.

NEW—William G. H. Finch, New York, N. Y.—Construction permit for a new high frequency broadcast station to be located at 1819 Broadway, New York, New York, to be operated on **117910 kc.**, 1 KW power, unlimited time. Special emission. Amended: To request **43000 kc.**

W8XAD—WHEC, Inc., Rochester, N. Y.—License to cover construction permit (B1-PHB-81) as modified, for new high frequency broadcast station. Amended: Re: tubes in last stage of equipment.

W8XVC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—Modification of construction permit (B2-PFB-15) as modified for new facsimile broadcast station, requesting extension of commencement and completion dates from 5-6-40 and 11-6-40 to 11-6-40 and 5-6-41 respectively.

NEW—World Publishing Co., Omaha, Nebraska.—Construction permit for new developmental broadcast station (formerly B4-PEX-31) on **41000 kc.**, 1000 watts, special emission for frequency modulation. Amended: To change type of station to high frequency broadcast, **42600 kc.**

WENS—Radio Station WSOC, Inc., area Charlotte, N. C.—Construction permit to make changes in equipment.

KEMA—May Seed & Nursery Co., area Shenandoah, Iowa.—Voluntary assignment of license from May Seed and Nursery Co. to May Broadcasting Company.

NEW—WICA, Inc., Ashtabula, Ohio.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1 KW, special emission for frequency modulation.

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for new high frequency broadcast station on **42600 kc.**, 250 watts, special emission for frequency modulation.

NEW—L. B. Wilson, Inc., Portable-Mobile (area Cincinnati, O.).—Construction permit for new relay broadcast station to be operated on **1646, 2090, 2190, 2830 kc.**, 25 watts, A-3 emission.

NEW—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit for new high frequency broadcast station to be operated on **43400 kc.**, 1000 watts power, emission A-3-special. Amended: Emission: Special for frequency modulation.

NEW—L. B. Wilson, Inc., Portable-Mobile (area Cincinnati, O.).—Construction permit for new relay broadcast station to be operated on **1646, 2090, 2190, 2830 kc.**, 250 watts power, A-3 emission.

W9XAO—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for increase in power from 1000 watts to 50000 watts, install new transmitter and operate on a regular commercial basis.

NEW—Evansville On The Air, Inc., Evansville, Ind.—Construction permit for new high frequency broadcast station to be operated on **43000 kc.**, 250 watts, special emission for frequency modulation.

NEW—General Electric Co., area Schenectady, N. Y.—License for new special relay broadcast station to be used in connection with International Broadcast Stations WGEA and WGEO, when same program is not being broadcast by station WGY. Frequencies: **31220, 35620, 37020** and **39260 kc.** Power 2 watts. A-3 emission. Equipment of relay station WEIA.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Formerly B4-ML-905, modification of license to move main studio from New Albany, Ind., to Louisville, Ky. Amended to change application to construction permit and move of transmitter from New Albany, Ind., to site to be determined, Louisville, Ky., and make changes in antenna.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for new high frequency broadcast station on **42600 kc.**, 250 watts, A-3 emission. Amended to change frequency to **43200 kc.**, 250 watts power, and **117190 kc.** with 50 watts power. Special emission for frequency modulation.

NEW—General Electric Co., area Schenectady, N. Y.—License for new special relay broadcast station same as B1-LRE-309 above except equipment of relay station WEIB.

NEW—Rensselaer Polytechnic Institute, Troy, N. Y.—Construction permit for new high frequency broadcast station on **42800 kc.**, 250 watts, special emission for frequency modulation.

NEW—WJIM, Inc., Lansing, Mich.—Construction permit for new high frequency broadcast station on **43200 kc.**, 1000 watts special emission for frequency modulation.

W8XVH—WBNS, Inc., Columbus, Ohio.—Construction permit to increase power from 250 watts to 10000 watts; move transmitter locally to 1035 Barnett Road, Columbus, Ohio; new equipment and operate on regular commercial basis.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Candy & Sales Company**—See Blue Ribbon Candy Co., Inc.

**Blue Ribbon Candy Company, Inc.,** also trading as American Candy and Sales Company, 124 Tenth St., N. E., Atlanta, is charged with distributing to wholesale dealers, jobbers and retail dealers, assortments of candy so packed and assembled as to involve the use of games of chance or lottery schemes in their sale to ultimate consumers. Certain assortments, the complaint alleges, are composed of bars of candy of uniform size together with a device commonly called a push card. Concealed within disks on the card are numbers ranging from 0 to 3 inclusive, and the purchaser pays 1 to 3 cents, or nothing, according to the disks punched, the price of the candy being determined wholly by lot or chance. 4091

**Capital City Candy Company**—R. L. Jackson, trading as Capital City Candy Company, 506-508 Decatur St., S. E., Atlanta, is charged with distributing to wholesale dealers, jobbers and retail dealers assortments of candy and also push cards, which, when punched, determine the prices of the bars of candy, wholly by lot or chance. 4092

**Chicago Technical College,** 118 East 26th St., Chicago, distributor of home-study courses in drafting, air-conditioning, refrigeration and building, is charged, in a complaint with misrepresentation.

In advertisements in newspapers and magazines, and in radio broadcasts, the respondent is alleged to have represented, among other things, that "This certificate is issued to ................ and will be accepted by the Chicago Technical College as payment in full for the complete course, 'Inside Facts on Drafting', provided that this certificate is accompanied by his enrollment for the college home study courses in drafting"; that employment and consultation services are offered free to students and graduates; that Chicago Technical College is an accredited school and the leading school for builders, and that the home-study training in air-conditioning and refrigeration will qualify one for the top-ranking positions in the air-conditioning and refrigeration field. 4089

**Federal Compress & Warehouse Company**—Alleging a combination or conspiracy tending to restrain competition and create a monopoly in the compressing and storing of cotton and in the interstate sale of jute or burlap bagging and steel bands used in compressing cotton, a complaint has been issued against Federal Compress & Warehouse Company, Memphis, Tenn., R. L. Taylor, chairman of its board of directors, other of its officers and agents, and four cotton ginning companies which it directly or indirectly owns or controls through the respondent Taylor.

Other respondents are Valley Gin Company, Blytheville, Ark.; Mississippi Valley Gin Company, Jackson, Miss.; Tensas Parish Gin Company, Newellton, La.; Madison Parish Gin Company, Inc., Tallulah, La.; Binford Hester, Memphis, president of Federal Compress & Warehouse Company; E. F. Wade, Little Rock, Ark., and Winston E. Cheairs, Memphis, its vice presidents, and W. Dennis Brown and Fred Schneider, of Lake Providence, La., agents.

Federal Compress & Warehouse Company, either directly or indirectly through the respondent Taylor, owns and operates 80 compress plants in Arkansas, Louisiana, Tennessee, Mississippi Missouri and Texas and cotton ginning subsidiaries in Mississippi, Louisiana and Arkansas, according to the complaint.

Through a combination or conspiracy among the respondents, the complaint alleges, Federal Compress & Warehouse Company and R. L. Taylor have erected and operated cotton gins, charging fees for ginning which are below the prevailing fees of competitors in the same territory and below actual operation cost, for the purpose and with the effect of driving competitors out of business and of obtaining the cotton so ginned for the respondents' various compress plants, and to enable Federal Compress & Warehouse Company, at its compress plants, to sell the jute or burlap bagging and steel bands or ties sold and used in connection with the compressing of such cotton.

The complaint alleges that through its officers and agents, the individual respondents Hester, Wade, Cheairs, Brown and Schneider, Federal Compress company attempted to acquire the stock held in competing compress enterprises by cotton growers and independent gin operators through threats that their stock would decline in value and become worthless as a result of the Federal Compress company's competitive ginning activity; that the respondents threatened to erect gins and to gin cotton below cost or free of charge in competition with such independent ginners unless they shipped their ginned cotton to Federal Compress company in preference to competitive compress plants, and that by such threats the respondents caused cotton gin owners to ship the cotton ginned by them to Federal Compress plants in preference to the competitive plants in which they were financially interested. 4090

**Wholesale Liquor Distributor's Ass'n of N. C.**—A complaint has been issued charging the Wholesale Liquor Distributors' Association of Northern California, Inc. and the Liquor Trades' Stabilization Bureau, Inc., both of San Francisco, their officers, directors and members, and 16 corporations selling liquor at wholesale in northern California and western Nevada, with restraint of trade through maintenance of a price fixing policy and discrimination against certain classes of dealers.

Respondent liquor companies are: Rathjen Bros., Inc., Parrott & Co., Haas Bros., Tonkin Distributing Company, Schenley Distillers, Inc., and Coffin-Redington Company, all of San Francisco; Somerset Importers, Ltd., McKesson & Robbins, Inc., Browne Vinters Company, Inc., Seagram Distillers Corporation, Fleischmann Distilling Corporation, and National Distillers' Products Corporation, all of New York; Gooderham & Worts, Ltd., and Hiram Walker & Sons, Inc., both of Detroit; Brown-Forman Distillers Company, Inc. and Frankfort Distilleries, Inc., both of Louisville, Ky. Those companies having headquarters in cities other than San Francisco maintain branches there.

Respondent officers and directors of the Wholesale Liquor Distributors' Association of Northern California, Inc. are: J. M. Tonkin, San Francisco, president; J. F. Ferrari, Bakersfield, Calif., vice president; Max Sobel, San Francisco, secretary-treasurer; Sante Quattrin, San Francisco, executive secretary, and A. M. Berberian, Fresno, Calif., Chas. Bigley, San Jose, Calif., H. L. Hanson, and J. J. Bottaro, both of Sacramento, Thomas Lenehan, R. F. Jose, C. L. Sauer and Sherwood Coffin, all of San Francisco, Floyd Trombetta, Santa Rosa, Calif., Andrew Rosaia, Eureka, Calif., and John Pingree, Oakland, Calif., directors.

The complaint points out that McKesson & Robbins Inc., Haas Brothers, Rathjen Bros., Inc., Tonkin Distributing Company, and Coffin-Redington Company are members of the Wholesale Liquor Distributors' Association and representative of its numerous members. The respondent Liquor Trades' Stabilization Bureau, Inc. is composed of distillers, importers, distributors and retailers, among whom are the respondents, who are representative of its membership.

The complaint alleges that the respondents, collectively and through the association and the bureau, conspired to suppress competition in the wholesale liquor trade in the "Northern California Territory" (northern California and western Nevada) by preventing cooperative buying associations, small jobbers, wholesalers and others classified by them as "irregular" distributors, from obtaining alcoholic beverages. This allegedly was accomplished by refusal to sell to such dealers, boycotting and threatening boycott of the products of those who did sell to them, and disseminating or threatening to disseminate information to the trade concerning the dealers so boycotted or threatened with boycott for selling to "irregulars." 4093

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**John B. Canepa Company**—In the case of John B. Canepa Company, 30 West Grand Ave., Chicago, manufacturer of macaroni and spaghetti products, it has been found that prior to July 12, 1938, the respondent had caused booklets and other advertising matter to be distributed in the various States, containing such advertisements as: "I hate to brag, but only the finest macaroni is made long", and "I hate to brag, but only the finest spaghetti is made long". Since that time the advertisements have been modified to "I hate to brag, but genuine macaroni is made long", and "I hate to brag, but genuine spaghetti is made long."

It was found that such statements and representations are misleading and unfair, and that in fact genuine macaroni and spaghetti products of the finest quality are made in both long and short lengths, and that macaroni and spaghetti of the finest quality are in some instances first made in long lengths and thereafter cut into short lengths, the length being no criterion of the quality of the product.

The respondent corporation is ordered to cease and desist from further representing that the length in which macaroni or spaghetti products are manufactured or sold by the respondent or any of its competitors is in any way indicative of the genuineness or quality of such products. (3744)

**Eileen-Joy Fashions, Inc.**—See Teen-Frocks, Inc.

**General Distilleries Corporation**, 77-79 Homestead Ave., Hartford, Conn., has been ordered to cease and desist from misuse of the word "distilleries."

General Distilleries Corporation was organized in 1934, and its officers are Abraham Abrahamson, president, Julian Shoor, treasurer and manager, and David L. Abramson, secretary. While its charter is sufficiently broad to permit it to engage in almost any phase of the liquor business, the Commission finds, until September 26, 1938, it was engaged solely in the blending of whiskies, wines, gins and other spirituous beverages and their sale at wholesale. In September, 1938, it was granted a distiller's basic permit authorizing it to produce brandy by distillation, since when it has produced, bottled and sold brandy produced in a distillery which it leases in Burlington, Conn.

Of the whiskies purchased by it in bulk from distillers, the findings continue, it bottles some straight without alteration, and other whiskies after blending or rectifying. The gin manufactured by it through the process of redistillation of purchased alcohol over juniper berries and other aromatics, is bottled and sold to the trade and constitutes approximately 15 per cent of the volume of its business. The whiskies, both straight and blended, constitute 50 to 60 per cent of its trade and the brandy which it produces constitutes the balance. The Commission finds that the respondent never has produced or manufactured distilled spirits except the brandy produced since 1938. The rectification of alcoholic spirits by the respondent in the production of gin does not make or constitute it a distiller or a distilling company as defined by Section 3247 of the Revised Statutes of the United States regulating Internal Revenues, according to findings.

The Commission orders that the respondent, General Distilleries Corporation, in connection with the offering for sale, sale and distribution of whiskies, gins or other spirituous beverages (except brandies actually distilled by it, and except gins produced by it through a process of rectification whereby alcohol purchased but not produced by the respondent is redistilled over juniper berries and other aromatics) forthwith cease and desist from representing, through the use of the word "Distilleries" or any other word of like import, in its corporate name, on its stationery, advertising, or labels attached to the bottles in which its products are sold and shipped, or in any other way (a) that the respondent is a distiller of such whiskies, gins or other spirituous beverages; or (b) that the whiskies, gins or other spirituous beverages were by it manufactured through a process of distillation; or (c) that the respondent owns, operates or controls a place or places where any such products are by it manufactured by a process of original and continuous distillation from mash, wort or wash, through continuous closed pipes and vessels until the manufacture thereof is completed, unless and until the respondent shall actually own, operate or controls such a place or places. (2445)

**Heifler & Jackson**—Rose Heifler and Fred Jackson, doing business as Heifler and Jackson, 740 Bergen St., Brooklyn, engaged in selling and distributing a preparation for treatment of the scalp and hair under the trade name of "Morgan's Pomade," have been ordered to discontinue certain representations concerning their product.

In advertising material, circulars and pamphlets, the Commission finds, the respondents represented: "Undoubtedly the finest remedy for *gray* or *faded hair* is *Morgan's Pomade*. This is not a dye, but a special compound which when massaged into the roots of the hair, nourishes it back to its original color and luster * * *."

The Commission finds that the preparation is a lead and sulphur dye which, when applied to gray hair, dyes the exterior of the hair shaft. Use of the preparation does not supply to the hair shaft the color pigments, a deficiency of which material causes gray hair. The advertisements, the findings continue, contain no statements to the effect that application of the preparation to a tender skin, or to skin on which there are lesions which have broken the continuity of the integument, may be injurious.

The respondents are ordered to cease and desist from disseminating any advertisements representing that the preparation is not a tint or dye; that its application causes the hair to change its color without dyeing; that its use will restore the original color to gray hair or prevent hair from falling out; that it penetrates into the roots of the hair and enriches the hair, or any advertisements which fail to reveal that the application of "Morgan's Pomade" to tender, injured or broken skin may result in serious injury to the health of the user. (3893)

**Indian River Medicine Company**, La Follette, Tenn., engaged in compounding, selling and distributing a medicinal preparation designated "Scalf's Indian River Tonic," has been ordered to cease and desist from certain representations concerning its product.

In advertisements in newspapers, periodicals, and through broadcast continuities, the Commission finds, the respondent has represented, among other things, that the preparation will prevent and cure colds and build up resistance to other minor ailments; that it is a competent and effective treatment for rheumatism, asthma, sleeplessness, ailments of the liver, kidneys and stomach, and that it affords positive or certain relief from chronic ailments.

Findings are that the tonic will not perform the things claimed for it and will not afford positive or certain relief for any ailment.

The respondent corporation is ordered to cease and desist from representations that the preparation will prevent or cure colds; build up resistance to other ailments; has any therapeutic value in the treatment of sleeplessness, nervousness, indigestion, liver, kidney or stomach disorders, asthma, or aches or pains in the head or joints; is composed of natural vegetable ingredients; will increase weight, restore strength or build up the health of users, or that it affords positive or certain relief for any ailment. (3940)

**Ladies Aid Company**—See Progressive Medical Company.

**Lenoir Solvent Company**—See Lenoir Woodfinishing Company, Inc.

**Lenoir Woodfinishing Company, Inc.**, Lenoir, N. C., and Arthur G. Spencer, individually and trading as Lenoir Solvent Company, have been ordered to cease and desist from unfair business practices in the payment of money and things of value to officials and employees of their customers, without the consent of the customers.

Lenoir Woodfinishing Company, Inc., has, since 1938, been engaged in the manufacture of paints, varnishes, stains and various wood finishing products, and in their sale to woodfinishing concerns and furniture manufacturers. Prior to the time of incorporation of Lenoir Woodfinishing Company, Inc., Arthur G. Spencer, now its president and sales manager, was engaged in the manufacture and sale of similar wood finishing materials under the trade name Lenoir Solvent Company.

The Commission finds that in the conduct of their businesses the respondents have given substantial sums of money and other things of value to certain officials and employees of their customers or prospective customers, without the knowledge or consent of the customers, for the purpose of inducing the officials or employees to purchase or recommend the purchase of the respondents' products. In some instances, the findings continue, certain employees of customers were given 7 or 10 per cent of the purchase price of all materials purchased from the respondents by such customers.

The respondents are ordered, in connection with the sale of their products, to cease and desist from giving sums of money and other things of value to officials and employees of the respondents' customers or prospective customers, without the knowledge or consent of the customers, for the purpose of inducing such purchases. (4048)

**Progressive Medical Company**—Blanche Kaplan, trading as Progressive Medical Company and as Ladies Aid Company, 3944 Pine Grove Ave., Chicago, engaged in the sale and distribution of medicinal preparations for delayed menstruation, has been ordered to cease and desist from false and misleading advertisements concerning her products.

In advertisements and by means of booklets, circulars and other printed matter distributed in the various States, the Commission finds, the respondent has represented that her medicinal preparations known and designated as "Ladies' Aid No. 2, Ordinary Strength", and "Ladies' Aid No. 3, Extra Strength", are cures or remedies for delayed menstruation and are non-irritating, mild, efficient and specific treatments therefor.

Last January the Federal Trade Commission was granted a preliminary injunction by the United States District Court for the Northern District of Illinois, Eastern Division, enjoining the respondent from disseminating any advertisement, for the purpose of inducing, or which is likely to induce, the purchase of the preparations, which the petition stated might cause serious and irreparable injury to health if used under conditions prescribed in the advertisements, or under conditions that are customary or usual. The preliminary injunction was effective pending issuance by the Commission of a complaint and final determination of the action under its regular procedure.

The respondent is now ordered by the Commission to cease and desist from disseminating any advertisement for the purpose of inducing or which is likely to induce, the purchase of the preparations, which advertisements represent the preparations as constituting safe, competent, efficient or specific treatments for delayed menstruation, or that their use will have no ill effect upon the human body, and which advertisements fail to reveal that the preparations, when taken under conditions prescribed in the advertisements or under conditions that are customary or usual, may result in serious or irreparable injury to health. (4002)

**Teen Frocks, Inc.**—Prohibiting misrepresentations in the sale of women's wearing apparel, an order has been issued against Eileen-Joy Fashions, Inc., 1375 Broadway, Teen Frocks, Inc., 520 Eighth Ave., New York, and Morris Scharf and Henry Dudkin, individually and as officers of the corporations, who formerly were co-partners trading as Eileen-Joy Fashions.

The order directs the respondents to cease and desist from using the unqualified terms "Satin", "Taffeta", "Crepe de Chine", "Crepe" or any other descriptive terms of similar import indicative of silk, to designate any fabric or product not composed wholly of silk, provided that when such terms are truthfully employed to describe the type of weave, construction or finish, they must be qualified by using in letters of equal conspicuousness words accurately describing the fibers or materials from which the products are made.

Further prohibited, under the order, is use of the unqualified term "Silk", or other similar terms indicative of silk, to designate a fabric or product not composed wholly of silk, provided that in case of a fabric or product made partly of silk and partly of other materials, such terms may be used as descriptive of the silk content when immediately accompanied by words of equal conspicuousness accurately describing such other materials in the order of their predominance by weight, beginning with the largest single constituent.

Use of the phrase "Pure Dye" or other words of similar meaning to describe fabrics not composed wholly of unweighted silk, also is forbidden under the order, provided that in case of a fabric or material composed in part of unweighted silk and in part of other materials, such words may be used as descriptive of the unweighted silk content if there is included in immediate conjunction therewith and in letters of equal size and conspicuousness, words accurately designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent.

The advertisement and sale of fabrics, garments or other products composed in whole or in part of rayon, without clear disclosure of the rayon composition, also is prohibited, and when such fabrics or products are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including the rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent. (4038)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**American Standard Corporation,** 122 East 42nd St., New York, engaged in selling incandescent lamps, agrees to cease and desist from the use on its stationery and other printed matter or in any other way of the word "Manufacturers" as descriptive of the business conducted by it, and from use of the word "Manufacturers" or any similar words which tend to convey the belief to purchasers that it actually owns and operates or directly and absolutely controls the plant or factory in which its products are made. (2745)

**Atlas Wood Preservative Company, Inc.,** 332 Madison Ave., Memphis, Tenn., distributor of a chemical preparation intended for protection of wood from termites, decay and fungi, has entered into a stipulation to discontinue certain representations.

The respondent agrees to cease representing that its preparation, "Xter-Mite," when applied as directed to woods, will embalm or adequately preserve and thoroughly penetrate them, prevent decay and also attacks by termites or insects, prevent their return, and increase the strength of the wood, and to discontinue use of the coined word "Permanize" or words of similar meaning implying that "Xter-Mite" remains permanently in or on the wood and will not dry out or lose its effectiveness.

Other representations which the respondent agrees to discontinue are that "Xter-Mite" has received the approval of leading architects, engineers, the Federal Housing Administration or others, when such is not a fact; that termites or other wood boring insects cause serious damage in four to six months, will practically ruin a structure before their presence is discovered, and are in all wood; that termites became established throughout the United States in 1936 or any other year, unless there is scientific or other accepted authority for this claim; that there are 44 species of destructive termites in the United States or that one female termite lays 80,000 eggs a day; that termites or the termite "civilization are superior to the human race, and that many or all States have enacted laws under which termite eradicating operators are licensed, when such is not a fact.

The respondent also stipulates that it will desist from use of the word "guarantee in connection with the advertisement or sale of its products, unless whenever used, clear disclosure be made of exactly what is offered by way of security, as for example, refund of purchase price. (2747)

**Felder Brothers, Inc.,** 583 Broadway, New York, distributor of leather and imitation leather goods and novelties, has entered into a stipulation in which it agrees to cease employing the phrase "Genuine Leather Composition" as descriptive of any article not composed of genuine leather, and from use of the words "Genuine" or "Leather" or words of similar import in a manner tending to deceive purchasers into believing that products containing other materials are actually made of leather.

The stipulation points out that the respondent designated certain billfolds as "Genuine Leather Composition, Barkhyde," when in fact they were composed of a paper material with which leather fibers had been combined, sometimes known to the trade as "Compolether," and that this material was neither genuine leather nor made from the hide of any animal.

The respondent also stipulates that it will desist from using the word "Barkhyde" as a trade name for its products; from use of the expression "Bark" or of any other trade name, coined name or other word descriptive of a product as being the hide of an animal which is in fact non-existent and from use of the word "Hyde" or any other word implying that a composition fabric is composed wholly of the hide of any animal. (2753)

**H & L Conversions**—W. M. Houston and M. Logan, trading as H. & L. Conversions, 2112 Addison St., Berkeley, Calif., have agreed to a stipulation to discontinue certain representations in the sale of a mechanical device permitting the use of either fuel oil or gasoline in the ordinary gasoline engine and designated by various names, including "Dies-L-Gas," "Semi Diesel Fuel Oil Conversion Unit," "Des-A-Gas Unit," and "H. & L. Fuel Oil Conversion Unit."

Among other representations, the respondents agree to cease advertising by use of the words "Semi-Diesel" or otherwise, that the "H. & L. Fuel Oil Conversion Unit," when attached to an ordinary gasoline engine, converts it into an engine functioning in the manner of a "Semi-Diesel" engine, or, by use of the words "Des-A-Gas," "Dies-L-Gas" or otherwise, that the conversion unit converts an ordinary gasoline engine into an engine functioning in the manner of a Diesel engine.

The respodents also agree to cease advertising that reliable evidence at present indicates that "Diesel engines will be in our automobiles within a year"; that by use of the respondents' device an ordinary gasoline engine will be capable of delivering as much power or more power per gallon of fuel oil than it ordinarily could do on gasoline without the use of the device, and that with the use of the respondents' product the performance of a motor on fuel oil or on low grade gasoline will be equal to or superior to that of the same motor on a good grade of gasoline. (02542)

**Hook-Fast Specialties, Inc.**, Providence, R. I., dealer in buckles, belts, bracelets and other specialities designated "Hook-Fast Products," has entered into a stipulation in which it agrees to discontinue certain representations in the sale of its products.

The respondent agrees to cease advertising that it sets agents up in business for themselves; that the profits, earnings or income will be big or substantial or will come in daily or increase weekly; that prospective agents can make profits or earnings within a specified time which are in excess of the average net profits or earnings theretofore consistently made in like periods of time by the respondent's active, full-time agents under normal business conditions.

The respondent also stipulates that it will cease employing the words "free" or "without cost" to describe merchandise offered as compensation for distributing the respondent's products, unless all terms and conditions are clearly stated and there is no deception as to price, quality or other features of the merchandise, or as to services to be performed in connection with obtaining such merchandise. (02545)

**International Dress Company, Inc.**—Two New York corporations, one distributing dresses, the other selling silk and rayon dress goods, have entered into stipulations in which they agree to discontinue certain representations in the sale of their products. The respondents are International Dress Company, Inc., and Knickerbocker Textile Corporation, both of 1400 Broadway.

Each respondent corporation agrees to cease selling articles made of rayon without disclosure in advertising matter, forms and literature that the material of which they are composed is rayon. The stipulations provide that if the word "Celanese" is used to designate a product composed of rayon, it shall be immediately accompanied by the word "Rayon" in equally conspicuous type to clearly indicate that the article is rayon; for example, "Celanese Rayon."

International Dress Company, Inc., also stipulates that it will desist from use of the word "Manufacturers" as descriptive of its business. The stipulation points out that this corporation is not a manufacturer of dresses or other products and neither owns, operates nor controls machinery or equipment for making dresses but purchases materials which it turns over to independent contractors operating such plants, for transformation into dresses at stated prices. (2751-2752)

**Knickerbocker Textile Corp.**—See International Dress Co., Inc.

**Lignotite Company**, 2727 Archer Ave., Chicago, manufacturer and distributor of casein glue, has entered into a stipulation in which it agrees to discontinue, in connection with the sale and distribution of its product, from use on its invoices or other printed or advertising matter, or otherwise, of the word "waterproof" or of any other word or words of similar meaning or implication as descriptive of its glue product, which is not, in fact, waterproof, and from use of the word "waterproof" in any way so as to import or imply that the product is impervious to water or its effects. (2754)

**Juliette Marglen Products Company**, 6638 Sunset Blvd., Hollywood, Calif., engaged in selling a line of toilet preparations for use on the fingernails, known as "Juliette Marglen Seal-O-Wax," "Juliette Marglen Nail-O-Wax," "Juliette Marglen Wax-O-Namel," "Juliette Marglen Creme-O-Wax," and "Juliette Marglen Nail-O-Wax Remover," has agreed to cease and desist from use of the word "Wax" as part of the trade name or designation for any of the products, and from use of the word "Wax" in any way to imply or convey the belief to purchasers that the products are composed of wax, or of any statements or representations tending to convey the belief that they contain wax in such amount as to form a continuous wax coating such as would afford protection to the nails to which applied, or of any representations that the products will afford any appreciable aid in keeping the cuticle soft and pliable, or that their use will encourage the growth of stronger or thicker nails, or have a stimulating effect on the nails, or prevent cracking, breaking or splitting of the nails of the user. (2748)

**J. W. Oneal Chemical Company**—John W. Oneal, trading as J. W. Oneal Chemical Company, Martins Ferry, Ohio, in connection with the sale and distribution of "To-He-To Ointment," has agreed to cease use in advertising matter or otherwise of representations implying that the product is a competent or effective remedy for colds, headaches, sore throat, croup, pneumonia, chafed hands, itching piles, sore muscles, chilblains, bruises, rheumatism or hay fever, or that it will do more than serve as a palliative in connection with certain of these conditions. The respondent also agrees to discontinue use of the word "Chemical" as part of his trade name or otherwise to imply that he is a chemist or employs chemists in the compounding or manufacture of the product, when these are not the facts. (2742)

**Emil J. Paidar Company**, 1120 North Wells St., Chicago, in connection with the sale of chromium plated steel furniture, agrees to desist from the use of the trade designations or brands "Chrometube" or "Chromedtube" as descriptive of products not composed throughout of chromium metal, and from use of the words "Chrome" or "Chromed" or any similar coined word as descriptive of the metal content of a product not chromium throughout. The stipulation provides that if, in referring to products made of steel which is merely coated or covered with chromium, the words "Chrome" or "Chromed" or words of similar import are used as descriptive of the coating or covering, such words are to be immediately accompanied by another word such as "plated" so as to indicate clearly that the products are not composed throughout of chromium. (2757)

**Presto Company**—Maurice A. Goodman, trading as The Presto Company, 197 Lexington Ave., New York, engaged in the sale of furniture and of a cleaning fluid designated "Presto", has agreed to cease representing or implying by use of the word "makers" or any similar words, that he actually owns, operates or controls the plant in which the product is prepared, and to discontinue employing the statements "Presto Cleans Clean", "Removes all stains quickly and permanently", or any other similar statements, when in fact the use of the product will not return to their original appearance all kinds of fabric materials regardless of the nature of the stain or marking to which the materials have been subjected. The respondent also agrees to cease use of the term "non-inflammable" or any similar words as descriptive of the cleaning fluid. (2743)

**Sempray Jovenay Company,** 650 Turner Ave., N. W., Grand Rapids, Mich., has entered into a stipulation in which it agrees to cease certain representations in the sale of "Sem-Pray Jo-Ve-Nay", a cosmetic preparation.

The respondent agrees to desist from the representation that its product is a complete beauty treatment; that it will smooth away or remove lines from the skin or change the normal texture of the skin to make it seem finer; that the preparation will keep the skin young and that it is a competent treatment for blackheads and will remove all traces of foreign matter from the pores. (02544)

**Stafford Publishing Company,** 87 Walton St., Atlanta, Ga., engaged in the sale and distribution of books, including two sets of encyclopedias has agreed to discontinue use of the word "Publishing" as part of its corporate or trade name or in any way tending to convey the belief that the business conducted by it is that of a printer or publisher, or that it actually owns, operates or controls the plant in which the publications distributed by it are printed and published. The respondent also agrees to cease use of the trade name "Publishers Credit Syndicate" on its stationery or otherwise for the purpose of making collections of delinquent accounts of customers who have subscribed for the encyclopedias when in fact no such collection agency exists or is employed by the corporation, and to discontinue use of the word "free" or any other term of similar implication as descriptive of products offered by the corporation in connection with the sale of its "deals," when in fact the products are not given free or as a gratuity, but the cost thereof is included, either in whole or in part, in the price of the "deals." (2746)

**Wellington Manufacturing, Inc.,** 28 West 25th St., New York, distributor of men's haberdashery, has entered into a stipulation in which it agrees to cease certain representations in the sale of its products.

The respondent agrees to discontinue using the word "Manufacturing" as part of its corporate or trade name, the word "Manufacturers" as descriptive of its business, and any other words implying that it manufactures the products it sells or owns and operates a factory in which they are made, when such are not the facts.

The respondent also agrees to cease representing by means of tags, advertising matter or oral presentation, that fabrics of domestic manufacture are "Imported Fabrics"; to cease employing the words "Pure Silk of Heavy Quality" or "Silk" independently or as part of or in conjunction with other words in trade designations, advertisements or otherwise, to describe fabrics or merchandise not made of silk; to desist from offering for sale any product made of rayon without clear disclosure of such rayon composition; from branding or otherwise designating a product as all wool when its fiber content is not wool throughout; from describing neckties or other products not made or fashioned according to the craft of a tailor as "Hand Tailored"; and from representing that the goods it sells are available to the purchaser at manufacturer's prices or at manufacturer-to-consumer prices, or otherwise implying that its customers save a middleman's profit at the prices quoted. (2755)

**Western Mills, Inc.,** 912 First St., Sioux City, Iowa, has entered into a stipulation to discontinue certain representations in the sale of stock feeds.

The respondent corporation, a manufacturer, agrees to cease using the word "Meat", either alone or in connection with the words "Scraps" or "Meal", in the trade name for a product which is not composed wholly of meat, meat scraps or meat meal, unless, if the product is composed in substantial but less than a predominant part of meat or meat products, and the word "Meat" is used to refer to such meat content, it shall be made to appear clearly that the product does not consist entirely or in predominant part of meat or meat products or meat meal. (2761)

**Wigder Manufacturing Company,** 26 Wickliffe St., Newark, N. J., agrees to cease advertising that its manicuring instruments are "rust proof", or, by use of the term "rust proof" or any other expression of similar import, that articles which have not been scientifically processed in a manner that will absolutely prevent the rusting thereof, are rust proof. (2756)

## FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against Floral Art Card Company, Inc., 110 Wooster St., New York, which had been charged with violation of the Federal Trade Commission Act in the sale of greeting cards.

The closing order recites that the respondent is out of business and the corporation dissolved.

The Commission closed its case without prejudice to its right to reopen it and resume prosecution, should future facts so warrant.

NAB Reports
The National Association of Broadcasters
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 18, May 3, 1940

## BMI Developments

At ASCAP's annual dinner last week, Gene Buck took down the old blunderbuss and got in a little target-practice. He was, as usual, aiming at the broadcasters and, as usual, no hits were registered.

According to *Variety* he "defied the broadcasters to produce a single instance where any American industry was able to purchase the raw material, on which it lives, anywhere 'for such a ridiculously low percentage of its gross earnings as that requested from radio by the Society.' "

The broadcasters might in turn ask Mr. Buck to produce any other instance of an American industry which is being forced by a monopoly to buy raw material which it does not need and cannot use.

A recent, widely circulated magazine article showed that 84% of daytime network programs are non-musical. Yet they are all taxed by ASCAP for "raw material" that is not used.

Approximately 22% of commercial time makes use of Mr. Buck's "raw material." On that ground his organization demands an amount estimated by *Variety* to be approximately 50% of the networks' profits. "Ridiculously low percentage!" wails Mr. Buck.

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Mr. Buck is actually a man of unflinching nerve. In his speech that night he charged that the radio receipts, on which the broadcasters had agreed to pay 5%, during 1939 were about $130,000,000 and that the broadcasters had nevertheless paid only about $4,000,000.

The statement took the nerve of a Baron Munchausen. It is phony on its face. If it were true, of course, ASCAP would file suit for its extra $2,500,000 instead of twiddling its thumbs in despair while Gene Buck does his Demosthenes impersonation.

The answer is that every radio station paid its 5% as agreed and Buck is simply grousing because the contracts were not made stiffer than they were.

Carl Haverlin, BMI's station relations director, has made a statistical analysis of the position of BMI and the results are a cause of great enthusiasm. He finds that a large majority of the broadcasting industry is solidly behind the company. Commercial stations, making up 53.2% of the total number and doing more than 80% of the dollar-volume of business are now committed to the enterprise.

This total includes 73.7% of all CBS stations, 68.1% of NBC, 45% of Mutual, 39.4% of the independents.

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Arthur H. Gutman has joined the staff of BMI as director of arrangements and publication. He is one of the best known arrangers in the country and an outstanding composer. The list of songs he has arranged reads like a section from a list of the leading hits of the last eighteen years—"What'll I do?"—"Always"—"All Alone"—"Russian Lullaby"—"Underneath the Harlem Moon"—"Yes, Sir, That's My Baby!"—and so on into the hundreds.

He was head arranger for ten years for Irving Berlin, Inc., for four years for Crawford Music Co., and for the past four years with Local 802, the important New York unit of the American Federation of Musicians.

Under a pen-name he himself has written many popular numbers and under his own name he has produced notable symphonic works. His Third Symphony is to be played by the New York Philharmonic under Frieder Weissman at the Lewisohn Stadium in New York this summer; his string suite will be broadcast by an orchestra under Howard Barlow on the Everybody's Music program during the summer; and his Second Symphony will be played by the Pittsburgh Orchestra under Fritz Reiner next November.

Mr. Gutman is a living embodiment of the present trends of progress in American music. The old idea that "popular" music was not "good" or that good music could not be popular is going the way of Prohibition, mah-jong, and jokes about Haile Selassie. America is swinging around to the point where people will question whether music is "good" unless it is also popular. One evidence of that trend is that the same men write and play both for dance-bands and for symphony orchestras. Benny

(Continued on page 4214)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## BMI DEVELOPMENTS

*(Continued from page 4213)*

Goodman plays Mozart at New York's Town Hall. Arthur Gutman arranges BMI songs for dancing.

BMI steps into the lead in the progress of American music.

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CBS issued another memorandum to its affiliated stations on the ASCAP situation last week. Herbert V. Akerberg, vice president in charge of station relations signed the letters.

Mr. Akerberg's letter:

Dear Mr. —————:

Since Mr. Klauber's letter of April second, the situation on the music front is proceeding entirely satisfactorily. Broadcast Music, Inc., has secured the Cole catalogs and has closed other deals, and current releases of new popular numbers are now being made available to us. Our own efforts in the past three weeks have resulted in substantial elimination of ASCAP numbers on our network sustaining programs.

You will also be interested to know that, in spite of the fact that no response was requested to Mr. Klauber's letter, a large number of stations have voluntarily written expressing their appreciation and endorsement of Columbia's position. Other stations to whom we talked since this letter was received by them have also taken the same position. No station has indicated any disposition to accept the ASCAP bait.

As many have expressed it to us, this unanimous reaction is conclusive proof of the complete failure of the old ASCAP tactics of "divide and rule." This first, and perhaps decisive, battle having been won, we are even more convinced of the ability of broadcasters to break the ASCAP strangle hold on our industry.

If you have not already written us, I would certainly appreciate hearing from you and getting your reaction.

---

E. C. Mills, chairman of the administrative committee of ASCAP, confirmed reports that the society had paid royalties amounting to $5,099,302 to its members during the last year, and $33,187,440 since it first began to realize an actual income in 1921. The figures were given out by Gene Buck, president of the society, at the annual fifteen wired music corporations and closed dinner on April 24.

Mr. Buck's report also showed that during 1939 the society had issued licenses to 14,836 theaters, 678 commercial radio stations, 9,991 restaurants, 1,852 hotels, 2,895 dance halls, 2,257 miscellaneous commercial establishments.

From these licensees the society received a gross income of $6,565,592.18, which, after being reduced by 19 per cent for administrative overhead and another 10 percent for the foreign affiliates of the society, was distributed among the members. The first royalties which the society gave out, in 1921, amounted to $81,883, as compared to the present $5,099,302. Of the royalties for 1939, approximately $4,000,000 came from radio, the report stated.

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The BMI board met April 30, but made no statement after the meeting.

## ORCHIDS TO DORSEY

The correspondence which we print below speaks volumes on the broadcasting of phonograph records. The artists need radio's plugs. That goes for the songwriters, too. Orchids to Tommy Dorsey for being a realist! Here are the letters:

"April Twenty-fourth, 1940.

Mr. Neville Miller
National Association of Broadcasters
Washington, D. C.

Dear Neville:

I know that all stations are delighted with the trend the phonograph record situation has taken. I have felt all along that if a sufficient number of stations discontinued the playing of records that the manufacturers would soon realize the advantage of this promotion and understand fully that they could not "hornswaggle" the stations into paying for the privilege of selling their commodity.

For your files, I am enclosing copy of a letter from Mr. Jack Egan, Public Relations Manager for Tommy Dorsey. This clearly indicates the value the recording artist places on the publicity given their records by radio stations.

Sincerely yours,
E. K. Cargill,
*President-Manager,*
RADIO STATION WMAZ."

"Dear Sir:

. . . It has always been our desire to cooperate with those who help in the promotion of Tommy Dorsey and his band and wish to offer any cooperation I might be able to give in this respect at this time.

Naturally, we'd like to see you use Tommy's records on some of your wax shows and assure you there will be no complaint from this quarter as long as it's okay with the Victor people for the stations to play the recordings of their artists. . . .

Trusting we may find our way to your turntables again in the Victor-Bluebird packages and with many thanks for your kind favors, I remain,

Cordially,
Jack Egan,
Public Relations for Tommy Dorsey."

"April 29, 1940.

Mr. E. K. Cargill, President
Radio Station WMAZ
Macon, Georgia

Dear E. K.:

Many thanks for your letter enclosing copy of letter from Jack Egan. I believe that the last few months have proved conclusively what we all knew, i.e., that the playing of records on the radio really is beneficial to the artists and the record companies.

With kindest regards, I am,

Very truly yours,
Neville Miller."

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# Promotion

## RADIO FESTIVAL PLANNING UNDER WAY EVERYWHERE

Radio Festival planning is getting into high gear with more stations reporting activity and progress, east, west, north and south.

From one end of the "Father of Waters" to the other, from the Atlantic to the Pacific and in-between, station executives and their staffs are hard at work to insure a job well done.

Governor Payne Ratner, of Kansas, was the first state chief executive officially to proclaim National Radio Festival. Date for observance of the event in Kansas was announced, on May 1, for the week of May 20-25, on account of the early closing of schools. Ben Ludy, manager, WIBW, Topeka, personally, made arrangements with Governor Ratner.

The first Mayor to proclaim a municipal Radio Festival Week, as previously reported, was Mayor Ralph L. Lewis, of Greensboro, N. C. Major Edney Ridge, manager, WBIG, who negotiated this deal, has secured similar proclamations from the Mayors of Burlington, Reidsville, High Point, Gibsonville and Asheboro.

Date for every Radio Festival, may we repeat, is to be determined by the station executive. The date need not agree with that named in a state proclamation. This is repeated because the date for closing schools is the chief factor influencing the timing of Radio Festival Week; and it has been noted that in adjacent counties the closing dates sometimes vary as much as ten days or two weeks.

WHIZ, Zanesville, Ohio; KGVO, Missoula, Mont.; WICC, Bridgeport, Conn.; WDRC, WTHT and WTIC, Hartford; WNBC, New Britain; WELI, New Haven; WNLC, New London, and WBRY, Waterbury, have prepared truly outstanding plans for impressing their youngsters and oldsters with reasons for the existence and continuance of the American System of Broadcasting.

Fairly complete accounts of their plans were mailed to members on April 30, because it was believed that they contain helpful suggestions which may have a bearing on the problems of others.

Short accounts of various Radio Festival plans not previously reported follow:

BECKLEY, W. VA.—WJLS

Manager Joe L. Smith, Jr., writes: "A thing like this (Radio Festival) we want to do well, and it is only by giving the proper amount of planning that we find we are able to do so. We will keep you informed as we progress."

CONNECTICUT STATIONS—Week of June 3-8.

| | | | |
|---|---|---|---|
| WATERBURY | WBRY | HARTFORD | WDRC |
| NEW LONDON | WNLC | HARTFORD | WTHT |
| NEW HAVEN | WELI | HARTFORD | WTIC |
| NEW BRITAIN | WNBC | BRIDGEPORT | WICC |

At a joint meeting stations decided to hold National Radio Festival the week of June 3-8.

Dr. Alonzo Grace, state commissioner of education, will carry the torch in the Essay Contest. He will deliver, by radio, the basic information for students who enter the competition.

The first essay broadcast is scheduled over WTIC, 7:45-8:00 p.m., on May 7, by Dr. Grace. On subsequent days, over the other stations, will be played his recording which is to be made at the time of the WTIC broadcast. Assistance of other educators in the state school system insures maximum participation.

Radio sets for all winners from the sixth grade through high school have been provided for award to Connecticut students. Other plans are in the making, with James F. Clancy, WTIC's sales promotion manager, sitting in the slot.

An additional prize of $100, provided by WTIC, will compensate for entries received from the station's service area outside of Connecticut in Western Massachusetts, Vermont and New Hampshire.

DURHAM . . . WDNC . . . Week of June 3-8.

When Robert J. Stratton, program director, received news of Radio Festival, he and the staff immediately went to work to produce an outstanding celebration. As a result of their planning the Durham interpretation will greet the public during the week of June 3-8.

The essay contest will be conducted in the city schools. All essays will be received at WDNC by May 27. Adequate prizes are provided.

The police department has been tied into Radio Festival through a two-way police radio demonstration which will be broadcast.

Windows in the business district will carry appropriate displays and in the station's large studio there will be a week's showing of products from local mercantile establishments.

EL PASO . . . KTSM.

Plans are under way in El Paso Manager Karl O. Wyler said: ". . . you can expect some information on our activities within a short time."

FORT WORTH, TEXAS . . . WBAP.

Harold Hough, general manager, is looking after Radio Festival. Pre-Radio Festival promotion should be under way in the immediate future according to word just received.

MIAMI . . . WQAM.

Norman MacKay, advertising director, writes that WQAM's participation is set for the early part of June. "Congratulations on your aggressiveness."

MINNESOTA.

Minneapolis and St. Paul.

WCCO, WDGY, WLB, WTCN, KSTP, WMIN.

All Twin City broadcasters, at an evening meeting, last week, decided to take on what may be billed as an outstanding observance of Radio Festival. Plans are in the making. Without knowing a single detail, it's a safe bet that the whole Northwest will know about this industry-wide event. Earl H. Gammons, general manager, WCCO, is to report progress.

MISSOULA, MONT. . . . KGVO . . . May 12-18.

Because of early school closings, Missoula's Radio Festival is scheduled for May 12-18 with the last three grammar school grades, high schools and Montana State University cooperating.

Two significant programs are the PTA sponsored show which will discuss: "Using the Radio as a Means of Making the Home the Center of Family Culture, Entertainment and Education," and the University's special Radio Festival thirty minute broadcast on which President George Finlay Simmons will detail: "What Radio Has Done and Is Doing for Montana State University."

The Mayor of Missoula will proclaim the event. Merchants will decorate their windows and there will be special displays of local and nationally advertised products. The city and county schools are even now engaged in the Essay Contest.

Another contest will be conducted in the State "U" by Program Director James Alden Barber. It will concern dramatic scripts with the winner to be produced by and cast with college students; and broadcast by KGVO.

Several special shows, straight across the board, will be broadcast during the week. Grammar school youngsters will appear in "Citizens of Tomorrow," in which they will be interviewed. Those to appear before the microphone will be selected by their classmates.

Outlying high school students will appear daily on the "Man on the Street" show.

On another quarter hour series persons from various walks of life will give the answers to what radio means to them.

A lengthy five-minute series will be devoted to service talks by the station's engineer, selected service men and radio dealers.

The station itself will sponsor a show along the lines of CBS' "Americans at Work." The struggle to launch a commercial program through all stages, from the time of its inception, is the theme selected.

One of the city's newspaper editors has been booked to discuss: "The Freedom of Radio and the Press."

The university chorus and orchestra will appear on the half hour show with President Simmons. Invitations to visit the station, both written and over the air, will be extended listeners by A. J. Mosby, president, KGVO.

Institutional posters placed in downtown store windows will explain that advertising is the economic base of the American System of Broadcasting; that merchants using time help support the many hours of radio entertainment available every day.

NEW ORLEANS . . . WDSU, WJBW, WNOE, WSMB, WWL.

Henry Dupre, special events, WWL, writes that a meeting of all New Orleans broadcasters has been called to iron out other plans for National Radio Festival.

The ceremonies centered about the opening of WWL's new studios, on or about May 6, will also be tied in the Radio Festival, according to Mr. Dupre. He has been assured that the Governor of Louisiana and the Mayor of New Orleans will proclaim National Radio Festival Week.

PHILADELPHIA . . . KYW, WCAU, WDAS, WFIL, WHAT, WIP, WPEN, WTEL, WIBG.

Says Joseph Connolly, of WCAU: "There is a meeting here Tuesday (April 30) of the representatives of all local stations at which time plans for cooperative promotion will be laid. Each station will also handle individual promotions, too. We hope to match last year's performance."

PITTSBURGH . . . KDKA, KQV, WJAS, WWSW, WCAE.

Pittsburgh broadcasters are almost ready to announce final plans. Tentative plans are most imposing. They're even talking of a "giant radio ball" as a part of Radio Festival, "in which the orchestra from each of the stations would play . . . in addition there would be a floor show made up of talent of radio, stage and screen stars."

QUINCY, ILL. . . . WTAD . . . Week of May 27.

Examinations in public schools necessitate setting of WTAD's National Radio Festival celebration for the week of May 27.

C. Arthur Fifer, general manager, has arranged for the demonstration-talk to be given before six (6) civic organizations. The basic information for public school essay contestants will be broadcast on May 28, 29 and 30. Thank you, Mr. Rothschild and Mr. Fifer.

ROSWELL . . . KGFL.

Manager W. E. Whitmore will bring National Radio Festival to the listeners of Roswell and Hobbs, N. M. The demonstration-talk, from Edward A. Allen, president, WLVA, Lynchburg, will be given before the civic clubs in both cities. Other events are being planned. Preliminary information indicates that Mr. Whitmore will receive the state Radio Festival proclamation from the Governor.

WASHINGTON.
Seattle . . . KIRO, KRSC, KXA, KOMA, KJR.
Tacoma . . . KVI.

Representatives of the above six stations had their first joint meeting some ten days ago and decision was made to get behind National Radio Festival. Special station programs are now being planned, according to word from Peter Lyman, director of public relations, KOMO and KJR, and Dorothy Doernbecher, promotion, KVI.

TOPEKA . . . WIBW . . . May 20-25.

In accordance with Governor Payne Ratner's proclamation, naming May 20-25, National Radio Festival week, Ben Ludy, manager, WIBW, is busy with plans for the event. On one of the special programs, the Governor will undoubtedly appear.

Mr. Ludy sparks to the job search idea. On Sunday, May 19, on the "I Want a Job" program, participants will consist entirely of students. "This is just one angle that we are working on to date. I will keep you fully advised as to developments," he said.

ZANESVILLE . . . WHIZ . . . May 13-20.

The Mayor of Zanesville will officially open Radio Festival week in that Ohio city on Monday, May 13, during a full hour broadcast over WHIZ, in accordance with firm arrangements completed by Allen Haid, program director. A choir of 350 voices and other smaller groups will also appear on the opening broadcast.

The city's twelve public schools have been tied in with the event and at least 750 of the more than 6,000 boys and girls will appear before the microphone. Big blocks of time, a minimum of one hour, will be utilized every day.

Coincident with Radio Festival, the Zanesville Board of Education will hold a series of meetings for teachers and educators of Zanesville and vicinity to discuss the possibilities and eventualities of education by radio.

Radio merchants, servicemen and distributors are participating at station's invitation. Its management is keenly aware that this group is basically important if a station is to render maximum service.

Following the opening hour show on Monday, Radio Festival observation will be shifted to a full hour in the afternoons, except on Friday when it will be extended an additional thirty minutes. On Friday evening WHIZ will also carry the banquet program arranged by the Institute for educators and townspeople.

Dr. James Roland Angell, former Yale president and NBC's Educational Counselor, will deliver the main address. The cream of the school talent which will have appeared during the previous days will surround Dr. Angell's talk with a musical setting.

## Sales

### ADVERTISING BUREAU RELEASES SIXTH SUCCESS STORY

The NAB Bureau of Radio Advertising has issued the sixth in its series of "Results from Radio" studies. Vol. 1, No. 6 is on the subject of Garden and Field and tells the case history of "The Old Dirt Dobber", a participating program heard daily for six years over WLAC, Nashville, Tenn.

The four sponsors, all of whom report unusual sales results from the informal, low-cost program of gardening advice and information, are Eason-Morgan (Paint-Glass), H. J. Grimes (Dry Goods), Boyd Nursery (Plants), and Nashville Electric Service (Light & Power).

The Bureau's series of radio success stories are available to advertisers, agencies and member stations on request.

## REAL ESTATE AND BUILDING FIELD SALES MANUAL READY

A 42-page compendium of program ideas, success stories, promotion plans and other aids in selling more real estate and building trades advertising has been released to all members by the NAB Bureau of Radio Advertising.

Entitled "Building Field Sales Manual," the loose-leaf folder was produced in cooperation with the Federal Housing Administration, who provided detailed facts and figures on the FHA Insured Mortgage Plan for new, low-cost home financing.

Housing experts predict 1940 will see large-scale production of the $2,500 home, which has recently been developed to answer the widespread public demand for a small, but well-built dwelling, to be purchased through a moderate 5% to 10% down payment and monthly installments averaging less than a dollar a day. Here, it is believed, is the *mass* housing market, and the Bureau of Radio Advertising for some time has felt that radio is the ideal medium to carry this story of the $2,500 home to the entire public on behalf of the builders, contractors, and many other types of business concerns who will benefit thereby.

The Building Sales Manual is an attempt to gather, all under one cover, the successful ideas and experiences of radio stations and other media in developing real estate into an important field of local advertising. Extra copies of the manual are available without charge to NAB member stations.

## FREE OFFERS

Bert Nevins Publicity Offices in New York City have a new angle on the old game of "trying to get something for nothing" from radio stations. Representing Fierman & Kolmer, manufacturers of women's coats, they would like boradcasters to make an air survey to find out just what sort of coats women will buy next fall. They offer listeners merchandise prizes, and in return for the broadcasters' assistance in donating free time, etc., Nevins "are giving stations an opportunity to entice mail response and test their audience . . ."

The Bureau of Radio Advertising has urged them to withdraw their request rather than endanger the goodwill and reasonable cooperation of the broadcasting industry. The Bureau has also sent the usual letter to the following firms, who have recently sought free time for commercial purposes:

Fox Feature Syndicate—Transcriptions of "The Blue Beetle" Comic Feature
Hal Roach Studios—Special Deal on "1 Million B. C." Movie
Metro-Goldwyn-Mayer—Weekly Radio Script Service
Lawrence H. Selz Organization—Scripts on behalf of manufacturers of insultating materials.

## COST-PER-INQUIRY

The percentage advertising proposals are almost as numerous, and twice as persistent, as the free offer boys. Although H. W. Kastor Advertising Agency reported to the Bureau that they have withdrawn their recent "30% of sales" proposition on behalf of Pazo, similar offerings have come from three other agencies:

Barron Advertising Company, Kansas City, Mo. (on behalf of National Protective Insurance Company)
Burton G. Feldman & Associates, Chicago, Ill. (on behalf of a perfume account)
C. J. Ollendorf Advertising, Chicago, Ill. (on behalf of M-G Laboratories).

The Bureau of Radio Advertising has written these concerns, stating the industry's position on such contingency offers, and inviting them and their clients to use radio at card rates for best results. At the same time, the Bureau has pointed out what it believes to be a short-sighted attitude on the part of these agencies in trying to place business on a percentage basis, since such propositions would tend to break down radio's rate structure, thus eventually eliminating agency commissions. (If all advertising were bought on a per-inquiry basis, there would be little need for agency advice and services, since results would be automatically guaranteed or there would be no cost to the advertiser. NAB and its members, however, would prefer not to see the agency eliminated from the advertising picture, and for that reason, among others, are definitely opposed to cost-per-inquiry.)

## ATTENTION: SALES MANAGERS

All sales managers should read that section of this week's REPORTS dealing with the Wage and Hour Act and local advertisers on this page. Local advertisers might have been confused by the newspaper editorial mentioned, and should be set straight.

# Labor

## WAGE AND HOUR ACT

Col. Philip B. Fleming, Wage and Hour Administrator, and his legal advisors say that broadcasters are not safe in following Social Security tax procedure in determining whether talent charges should be lumped with staff salary in determining an overtime rate.

The Wage and Hour Administration's Interpretative Bulletin No. 13 (Section 17) says, in part:

> "An employee may work 40 hours for Company A and 15 additional hours during the same week on a different job for Company B. In this case it would seem that if A and B are acting independently of each other with respect to the employment of the particular employee, both A and B, in ascertaining their (overtime) obligations under the Act, would be privileged to disregard all work performed by the employee for the other company. If, on the other hand, the employment by A is not completely disassociated from the employment by B, the entire employment of the employee for both A and B should be considered as a whole for the (overtime) purposes of the statute. Whether the employment by A and B are completely disassociated depends, of course, upon the facts in the particular case."

Col. Fleming told Joseph L. Miller, NAB Labor Relations Director, last week that he did not consider the employment of, say, an announcer by an advertiser as "completely disassociated" from employment by the station unless the advertiser hired, paid, and fired the announcer *directly*.

A long list of arguments against this interpretation failed to move either Col. Fleming or his lawyers.

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The NAB has asked the *New York Herald-Tribune* to correct an editorial statement (April 26) that "if a local business advertises over a radio station heard outside its state it has been construed to be in interstate commerce within the meaning of this grotesque statute."

Local advertisers might take the *Herald-Tribune's* statement to mean that advertising by radio would automatically bring the advertisers' employees under the Wage and Hour Act. This is not so.

Joseph L. Miller, NAB Labor Relations Director, sent the following radiogram to the newspaper:

> The broadcasting industry certainly would appreciate a correction of the statement in your editorial entitled "Wage and Hour Absurdities" this morning that "If a local business advertises over a radio station heard outside its state it has been construed to be in interstate commerce." In an opinion on this question given us last November 27, Joseph Rauh, Assistant General Counsel of the Wage and Hour Division, U. S. Department of Labor, stated that "The mere fact that the employer uses the facilities of radio broadcasting to advertise his products would not ordinarily make his entire business subject to the coverage of the Act." The broadcasting industry has had its troubles under the Wage and Hour Act despite the fact that its average weekly wage of $45.20 is one of the highest in the country. However, the prospective radio advertiser whose employees are at present exempt from the Act need not fear that advertising by air will bring those employees under the Act.

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Chances for amendment of the Wage and Hour Act at the current session of Congress are slim.

Even if the Senate approves the amendments that the House likely will pass this week, they face a Presidential veto. But the Senate probably won't pass them.

### KGCU PROCEEDINGS SETTLED

The National Labor Relations Board today announced approval of a consent decree to be presented to the Eighth United States Circuit Court of Appeals settling the issues involved in proceedings involving Mandan Radio Association, Inc. (KGCU), Mandan, North Dakota.

The decree provides that the company will cease discouraging membership in the International Brotherhood of Electrical Workers (A. F. of L.), by discharging or refusing to reinstate any employee because of union activities.

The consent decree also provided for the payment by the company of $300 to Paul M. Edwards in full satisfaction of amounts he would have earned from March 21, 1939, to the present day.

On May 2, 1939, the Board issued a complaint against the company, operator of radio station KGCU, alleging certain unfair labor practices. Subsequently, after an Intermediate Report by the Board's trial examiner, the parties entered into a stipulation providing for the entry of an order by the Board and further providing for a consent decree to be entered upon the basis of that stipulation.

The Board today announced approval of the stipulation and also approved of the consent decree to be entered by the Court.

## Legal

### RADIO IN THE COURT

On Friday, April 26, the Special Committee on Cooperation between Press, Radio and Bar met in New York at the office of Mr. Arthur Hays Sulzberger, President and Publisher of the *New York Times*. A draft of a summary statement of principles to serve as a guide in relations between the three interested groups was submitted in behalf of the Chairman, Mr. Giles Patterson, Jacksonville attorney, who was absent on account of illness. Discussion of the draft centered chiefly around the use of cameras and microphones in the courtroom. Committee members will study the proposal and submit their views at a later date. It is worthy of mention that radio in all respects is accorded equality of treatment with the press in the draft statement.

A subcommittee was appointed to serve as a conference committee on any cases which may arise requiring cooperative action. The conference committee is composed of: Mr. Giles Patterson, representing the American Bar Association; Mr. Neville Miller, representing Radio; Mr. Paul Bellamy, representing the American Newspaper Publishers Association; Mr. Stuart H. Perry, representing the American Society of Newspaper Editors.

The radio members of the committee in attendance were: Neville Miller, Frank M. Russell, Harry C. Butcher.

Russell P. Place, Louis G. Caldwell, and Philip M. Loucks. Other members attending were:

American Bar Association:

Mr. John G. Jackson—Jackson, Fuller, Nash & Brophy, New York City.
Mr. Alfred A. Cook—Cook, Nathan, Lehman & Greenman, New York City.
Judge Oscar Hallam—Dean, St. Paul College of Law, St. Paul Minn. (formerly Associate Justice, Minn. State Supreme Court).

American Newspaper Publishers Association:

Mr. Paul Bellamy—Cleveland Plain Dealer—Chairman.
Mr. Richard W. Clark—New York News.
Mr. W. F. Wiley—Cincinnati Enquirer.
Mr. Arthur Hays Sulzberger—The New York Times.

American Society of Newspaper Editors:

Mr. Stuart H. Perry—Adrian (Michigan) Telegram—Chairman.

## CONTEMPT OF COURT

Recent cases have highlighted the conflict of public interests involved in comment by the press on court cases and judges. They apply with equal force to comment by radio.

In California, the Los Angeles Times was adjudged guilty of contempt of court for editorials held tending to interfere with the administration of justice in two cases which were still pending. In affirming the judgments, the upper court followed the Bridges case holding unconstitutional the California statute providing that comment not made in the presence of the court shall not be deemed contumacious. The United States Supreme Court on April 8 decided to review the Bridges case. Their decision, it is expected, will resolve the conflict between the inherent power of the court to punish for contempt, and freedom of speech, press and radio.

In St. Louis the editor of the *Post-Dispatch* was recently adjudged in contempt for criticizing a judge after the case was over. Missouri has a statute banning criticism of a judge after a case is closed. Appeal has been taken.

## STATE LEGISLATION

Mississippi:

H. 1137 (Patterson) PRIVILEGE TAX CODE—To revise the privilege code and to repeal Chapter 20, Laws of the Extraordinary Session of 1935, and amendments thereto. Referred to Committee on Ways and Means.

# Miscellaneous

## EDUCATIONAL BROADCASTING INSTITUTE HOLDS BANNER MEETING

Featured by the largest attendance of commercial broadcasters in its history, the Eleventh Institute for Education by Radio held a three-day session in Columbus, Ohio, this week.

Among the 500 persons present were representatives of some 60 commercial radio stations.

The affiliates of NBC and CBS held closed meetings. There was also a general meeting of stations, under the auspices of the NAB, to discuss problems of public service broadcasting. Ed Kirby, Director of Public Relations, and Joseph L. Miller, Director of Labor Relations, represented the Association.

William J. Dempsey, retiring General Counsel of the Federal Communications Commission, addressed the dinner session on April 30.

The list of awards for the Fourth American Exhibition of Recordings of Educational Radio Programs was announced as follows:

### I. Network, National Organization, or Clear-Channel Station

a. *For general use by adults. Lecture, talk, speech.*

First Award. "What Makes an American." From the series "Meet Mr. Weeks." Planned and produced by the National Broadcasting Company.

Honorable Mention. "Frances Scott Key." From the series "Pilgrimage of Poetry." Planned and produced by the National Broadcasting Company.

Honorable Mention. "The Movable Feast of Thanksgiving." From the series "The Story Behind the Headlines." Planned and produced by the American Historical Association.

Honorable Mention. "Elmer Davis and the News." Broadcast of March 11, 1940. Planned and produced by the Columbia Broadcasting System.

b. *For general use by adults. Demonstration or participation program.*

First Award. "Tour of Palomar Telescope." A special broadcast. Planned and produced by Station KFI, Earle C. Anthony, Inc., Los Angeles.

c. *For general use by adults. Dialog, round-table conversation, interview, debate, question and answer.*

First Award. "Propaganda." From the series "University of Chicago Round Table." Planned and produced by the National Broadcasting Company and the University of Chicago.

Honorable Mention. "What Are the Real Issues in the European War?" From the series "America's Town Meeting of the Air." Planned and produced by the National Broadcasting Company in cooperation with Town Hall, Inc.

d. *For general use by adults. All forms of dramatization.*

First Award. "Abraham Lincoln." From the series "Cavalcade of America." Planned and produced by the E. I. duPont de Nemours & Co., Inc.

Honorable Mention. "Seems Radio Is Here to Stay." From the series "So This Is Radio." Planned and produced by the Columbia Broadcasting System.

Honorable Mention. "Johnny Got His Gun." From the series "Arch Oboler's Plays." Planned and produced by the National Broadcasting Company.

Honorable Mention. "My Client, Curly." From the series "Columbia Workshop." Planned and produced by the Columbia Broadcasting System.

e. *For general use by children. Any type of out-of-school children's program.*

No First Award.

Honorable Mention. "Rapunzel." From the series "Let's Pretend." Planned and produced by the Columbia Broadcasting System.

f. *For use in school by primary children (approximately Grades I-III).*

First Award. "Mind the Signs!" From the series "Let's Sing." Planned and produced by the Prairie Farmer, Station WLS.

g. *For use in school by elementary children (approximately Grades IV-VI).*

First Award. "Animals in Our Pattern of Life." From the series "New Horizons, American School of the Air." Planned and produced by the Columbia Broadcasting System.

Honorable Mention. "Current Events." A special broadcast of March 22, 1940. Planned and produced by Station KEX, Radio Service of the Oregonian.

h. *For use in school by junior and/or senior high-school pupils (approximately Grades VII-XII).*

First Award. "Where We Live." From the series "This Living World, American School of the Air." Planned and produced by the Columbia Broadcasting System.

First Award. "Square Dances." From the series "Folk Music of America, American School of the Air." Planned and produced by the Columbia Broadcasting System.

*Special Class. Distinguished productions containing educational values.*

First Award. "Pursuit of Happiness." Broadcast of December 31, 1939. Planned and produced by the Columbia Broadcasting System.

### II. Local and Regional Station or Organization

a. *For general use by adults. Lecture, talk, speech.*

First Award. "Talk by Thomas Mann: 'The Problem of Freedom'." From the series "University of Minnesota Convocations." Planned and produced by University of Minnesota Radio Station WLB.

b. *For general use by adults. Demonstration or participation program.*

First Award. "The School of Modern Miracles." From the series "Know Your Schools." Planned and produced by the Spokane Public Schools.

First Award. "Adventures in Music." A special broadcast. Planned and produced by the Municipal Broadcasting System, Station WNYC.

c. *For general use by adults. Dialog, round-table conversation, interview, debate, question and answer.*

First Award. "Student Council and Student Government." From the series "Student Opinion." Planned and produced by the Radio Council of the Chicago Public Schools.

Honorable Mention. "Diplomas and Jobs." From the series "Careers in Public Service." Planned and produced by New York University.

d. *For general use by adults. All forms of dramatization.*

First Award. "Civil Liberties in Wartime." From the series "Accent on Liberty." Planned and produced by Station WOSU.

Honorable Mention. "Guam and the Naval Appropriations Bill." From the series "Following Congress." Planned and produced by Wisconsin State Station WHA.

e. *For general use by children. Any type of out-of-school children's program.*

No First Award.

Honorable Mention. "World of Music." From the series "World of Choral Music." Planned and produced by the Wayne University Broadcasting Guild.

Honorable Mention. "The Three Dwarfs." From the series "Children's Theatre of Junior League of Roanoke. Planned and produced by Station WDBJ.

f. *For use in school by primary children (approximately Grades I-III).*

No First Award.

Honorable Mention. "Feeling Phrases." From the series "Rhythmic Activities." Planned and produced by the Cleveland Public Schools.

g. *For use in school by elementary children (approximately Grades IV-VI).*

No First Award.

Honorable Mention. "Upper Lakes Region." From the series "This Land of Ours." Planned and produced by Wisconsin State Station WHA.

h. *For use in school by junior and/or senior high-school pupils (approximately Grades VII-XII).*

First Award. "Senator Borah Died Last Friday." From the Series "Living History." Planned and produced by Wisconsin State Station WHA.

*Special Class. Distinguished productions containing educational values.*

First Award. "America Calling." A special broadcast. Planned and produced by Station KSTP, Minneapolis.

## NAB CITED AS OUTSTANDING TRADE ASSOCIATION

A certificate of merit for the NAB was presented to Neville Miller last week by the American Trade Association Executives.

The NAB was cited "for its achievement in instituting a system of self-regulation designed to make further Government regulation or control unnecessary, and which would deserve and earn public confidence. Its code included industrial regulation requirements as to the broadcasting of controversial public issues, religious and current news broadcasts, and the types of advertising acceptable. The self-imposed restraint caused some loss in revenue, but won wide public approval."

## MILLER CONGRATULATES McCARRENS

Neville Miller congratulated John S. McCarrens of the Cleveland *Plain Dealer* last week upon his reelection as president of the American Newspaper Publishers Association.

In a letter to Mr. McCarrens, Mr. Miller said:

"I think that radio and the newspapers have much in common, especially during times such as these, and I hope that if any matters come up at any time concerning which you believe I could be of help to you, that you will not hesitate to call upon me."

## INSTITUTE OF PACIFIC RELATIONS

The Institute of Pacific Relations says that it has no hidden motive in offering broadcasters material about the Far East. The Institute says it is financed for the most part by research foundations, including the Rockefeller. (See NAB Reports, p. 4185.)

## FRED M. SHELDON

Charles Lee Harris, business manager of WGRC, Louisville, Ky., wants to know the whereabouts of Fred M. Sheldon.

# Engineering

## CHANGE IN FREQUENCY BROADCASTS

Important changes in the broadcasting of standard frequency signals by the National Bureau of Standards, Department of Commerce, were announced this week by D. J. H. Dellinger, Chief of the Bureau's Radio Section.

The new service differs from that heretofore available as follows: (a) the frequency of 20 megacycles per second is replaced by 15 megacycles per second; (b) announcements will be given by voice only, not by telegraphic keying; (c) the announcements during the broadcasting of the standard musical pitch will be given every 5 instead of every 10 minutes; (d) the ionosphere bulletins are to be discontinued.

For some time the Bureau has broadcast standard frequencies and other services from its radio station WWV at Beltsville, Maryland, near Washington, D. C. The services include standard radio frequencies, standard time intervals in the form of pulses accurately spaced one second apart, a standard audio frequency, and a standard of musical pitch. The last named is on a frequency of 440-cycles per second and is broadcast continuously day and night.

This service makes generally available the national standard of frequency which is of value in scientific and other measurements. Any desired frequency may be measured in terms of any of the standard frequencies either audio or radio. This may be done by aid of harmonics and beats with one or more auxiliary oscillators.

Those desiring to utilize this service should write to the National Bureau of Standards, Washington, D. C., for a copy of Letter Circular LC591 "Standards of Frequency and Musical Pitch Broadcast by National Bureau of Standards." Copies will be sent without charge to those having a real need for them.

## The Commission

### FROM THE FCC MAIL BAG

During the past three months the FCC had to write nearly 600 letters to individuals who complained about particular radio programs. In the vast majority of these cases, the Commission had to explain that it had no jurisdiction in the matter.

These complaints ran the gamut from objecting to radio advertising to protesting certain performers or their utterances. Many complaints had to do with the dropping of certain radio programs. In the case of one speaker, 129 letters were received in his behalf.

Most of this correspondence seems to be due to a mistaken idea that the Commission has authority to pass judgment on radio artists and programs. It is expressly prohibited by law from censoring individual radio programs. It can take action only in cases involving use of obscenity and lotteries.

The determination as to who shall appear on programs is a matter resting solely with the particular broadcast station. Broadcast stations have the duty of serving public interest, convenience, and necessity. In carrying out this obligation they have the duty of making provision for well-rounded rather than one-sided discussion of public questions. However, the duty of serving the public interest does not imply any requirement that the use of broadcast facilities shall be afforded any individual or group. The Communications Act declares that a broadcast station is not a common carrier, hence the station may refuse or permit the use of its facilities as it sees fit. By the same token, the station can give free time or charge for time. No standard tariffs apply to broadcast stations.

The Communications Act expressly provides that "no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication." The Commission has promulgated no regulation and imposed no condition which might circumvent this prohibition.

This statutory provision, of course, does not imply that all who may wish to do so must be given the right to speak over the air. The number of hours available in the day over the limited number of broadcast stations which physically may be set up in the various communities would make such a requirement impossible of fulfillment. The selection of who may use broadcast facilities, and the conditions with respect to time, charges and other stipulations are under the American system of broadcasting, left to the discretion of the broadcasters.

The Communications Act provides equal opportunities to legally qualified candidates for public office, providing the licensee allows the use of its station to any such candidate, but imposes no obligation upon the licensee to allow his station to be used for this purpose.

Apart from this stipulation, there is no Federal statute or Commission regulation dealing expressly with the matter of controversial subjects on the air. However, the broadcasters themselves have adopted a code of ethics which is often mistaken as part of the Commission's rules and regulations. Adopted last July, this code governs the National Association of Broadcasters, a private organization composed of persons engaged in the broadcast business, including many of those licensed by the Commission to operate broadcast stations. The code sets forth certain standards of conduct for broadcasters which the association believes are conducive to the best interests of the industry. The Commission has no say in the code's enforcement. However, adoption of this code or voluntary acceptance of its provisions does not in any way alter the duties and responsibilities of broadcasting stations under the existing law.

Since the Commission has no jurisdiction in the matter of individual programs and artists, complaints and other comment should be sent direct to the station or the network involved. Such "fan" mail wields considerable influence in broadcasting policies.

### "PIRATE" RADIO STATION LOCATED

The FCC Inspector in Charge at New York reports tracing and locating, at Passaic, N. J., an unlicensed radio station which had been a nuisance to and interfered with authorized broadcast programs.

The operation of this outlaw station was unique, in that it used frequencies assigned to regularly licensed stations and, in an attempt to make detection more complex, faked the call letters of regular stations using these channels. At one time it operated on 900 kilocycles, the frequency allocated WBEN at Buffalo, and employed those call letters. More recently it usurped the call letters of the Hartford Times radio station—WTHT, 1200 kilocycles, at Hartford, Conn.

In general, this "pirate" station broadcast phonograph recordings. Such unauthorized operation was quickly detected, and there was early complaint, but the task of tracing the culprit took a little time. The usual methods of detection were employed, that is, records were made of the illegal programs and subsequent bearings and measurements of the field strength eventually brought the investigators to an address on Monroe Street, in Passaic.

By this means the Commission feels that it has obtained sufficient evidence to secure indictment for violating Sections 301 and 318 of the Communications Act.

### FCC FUNCTIONS

The FCC announces that the work, business and functions of the Commission for the month of May have been assigned as follows:

| | |
|---|---|
| Commissioner Thompson | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations. |
| Commissioner Craven | Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of |

a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled to be heard by the Commission for the week beginning Monday, May 6. They are subject to change.

### Monday, May 6

WRTD—Times Dispatch Radio Corp., Richmond, Va.—C. P., **590 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1500 kc.**, 100 watts, unlimited time.

### Thursday, May 9

Oral Argument Before the Commission

Report No. P-5:

NEW—Eddie Erlbacher, Cape Girardeau, Mo.—C. P., **2738 kc.**, 50 watts, Emission A-3, unlimited time; Pts. of Comm.: With vessels on Mississippi and Ohio Rivers.

Report No. B-88:

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

### FUTURE HEARINGS

During the past week the Commission has announced the following tentative date for a broadcast argument. It is subject to change.

### May 16

Oral Argument Before the Commission

Report No. B-95:

NEW—Neptune Broadcasting Corp. (A. Harry Zoog, Pres.), Atlantic City, N. J.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending August 1, 1940:

WCOC, Meridian, Miss.; WFMD, Frederick, Md.; WLBL, Stevens Point, Wis.; and WMFJ, Daytona Beach, Fla.

Licenses for the following stations were further extended upon a temporary basis only, until June 1, 1940, pending determination upon applications for renewal of licenses:

KFAR, Fairbanks, Alaska; KFDM, Beaumont, Texas; WMC and auxiliary, Memphis, Tenn.; WGST and auxiliary, Atlanta, Ga.

WSM—National Life and Accident Ins. Co., Nashville, Tenn.—Special experimental authorization to operate a regular broadcast transmitter for experimental transmission of facsimile signals, was further extended for a period of one month, ending June 1, 1940.

KSUB—Leland M. Perry, Cedar City, Utah.—Further extended until June 1, the special temporary authorization to Leland M. Perry, surviving partner of Johnson & Perry, to operate station KSUB on a temporary basis only, subject to whatever action may be taken on formal application for regular authorization that may be submitted with respect to station KSUB.

KWJB—Sims Broadcasting Co., Globe, Ariz.—Further extended until June 1, the special temporary authorization to Bartley T. Sims, remaining partner of Sims Broadcasting Co., to operate station KWJB on a temporary basis, subject to whatever action may be taken upon application for renewal.

KGBU—Alaska Radio & Service Co., Ketchikan, Alaska.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1940.

KXO—E. R. Irey, F. M. Bowles, El Centro, Calif.—Present license further extended upon a temporary basis until June 1, subject to whatever action may be taken upon pending application for renewal.

KTHS—Hot Springs Chamber of Commerce, Hot Springs Natl. Park, Ark.—Present license further extended upon a temporary basis until June 1, pending determination upon application for renewal.

W1XCS—Conn. State College, Storrs, Conn.—Granted renewal of developmental broadcast station license for the period ending May 1, 1941.

W9XOK—The Star Times Pub. Co., St. Louis, Mo.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1941.

W1XEH—Travelers Broadcasting Service Corp., Avon, Conn.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1941.

W2XDR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of television broadcast station license for the period ending Feb. 1, 1941.

W9XSP—Star-Times Pub. Co., St. Louis, Mo.—Present license for facsimile broadcast station further extended on a temporary basis only, for the period ending June 1, 1940, pending determination upon application for renewal of license.

W9XG—Purdue University, W. Lafayette, Ind.—Present television broadcast station license further extended upon a temporary basis only, for the period ending June 1, 1940, pending receipt and/or determination on application for renewal.

W9XK—State University of Iowa, Iowa City, Iowa.—Present television broadcast station license further extended upon a temporary basis only, for the period ending June 1, 1940, pending receipt and/or determination on application for renewal.

W8XWJ—The Evening News Assn., Detroit, Mich.—Present high frequency broadcast station license further extended upon a temporary basis only, for the period ending June 1, 1940, pending receipt and/or determination on application for renewal.

W2XDA—General Electric Co., Schenectady, N. Y.—Present high frequency broadcast station license further extended upon a temporary basis only, for the period ending June 1, 1940, pending receipt and/or determination on application for renewal.

W2XOY—General Electric Co., Albany, N. Y.—Present high frequency broadcast station license further extended upon a temporary basis only, for the period ending June 1, 1940, pending receipt and/or determination on application for renewal.

W2XQO—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Present high frequency broadcast station license further extended upon a temporary basis only, for the period ending June 1, 1940, pending receipt and/or determination on application for renewal.

### EXPERIMENTAL AUTHORIZATIONS

The Commission has announced that it had extended until August 1 the special experimental authorizations of nine radio stations listed below, and at the same time advanced the effective date of Section 3.32(3) (b), which prohibits the broadcasting of commercial programs on experimental authorizations, to the August date:

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Special experimental authority to operate simultaneously with KRLD, unlimited time, on **1040 kc.,** DA-N.

KRLD—KRLD Radio Corp., Dallas, Tex.—To operate simultaneously with WTIC, unlimited time, on **1040 kc.,** 50 KW, DA-day and night.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—To operate on **1060 kc.,** simultaneously with WBAL from 6 a. m. to local sunset, suspend operation from local sunset until 8 p. m., and operate unlimited time from 8 p. m. to midnight.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—To operate simultaneously with KTHS on **1060 kc.** from 6 a. m. to local sunset at Hot Springs, Ark., and operate from local sunset at Hot Springs to 9 p. m., EST, on **1069 kc.,** and operate synchronously with WJZ on **760 kc.,** 2½ KW, using DA from 9 p. m., EST.

WAPI—Alabama Polytechnic Institute, Birmingham, Ala.—To operate unlimited hours on **1140 kc.,** simultaneously with KVOO at Tulsa, using DA after sunset at Tulsa.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—To operate unlimited hours on **1140 kc.,** with 25 KW, using DA at nighttime.

WWL—Loyola University, New Orleans, La.—To operate unlimited time on **850 kc.,** 50 KW, employing DA both day and night.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate synchronously with WBBM from local sunset at Lincoln, Neb., to midnight, CST.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—To operate synchronously with KFAB from local sunset at Lincoln, Neb., to midnight, CST.

All outstanding broadcast licenses are being made to expire August 1 as a preliminary to reallocation of frequencies under the recently ratified North American Regional Broadcasting Agreement.

## MISCELLANEOUS

WGEO—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to conduct 2-way communications with Stations KRTA, KRTC and KRTK of the Byrd Antarctic Expedition between 12 midnight and 2 a. m., EST, from April 26, 1940, to not later than 3 a. m., EST, November 1, 1940.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to relay through high frequency station W2XOY the frequency modulated programs of high frequency station W2XMN from April 27, 1940, to not later than 3 a. m., EST, June 1, 1940 (provided this authority to terminate immediately upon the withdrawal of consents by either the Columbia Broadcasting System, Inc., or Edwin A. Armstrong).

W2XB—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to relay through television broadcast station W2XB the television programs to be received from the NBC, Inc., transmitter, call letters W2XBS, located atop the Empire State Building, from April 27, 1940, to not later than 3 a. m., EST, February 1, 1941 (provided this authority to terminate immediately upon the withdrawal of consent by the National Broadcasting Co., Inc).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m., CST, on May 1, 2, 7, 8, 9, 14, 15, and 16, 1940, in order to broadcast special educational programs (provided KGGF remains silent), to remain silent from 7:15 p. m. to 9:15 p. m., CST, on May 21, 23, 28, and 30 and from 8:15 p. m. to 9:15 p. m., CST, on May 22 and 29, 1940, during University examinations, and to remain silent from 7:15 p. m. to 9:15 p. m., CST, on May 7, 1940, in order to permit KGGF to broadcast an address by Governor Phillips (B3-S-464).

Midnight Sun Broadcasting Co., Portable-Mobile (area of Fairbanks, Alaska).—Granted construction permit for new relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.,** power 2 watts (B-PRE-344).

WOEG—General Electric Co., Portable-Mobile (area of Schenectady, N. Y.).—Granted construction permit to install new transmitter (B1-PRY-216).

WEIC—General Electric Co., Portable-Mobile (area of Schenectady, N. Y.).—Granted construction permit to increase power from 15 watts to 50 watts and install new transmitter (B1-PRE-346).

West Virginia Newspaper Pub. Co., Morgantown, W. Va.—Granted motion to dismiss without prejudice the application for new station to operate on **1200 kc.,** 250 watts, unlimited time.

Riverside Broadcasting Co., Riverside, Calif.—Granted petition to intervene in the hearing on the application of Worcester Broadcasting Corp. for a new station in San Diego, Calif., to operate on **1420 kc.,** 250 watts, unlimited time.

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Granted extension of effective date to 30 days from April 29, 1940, of Provision (3) of Commission Order of December 5, 1938, re temporary license to operate on time previously utilized by Station WMBQ.

KGGF—Hugh J. Powell Coffeyville, Kans.—Granted special temporary authority to remain silent during above periods in order to permit WNAD to broadcast special educational programs; to operate from 7:15 p. m. to 9:15 p. m., CST, on May 21, 23, 28, and 30 and from 8:15 p. m. to 9:15 p. m., CST, on May 22 and 29, 1940, in order to fill WNAD's time during University examinations (provided WNAD remains silent); to operate from 7:15 p. m. to 9:15 p. m., CST, on May 7, 1940, in order to broadcast an address by Gov. Phillips (provided WNAD remains silent) (B4-S-710).

KAQY—The Farmers & Bankers Broadcasting Corp., Abilene, Kans. —Granted special temporary authority to operate equipment described in application (File No. B4-PRY-215) from 4 to 5 p. m., CST, on April 29, 1940, at Anthony, Kans., and from 5 to 6:30 p. m., CST, on May 1, 1940, at Winfield, Kans., on **1606, 2022, 2102, 2758 kc.,** power 40 watts, in connection with the Good Will Tour of the Wichita Chamber of Commerce (B4-S-507).

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate from 8:00 p. m. to 8:30 p. m., EST, on May 21, 1940, in order to broadcast special Wilmington Day Celebration.

WRCA—National Broadcasting Co., New York, N. Y.—Granted special temporary authority to operate Station WRCA on **9670 kc.,** with parallel antennas as described in application B1-MLIB-33, for a period not to exceed ten days, in order to attempt to overcome the interference reported in letter dated April 22 and telegram of April 19, and to attempt to retain priority for the United States to this frequency.

KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of construction permit as modified for move of transmitter, installation of new equipment and directional antenna, and increase in power, for extension of completion date from May 8, 1940, to August 8, 1940; frequency **1460 kc.,** power 50 KW, unlimited time (B4-MP-968).

L. B. Wilson, Inc., Portable-Mobile (area of Cincinnati, Ohio).—Granted construction permit for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.,** power 25 watts (B2-PRY-218).

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit for increase in power from 1 KW, 5 KW day, to 5 KW day and night, changes in directional antenna, for further changes in directional antenna and change in type of transmitter (B1-MP-970).

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted construction permit to make changes in transmitting equipment, frequency **1370 kc.,** 250 watts, unlimited time (B4-P-2851).

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10:00 p. m. to 12:00 p. m., AST, on May 4, 11, 18, and 25, 1940, in order to broadcast dance music from the Escambron Beach Club at San Juan; to operate from 9:00 a. m. to 11:00 a. m. and from 2:00 p. m. to 6:00 p. m., AST, on May 5, 12, 19, and 26, 1940, in order to broadcast amateur baseball games from the municipal stadium.

WPAA—A. H. Belo Corp., Dallas, Tex.—Granted authority to install automatic frequency control apparatus (B3-F-140).

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted authority to install automatic frequency control apparatus (B3-F-141).

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Granted authority to make changes in automatic frequency control.

L. B. Wilson, Inc., Portable-Mobile (area of Cincinnati, Ohio).—Granted construction permit for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.,** power 250 watts (B2-PRY-217).

WGN, Inc., Chicago, Ill.—Granted construction permit for new relay broadcast station, frequencies **133030, 134850, 136810, 138630 kc.,** power 50 watts (B4-PRE-347).

W8XVC—The Cincinnati Times Star Co., Cincinnati, Ohio.—Granted modification of construction permit for new facsimile broadcast station, to extend commencement date from May 6, 1940 to November 6, 1940, and completion date from November 6, 1940 to May 6, 1941 (B2-MPFB-7).

General Electric Co. (area of South Schenectady, N. Y.), Portable-Mobile.—Granted license for new special relay broadcast station to be used in connection with International Broadcast Stations WGEA and WGEO, when the same program is not being broadcast by Station WGY; frequencies **31220, 35620, 37020** and **39260 kc.,** power 2 watts (B1-LRE-309).

WENS—Radio Station WSOC, Inc. (area of Charlotte, N. C.), Portable-Mobile.—Granted construction permit to make changes in equipment (T3-PRE-348).

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted authority to make changes in automatic frequency control equipment (B4-F-143).

Neptune Broadcasting Corp., Atlantic City, N. J.—Scheduled oral argument on May 16, 1940, in re application for construction permit for new broadcast station to operate on **1420 kc.,** 100 watts night, 250 watts local sunset, unlimited time (B-95).

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate the old transmitter of International Broadcast Station WLWO on **6060 kc.,** for a period not to exceed 30 days, pending adjustments to be made on new transmitter before other frequencies licensed for the use of that station can be employed over the new transmitter.

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 7:00 p. m., May 7, until 2 a. m., PST, May 8, 1940, for the purpose of broadcasting election returns only.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:00 p. m. to 9:00 p. m., CST, on May 3, 1940 and from 7:00 p. m. to 9:00 p. m., CST, on May 4, 1940, and from 4:00 p. m. to 5:00 p. m., CST, on May 5, 1940 in order to broadcast Gala Week activities on Purdue Campus.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate on May 3, 1940, from 8:00 p. m. to 9:00 p. m., EST, in order to broadcast speeches of U. S. Senators Tydings and Radcliffe of Maryland, only; to operate on May 6, 1940 (LS May 7:15 p. m.), from 7:15 p. m. to midnight, EST, in order to broadcast the State of Maryland primary election returns only.

WOCB—Harriet M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of construction permit for new station, for extension of completion date from May 1, 1940, to July 1, 1940; frequency **1210 kc.,** power 250 watts, unlimited (B1-MP-961).

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted license to cover construction permit for new station to operate on **1370 kc.,** 250 watts, unlimited time (B1-L-1139). Also granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 (B1-Z-389).

WLOK—The Fort Industry, Co., Lima, Ohio.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate from 8:15 p. m. to 10:00 p. m., EST, May 2, 1940, for the purpose of broadcasting a political speech by Senator Neely of West Virginia, only.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate unlimited time on the evening of May 14, 1940, in order to broadcast election returns.

## APPLICATIONS FILED AT FCC

### 580 Kilocycles

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—License to cover construction permit (B3-P-2650) for changes in auxiliary transmitter.

### 610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-P-1927) for increase in power, new transmitter and directional antenna for day and night and move of transmitter, further requesting changes in equipment and move transmitter from E. Brooklawn, N. J., to Creek Road, Bellmawr, N. J. Extend commencement date 10 days after grant and completion 120 days thereafter.

### 780 Kilocycles

NEW—Atlantic Broadcasting Corp., West Palm Beach, Fla.—Construction permit for new broadcast station to be operated on **780 kc.,** 500 watts night, 1 KW day, unlimited time. Studio: Geo. Washington Hotel, Flagler Drive at First St., West Palm Beach, and transmitter at the SW 400′ Square, corner of Sec. 16, Twp. 43 S. Range 43 E, West Palm Beach, Fla. Class III-B Station.

### 920 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit for new broadcast station to be operated on **880 kc.,** 250 watts, unlimited time. Amended to change frequency to **920 kc.,** increase power to 500 watts night, 1 KW day, antenna changes and request Class III-B Station. Also change type of transmitter.

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Voluntary assignment of license and construction permit (B3-P-2716 for auxiliary transmitter) to Spartanburg Advertising Company.

### 940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to make changes in equipment and increase power from 500 watts to 1 KW.

### 1060 Kilocycles

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Construction permit for new transmitter, directional antenna for night use, change hours of operation from S-WTIC to unlimited, increase power from 10 to 50 KW, and move transmitter to near Reisterstown, Md. Amended to make changes in directional antenna and designate station as Class I-B and **1090 kc.** under the North American Regional Agreement.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Construction permit for new transmitter; directional antenna for night use; change frequency from **1040 kc.** to **1060 kc.** (Class I-B and **1090 kc.** under North American Regional Agreement); increase power from 10 to 50 KW and 250-watt amplifier; change hours from share KRLD to unlimited; move transmitter. Amended: changes in directional antenna.

### 1190 Kilocycles

WSAZ—WSAZ, Inc., Huntington, W. Va.—Construction permit for new transmitter, directional antenna for day and night; change frequency from **1190 kc.** to **900 kc.;** change hours from limited to unlimited; move transmitter from Pleasant Heights, W. Va., to near Burlington, Ohio.

### 1200 Kilocycles

WLOF—Hazlewood, Inc., Orlando, Fla.—Modification of construction permit (B3-P-2394) for new station requesting approval of antenna and transmitter site at Texas Ave. & Winter Garden Rd., Orlando, Fla., change Studio to No. 7 N. Orange Ave. and install new transmitter.

### 1210 Kilocycles

NEW—Black River Valley Broadcasts, Inc., Watertown, N. Y.—Construction permit for new broadcast station on **1420 kc.,** 100 watts night, 250 watts day, unlimited time. Amended to change frequency requested to **1210 kc.,** power to 250 watts day and night, and make equipment changes.

### 1310 Kilocycles

WFIG—J. Samuel Brody, Sumter, S. C.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WAWZ—Pillar of Fire, Zarepath, N. J.—License to cover construction permit (B1-P-2731) for equipment changes.

### 1330 Kilocycles

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Modification of construction permit (B4-P-2290) to install directional antenna for night use and increase power, requesting changes in directional antenna.

### 1340 Kilocycles

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Authority to make changes in automatic frequency control equipment.

### 1350 Kilocycles

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modification of construction permit (B3-P-1871) for change in frequency, increase power, change hours, new transmitter, change antenna and move transmitter, further requesting authority to change type of transmitter, approval of antenna and transmitter site at On First Ave., 0.3 miles South U. S. Highway 80, El Paso, Tex.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2238) for changes in directional antenna, increase in power, requesting authority to make changes in directional antenna and change type of transmitter.

### 1370 Kilocycles

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick and H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C.—Construction permit for new broadcast station on **1120 kc.,** 250 watts, unlimited. Amended to change frequency requested to **1370 kc.,** power 100 watts, change transmitter, give site as corner North Main St. and Sheraton Sts., High Point, N. C.

### 1420 Kilocycles

NEW—Middle Georgia Broadcasting Co., Macon, Ga.—Construction permit for new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Transmitter and studio sites to be determined, Macon, Ga. Class IV station.

### 1430 Kilocycles

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Modification of license to change hours from daytime to unlimited, using 1 KW day and night. Amended to request change in frequency from **1430 kc.** to **1380 kc.**

### MISCELLANEOUS

NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for new television broadcast station on **50000-56000 kc.,** 1000 watts visual and 500 watts aural, A5 and A3 emission. Amended: Form 318 submitted to request Class I station.

KGEI—General Electric Co., San Francisco, Calif.—Modification of license to add **9670 kc.** to present authorized frequencies.

KLS—S. E. & E. N. Warner d/b as Warner Brothers, Oakland, Calif.—Construction permit to increase power from 250 watts to 1 KW, new transmitter and change antenna. Amended: request Class III-B Station.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—License to cover construction permit (B1-PHB-39) as modified for new high frequency broadcast station.

W2XVT—Allen B. DuMont Labs., Inc., Passaic, N. J.—Construction permit for changes in equipment; increase power to 5000 watts (aural and visual); frequencies **78000-84000 kc.** Amended to request frequencies Channels 1 to 19, delete Special emission. Form 318 submitted to specify Class I station.

NEW—Missouri Broadcasting Corp., St. Louis, Mo.—Construction permit for new high frequency broadcast station on **43400 kc.,** 1000 watts, special emission for frequency modulation.

NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit for new high frequency broadcast station on **43200 kc.,** 1000 watts, special emission for frequency modulation.

W6XDA—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Construction permit to change frequency from **42300 kc.** to **43200 kc.;** increase power from 100 watts to 1000 watts; change emission from A3 to Special for frequency modulation and install new equipment.

NEW—Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, area of Fresno, Calif.—Construction permit for new relay broadcast station on **30820, 33740, 35820, 37980 kc.,** power 10 watts, Emission A3.

NEW—Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, area Fresno, Calif.—License to cover construction permit (B5-PRE-350) above for new relay station.

W3XMC—McNary & Chambers, Washington, D. C.—Construction permit to move transmitter to 2701 14th St., N.W., Washington, D. C.

NEW—Allen B. DuMont Labs., Inc., Washington, D. C.—Construction permit for new television broadcast station on **44000-50000 kc.,** aural and visual power 1000 watts, Emission A3 and A5. Amended re equipment and to request Class II (Form 318).

W2XWE—WOKO, Inc., Albany, N. Y.—Construction permit to move transmitter locally to State Office Bldg., Swan St., Albany, N. Y.

John Shepard, Jr., Boston, Mass.—Transfer of control of The Winter Street Corp. (parent corp. of The Yankee Network, Inc.) from John Shepard, Jr., to John Shepard, 3rd, and Geo. R. Blodgett, Trustees of the John Shepard, 3rd, and The Robert F. Shepard Trusts.

WENJ—WJW, Inc., Vicinity Akron, Ohio.—Construction permit to install new transmitter.

NEW—Columbia Broadcasting System, Inc., E. of Wheaton, Md.—Construction permit for new high frequency broadcast station on **43200 kc.,** 1000 watts, special emission for frequency modulation.

WLWO—The Crosley Corp., Mason, Ohio.—License to cover construction permit (B2-PIB-17) as modified which authorized increase in power to 50 KW and new equipment.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Hosiery Mills**—See American Mills.

**American Mills**—Philip Adler, Jr., Indianapolis, Ind., trading as American Mills, American Hosiery Mills, and American Silk Hosiery Mills, is charged, in a complaint issued by the Federal Trade Commission, with misrepresentation.

The complaint alleges that the respondent, in magazines, periodicals and other publications, inserted, among other things, a picture showing two silk hose on a wearer, opposite which is the following wording:

"If you agree to show your friends I'll send you actual sample snag-proof silk hose FREE! And show you how to earn up to $22.00 in a week. Just show FREE ACTUAL SAMPLE amazing new kind of Snag-Proofed Chiffon Hosiery!

"NO EXPERIENCE—NO MONEY NEEDED. Just show FREE ACTUAL SAMPLE OF SNAG-PROOFED HOSE, and make good money—up to $22.00 in a week—even in spare time."

Through these and other advertisements, the complaint alleges, the respondent has represented that he will give a sample pair of silk hose free to anyone agreeing to demonstrate their quality to friends; that he will pay up to $22 a week for demonstrating silk hosiery; that valuable demonstrating equipment will be sent and given free of cost to persons requesting it; that his chiffon silk hose are "snag-proofed" and will not under any circumstances snag; that he operates a large factory, pictured in an advertisement, which is devoted exclusively to the manufacture of silk hosiery, and that purchasers of the respondent's hose deal directly with the respondent without intervention of any middleman.

The complaint alleges that these respresentations are false and misleading. (4109)

**American Silk Hosiery Mills**—See American Mills.

**Louis Baskind & Company, Inc.**—Alleging misrepresentation in the sale and distribution of shirts, a complaint has been issued against Louis Baskind and Company, Inc., 1220 Broadway, New York.

Representations attached to the respondent's products allegedly indicated that they are "fully pre-shrunk"; that the buttons on the shirts are genuine ocean water pearl buttons, and that the shirts are of superior grade or quality. The complaint alleges that these representations were misleading because the respondent's shirts will shrink appreciably when subjected to ordinary laundering; the buttons are not genuine ocean water pearl buttons but are fresh water pearl buttons, which are of lower quality, and the shirts are not of superior grade or quality.

The respondent also is alleged to have used the term "Silkenspun" to designate its shirts, when in fact they contain no silk but are made entirely of cotton. (4095)

**Hiram Carter, Inc.,** and S. Fred Griffin, president and principal owner of the corporation, 5706 Hoffman Drive, Elmhurst, Long Island, N. Y., engaged in the sale and distribution of medicinal preparations designated "Old Surgeon's," "Old Surgeon's Remedy" and "Old Surgeon's Double Duty Remedy," are charged in a complaint with misrepresentation.

In circulars, pamphlets and other printed and written matter distributed throughout the States, the complaint alleges, the respondents have disseminated, among other things, pictures of a dejected, haggard, worried-looking man, followed by pictures, apparently of the same man, in robust health and in a bright, gay and cheerful mood, with the following statements directly underneath:

"He's listless and low, sleeps poorly, nerves on edge, bothered with indigestion and sundry aches and pains, but worst of all his strength seems to have ebbed away so he's only half the man he used to be."

"Back on the job again feeling tip top. Hard work means nothing now—and after a good day's work he feels like going out evenings for a good time. Life is worth living once more. He tells all his friends about Old Surgeon's and he's sending his photograph and testimonial for the benefit of others who need the same kind of help. His message is 'Go thou and do likewise.' "

Through these and other representations, the complaint charges, the respondents have represented that their preparations are a cure or remedy for impotence or lost energy, indigestion, rheumatism, asthenia, neurasthenia, gout, sciatica, general debility, neuritis and arthritis, and that the price at which the preparations are offered is a special or reduced price much less than that at which they are customarily offered for sale. (4101)

**Julian S. Cohn,** 260 Fourth Ave., New York, engaged in the sale and distribution of handkerchiefs, is charged in a complaint with misrepresentation.

The complaint alleges that the respondent has represented, in the solicitation of orders for his handkerchiefs, that he is a "manufacturer of handkerchiefs." Use of the term or of the word "manufacturer," the complaint charges, is a representation that the respondent owns, operates or controls a factory or mill wherein the product which he offers for sale or sells is made or manufactured, when in fact he does not make or manufacture any of his products, but has them made elsewhere under contracts. The complaint points out that there is a common belief among purchasers that they save the middleman's profit and obtain other advantages by purchasing directly from the manufacturer. (4106)

**Chocolate Confections Company**—Merrick National Company.

**Evans Candy House**—William C. Evans, trading as Evans Candy House, 309 Marietta St., Atlanta, engaged in the sale and distribution of candy to dealers, is charged with the distribution to dealers of certain assortments of candy so packed and assembled as to involve the use of a game of chance or lottery scheme when the product is sold or distributed to ultimate consumers. One of these assortments, the complaint charges, consists of a number of bars of candy together with a device commonly called a push card. The complaint alleges that each purchaser selects and removes a numbered disc from the push card, paying in cents the amount of the number contained in the disc, and receives a bar of candy. Each bar allegedly has a retail value greater than many of the prices to be paid therefor, and the amounts to be paid for the candy are thus determined wholly by lot or chance. (4102)

**Globe-Union, Inc.**—Charging price discrimination in violation of the Robinson-Patman Act in the sale of radio volume and tone controls a complaint has been issued against Globe-Union, Inc., 900 East Keefe Ave., Milwaukee, manufacturer of storage batteries and radio accessories.

The complaint alleges that the respondent corporation sold its radio tone and volume controls at widely varying prices, discriminating in price between certain radio manufacturers and accessory jobbers.

It is alleged that the respondent sold controls to Belmont Radio Corporation and Wells-Gardner & Co., Chicago radio set manufacturers, at prices ranging from 10 to 20 cents each, and that it charged radio accessory jobbers for products of like grade and quality prices varying from 36 to 72 cents per control.

The jobbers, it is alleged, then sold the Globe-Union, Inc., tone and volume controls to dealers (radio repairmen) at prices ranging from 60 cents to $1.20.

It is alleged that Belmont Radio Corporation and Wells-Gardner & Co., who sell radio sets to Montgomery Ward & Co., Inc., resold the controls they purchased from the respondent corporation to the Chicago mail order house at prices ranging from 12 to 24 cents a control, and that Montgomery Ward & Co., Inc., distributed these products in the same territories and places as, and in competition with, dealers who purchased the respondent's controls from jobbers.

The effect of the discriminations, according to the complaint, has been and may be to destroy and prevent competition with Montgomery Ward & Co.

The complaint points out that during 1938 the respondent company sold more than 2,600,000 tone and volume controls to radio manufacturers for original equipment of radios, and in excess of 500,000 tone and volume controls for replacement or original equipment. (4103)

**Hills Brothers Company**—Alleging a combination and conspiracy to restrain trade and create a monopoly in the sale in the United States of dates grown in the Kingdoms of Iraq and Iran a complaint has been issued against several foreign and American importers, distributors and agents.

Respondents are: Hills Brothers Company, 110 Washington St., New York, importer of Iraq dates which it sells under the trade name of "Dromedary"; T. A. Suren, proprietor of E. Suren, an English private company selling and distributing dates, with headquarters in London, England; Hund Steinhardter and Lester Nordlinger, trading as Steinhardter & Nordlinger, 99 Hudson St., New York, United States agents for E. Suren; Joseph Essaye, 99 Hudson St., New York, agent for E. Suren; United Africa Company, Ltd., an English private company, London, England, importer and distributor; W. A. West and Balfour, Guthrie & Co., Ltd., 67 Wall St., New York, agents for United Africa Company, Ltd.; Persian Gulf Products Company, 67 Wall St., New York (wholly owned subsidiary of Lebanon Trading Company, Ltd., Freetown, West Africa, which in turn is owned and controlled by United Africa Company, Ltd.), and Andrew Weir, proprietor of Andrew Weir & Co., an English private company, London, England.

The complaint points out that Iraq produces about 80 per cent of the world's supply of dates, including approximately 83 per cent of those consumed in the United States in the last four or five years, and that most of the remainder originate in Iran (Persia) and in California. From 700,000 to 900,000 cases of dates, averaging in weight about 70 pounds per case, the complaint continues, have been imported into the United States yearly for several years, and of this quantity the respondent Hills Brothers Company has imported and sold annually about 200,000 cases, or 14,000,000 pounds, and the respondents E. Suren, and United Africa Company, Ltd., have imported and sold most of the remainder.

The complaint alleges that early in 1939 the Kingdom of Iraq entered into a five-year agreement with the respondent Andrew Weir & Co., London, which provided, among other things, that the respondent should have the exclusive right to purchase all dates grown in Iraq for export, and that that firm in turn should buy from the growers in Iraq a specified quantity of dates at specified prices for export.

It is alleged that, pursuant to an understanding, agreement and conspiracy entered into by the respondents in May, 1939, the respondent Andrew Weir & Co. sells specified quantities of Iraq dates at specified prices exclusively to the respondents E. Suren, United Africa Company, Ltd., and Hills Brothers Company for United States importation and distribution, and refrains from selling dates to others to fill United States demands; and that the respondents E. Suren, United Africa Company, Ltd. and Hills Brothers together fix the price at which they will sell Iraq dates in the United States to the wholesale and retail trade and the general public.

It is further alleged that, through mutual agreement, Hills Brothers Company, United Africa Company, Ltd., and E. Suren, since May 15, 1939, have purchased Iraq dates from Andrew Weir & Co. for sale in the United States only upon the condition that the Weir firm sell dates exclusively to them for the United States trade, and that they have agreed with Weir and amongst themselves that they will not import into the United States dates grown in Iran.

The complaint also alleges that the respondents, by their own and their representatives' acts, have brought about within the United States certain results forbidden by United States laws; that there is no longer any competition in the sale of Iraq dates in the United States, and that the prices are fixed at arbitrary levels. (4105)

**Imperial Knife Company, Inc.**—Complaints have been issued against seven cutlery manufacturing corporations alleging that they have sold pocket knives of such design and appearance that, when marked or labeled by use of the word "Scout," "Boy Scout," or other marks or insignia characteristic of The Boy Scouts of America, the tendency is to induce buyers to believe that the respondents' products have been endorsed by that organization and are a part of its standard equipment.

Respondent manufacturers are: Imperial Knife Company, Inc., and Colonial Knife, Company, Inc., Providence, R. I.; Utica Cutlery Company, Utica, N. Y.; Schrade Cutlery Company, Walden, N. Y.; W. R. Case & Sons Cutlery Company, Bradford, Pa.; Robeson-Rochester Corporation, Rochester, N. Y., and H. Boker & Co., Inc., New York.

The complaints point out that while The Boy Scouts of America supervises and licenses the manufacture of certain equipment which is marked or labeled by use of words such as "Boy Scout," "Scout," or "Scouting," it has not taken such action with respect to the respondents' pocket knives nor has it endorsed or sponsored them. (4115-4116-4117-4118-4119-4120-4121)

**Robert A. Johnston Company,** 4023 West National Ave., Milwaukee, which maintains a branch office at 437 Eleventh Ave., New York, is engaged in the manufacture and sale of candy. The complaint alleges that the respondent sells to dealers certain assortments of candy so packed and assembled as to involve the use of a game of chance or lottery scheme when sold or distributed to ultimate consumers.

The plan is alleged to be as follows: One of the assortments consists of a number of boxes or packages of candy, with an additional article of merchandise, together with a device commonly called a punch board. The board bears statements or legends informing purchasers and prospective purchasers that the person selecting a certain designated number receives a basket of candy; that persons selecting certain other designated numbers receive boxes of candy of varying sizes, and that the person selecting the last number on the board receives the additional article of merchandise. Purchasers who do not punch the designated numbers receive nothing for their money. The numbers are effectively concealed from purchasers until slips of paper have been punched or removed from the board, and the fact as to which package or box of candy the purchaser is to receive, if any, is thus determined wholly by lot or chance. (4104)

**Merrick National Company**—Montague L. and Edna H. Merrick, trading as Merrick National Company and Chocolate Confections Company, 617 Washington Ave. North, Minneapolis, engaged in the sale and distribution of candy to dealers, are charged with selling to dealers assortments of candy so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when the candy is sold to ultimate consumers. One assortment allegedly consists of a number of small pieces of candy of uniform size, a number of bars of candy and a giant loaf of candy. A majority of the smaller pieces of candy have centers of a certain color, a minority having centers of a different color. The colors are alleged to be concealed from purchasers until a purchase is made and the piece of candy broken open. Purchasers of the differently colored pieces receive, without additional charge, the larger bars of candy, and the buyer of the last piece of candy obtains the giant loaf, according to the complaint. The respondents are also charged with distributing assortments of candy together with a push card by means of which prizes are allotted. (4097)

**Milford Rivet & Machine Company,** Milford, Conn., Judson L. Thomson Manufacturing Company, Waltham, Mass., and Tubular Rivet & Stud Company, Boston, have each been served with a complaint alleging violation of the "exclusive dealing" section of the Clayton Act (Section 3).

The complaints point out that these corporations manufacture and lease and license the use of rivet-setting machines, and manufacture tubular and bifurcated rivets. It is alleged that the Thomson company manufactures approximately 40 per cent of the rivet-setting machines and about 30 per cent of the tubular and bifurcated rivets entering interstate commerce; that the Tubular Rivet company makes approximately 35 per cent of the rivet-setting machines and about 25 per cent of the tubular and bifurcated rivets, and that the Milford company is also an important member of the industry.

It is further alleged that each respondent company leased and licensed its rivet-setting machines on and with the condition, agreement or understanding that the lessees or licensees thereof would use such respondent's rivet-setting machines only for setting rivets manufactured by that respondent company or sold under its authority, and on the further condition, agreement or understanding that the lessees or licensees allow such respondent or its agent to inspect the machines at all reasonable times.

The effect of the provisions in the license and lease agreements, it is alleged, may be to substantially lessen competition or tend to create a monopoly in each respondent in tubular and bifurcated rivets in interstate commerce. (4110-4111-4113)

**P. R. Mitchell Company,** 2201 Spring Grove Ave., Cincinnati, engaged in manufacturing, selling and distributing pillows, bedding and like products, is charged in a complaint with misrepresentation.

In pamphlets, circulars, advertising folders and other material circulated throughout the United States, the complaint charges, the respondent has made representations such as:

> "FINE DOWN PILLOWS
>
> SPECIAL $4.99—size 21" x 27"
>
> Here's the pillow you've always wanted—soft luxurious snow white goose down—at a price you can't afford to pass by."
>
> "* * * not just 'Down', but the finest quality, to give you years of comfort and service * * *."
>
> "Best of all, you can have these superb pillows, not for the $9.00; $8.00 or $7.00 you've always expected to pay for such a luxury product, but for $4.99 complete, if you act now, to take advantage of this special sale."
>
> "GUARANTEE
> This Pillow Contains
> ALL NEW DOWN"
>
> "With our process the down is so purified and Sterilized it is soft and fluffy and will give maximum comfort."

The complaint charges that the respondent's pillows contain a large percentage of goose feathers and chicken feathers; that the filling is not composed entirely of white goose down, and that the price of $4.99 at which the respondent sells the pillows is not a reduced or special price, but is the usual, regular and customary retail selling price of the pillows at all times. (4100)

**Oak Lane Candy Company,** York, Pa., sellers and distributors of candy and peanuts to dealers, are charged with distributing assortments of candy together with push cards. Persons selecting certain designated numbers allegedly receive pieces of candy which have retail values in excess of the amounts to be paid for them. (4099)

**Rogers Redemption Bureau**—See Rogers Silverware Exchange.

**Rogers Silverware Exchange**—Misleading and deceptive representations in the sale to retail merchants of promotion plans, consisting of gift cards, advertising material and silverware are alleged in a complaint issued against J. L. Ramsay and G. P. Masters, trading as Rogers Silverware Exchange and as Rogers Redemption Bureau, St. Louis.

Use of the trade names "Rogers Silverware Exchange" and "Rogers Redemption Bureau" constituted a deceptive representation that the respondents' business was connected with Oneida, Ltd., manufacturer of "Wm. A. Rogers Silverware," when such was not a fact, according to the complaint.

The complaint also alleges that the respondents or their agents represented that by means of their sales stimulator plan as sold to retail merchants the respondents were conducting an advertising campaign for the makers of Rogers silverware, when in fact the plan was not sponsored by Oneida, Ltd., but was used solely by the respondents as a means of selling their so-called gift cards.

Under written contracts obtained by the respondents from retail merchants in connection with the sales stimulating plan, it is alleged, agreements were made that the merchants would purchase gift cards at $4 a thousand for distribution to their own customers buying merchandise; that the respondents would redeem specified numbers of such cards by sending to a merchant's customer a designated number of Rogers silverware pieces packed in units of six pieces; that when 25 per cent of a merchant's consignment of gift cards had been forwarded for redemption the respondents would make a cash refund to the merchant at the rate of $4 a thousand cards so forwarded, and that the respondents would supply the merchant without cost a 26-piece silverware set to be used for display purposes and to remain as the merchant's property.

The complaint charges that the provisions of the written contract with respect to the number of cards required for obtaining silverware were couched in ambiguous and deceptive language which enabled the respondents and their agents to deceive prospective purchasers of gift cards; that in many instances the respondents failed to redeem the gift cards in silverware; that in many instances they did not forward to the holder of such cards a unit of six pieces of silverware but required the forwarding of six times the designated number of cards; that in many instances they failed to supply dealers with silverware sets as promised, and that they did not make to dealers the cash refunds provided for in the contracts. (4094)

**Royal Metal Manufacturing Co.**, 175 North Michigan Ave., Chicago, engaged in the manufacture, sale and distribution of household, office and trade furniture, with a factory located at Michigan City, Ind., is charged, in a complaint, with misrepresentation concerning its products.

In magazines and other publications, the complaint charges, the respondent, in describing its products, makes use of the following terms, and others of similar nature and import: "Chrome," "Chromium" and "Chromium Steel." The terms "Chrome" and "Chromium," the complaint alleges, are generally understood by the purchasing public to be applicable solely to a steel alloy made by combining carbon steel with chromium. Chromium (or chrome) steel, the complaint points out, is a much more expensive and valuable product than plain carbon steel, and combines intense hardness with a high elastic limit, while possessing unusual wearing qualities. In truth, the complaint charges, the respondent's furniture is not made of the steel alloy commonly known as chromium steel or chrome steel, but, on the contrary, is made of plain carbon steel with only a plating of chromium. (4107)

**C. H. Stallman & Son, Inc.**, 31 West Philadelphia St., York, Pa., engaged in the sale and distribution of cigars, candy and other merchandise, is charged with selling to dealers assortments of merchandise, together with devices commonly called punch boards and push cards. One of the assortments allegedly consists of a number of cigars together with a punch board which bears a legend informing purchasers and prospective purchasers that persons selecting certain designated numbers receive 10 cigars each. Purchasers of other numbers, it is alleged, receive 1, 3 or 5 cigars, but those not successful in selecting one of the designated numbers receive nothing for their money. (4096)

**Stiefel Medicinal Soap Company**—Misrepresentation is charged in a complaint against Stiefel Medicinal Soap Company and August Stiefel, Preston Hollow, N. Y., sellers and distributors of medicinal soaps.

The complaint alleges that August Stiefel, president of the corporation, was, until 1936, the exclusive sales agent in the United States of J. D. Stiefel, Offenbach-on-the-Main, Germany, manufacturer of medicinal soaps which have been imported into the United States and sold extensively to members of the medical profession and the purchasing public. After the sales agency was withdrawn from the respondent, August Stiefel, in 1936, the complaint continues, the respondent organized the Stiefel Medicinal Soap Company, formerly located at Montclair, N. J., and entered into the sale and distribution of soaps other than those produced by the German concern.

In advertisements in trade journals and other periodicals, and by means of circulars, price lists and other advertising material, the respondent is alleged to have represented, among other things—

"Domestic manufacture, with most modern methods and equipment, coupled with the elimination of import duties and foreign exchange disadvantages, permits us to reduce our prices, effective with this issue of our price list.

"The traditionally high quality of our products, which the Medical Profession of the United States has relied on for over half a century, has been fully maintained in our domestic products. In order to avoid substitution, please specify STIEFEL'S Medicinal Soaps always when ordering from your wholesaler."

In addition to these and other representations, the complaint continues, the respondents package and sell their products in cartons and with labels similar in size, color and printed matter to the cartons and labels used by the J. D. Stiefel concern of Offenbach-on-the-Main, Germany.

Through the use of these representations and practices, the complaint charges, the respondents represent that their business is a part of or is connected with the German firm, and that the products distributed by them are the products of the German manufacturer and are identical in character and quality. In truth, the complaint alleges, the respondent corporation is in no way connected with the German concern, and aside from a small quantity of soaps which August Stiefel had on hand when the sales agency was withdrawn from him, the respondents have sold none of the J. D. Stiefel soaps since 1936, but obtain their products from other sources. (4098)

**Judson L. Thomson Mfg. Co.**—See Milford Rivet & Machine Co.

**Tubular Rivet & Stud Company**—See Rivet & Machine Co.

**Wamill Quilt Factories**—Walter L. Miller, trading as Wamill Quilt Factories, is charged in a complaint with misrepresentation.

The respondent, with office and place of business at 1026 Seventeenth St., Denver, Colo., is engaged in the business of manufacturing, selling and distributing quilts, comforts, bedding and like products.

Through various advertising mediums, the complaint charges, the respondent has represented, among other things:

"Wamill Feather and Down Quilts—50% finest Goose Down, 50% finest Feather Down (quills out). Regular price $37.50; sale price, 2 for $37.50 * * * $37.50 for 2, $18.95 for one."

"Research work * * * testing, surveying * * * for years was secretly carried on to find the elements that could possibly combine to form the ideal."

"This work necessitated developing special manufacturing processes and machines; raw materials were tried, changed, discarded for others. Finally all these elements essential to the ideal quilt were developed."

The complaint points out that "down" means the under coating of water fowl, consisting of the light, fluffy filaments growing from one quill point, but without any quill shaft. It is alleged that there is no such thing as "feather down"; that the respondent does not maintain a laboratory fully equipped with facilities for experimenting with and testing quilts and like products; that the quilts are not filled with 50 per cent goose down and 50 per cent feather down; that they are not extra large in size, light of weight and extra warm, or free from lint, and that the quilts have never had the usual, customary and regular retail sales prices of $37.50, the purported introductory half-price of $18.95 being in fact the usual, regular and customary retail selling price of the respondent's quilts at all times. (4108)

## CEASE AND DESIST ORDERS

Following cease and desist orders have been issued during the past week:

**Kaufmann Bros. & Bondy, Inc.,** West New York, N. J., distributor of smoking pipes and other merchandise, has been ordered to discontinue lottery methods in the sale of its products.

The Commission order directs the respondent to cease and desist from (1) selling and distributing merchandise so packed and assembled that sales to the public are to be made by means of a game of chance; (2) supplying to or placing in the hands of others (a) merchandise together with push or pull cards, punch boards or other lottery devices, or (b) such devices either with assortments of merchandise or separately, which devices are to be or may be used in selling any merchandise to the public, and (3) selling or otherwise disposing of any merchandise by the use of such lottery devices. (3881)

**McKinley-Roosevelt College of Arts and Sciences,** Chicago correspondence school, has been ordered to cease and desist from certain unfair competitive methods and deceptive practices in the sale of home study instruction courses in education, writing, psychology, chemistry, business and other subjects.

The order directs the respondent McKinley-Roosevelt College of Arts and Sciences to cease and desist from using the words "College" or "University" in its corporate or trade name, and from representing, through use of such words in its official name or in advertising literature or otherwise, that its business is that of a university, college or institution of higher learning. The respondent also is directed to desist from representing, through use of symbols indicating academic degrees or by any other means, that members of its faculty are educators duly qualified by higher education, when the degrees so indicated are not the result of study pursued in residence at recognized colleges or universities duly authorized to grant the respective degrees indicated, or when the symbols used do not represent degrees actually granted by such institutions to the respondent's faculty members, or when the persons receiving such degrees are not teachers, educators, or persons of high educational attainment. (3571)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Absorene Mfg. Co.,** 1609 North 14th St., St. Louis, stipulates that it will cease representing its product "Abso Crystals" as being capable of whitening clothes perfectly or naturally, as giving longer life to fabrics, as making clothes whiter with less washing or rinsing, as being superior to soap or soap powders, and as being the most powerful water softener ever discovered by chemists and the most effective or economical cleanser or cleaner for all house cleaning, laundry and bath. The respondent also agrees to cease representing that "Absorene" sanitizes the atmosphere for healthful cleaning or that it does not crumble. (02548)

**Bowey's, Inc.,** 401 West Superior St., Chicago, has entered into a stipulation in which it agrees to cease certain representations in the sale of its "Dari-Rich Syrup."

The respondent agrees to discontinue advertising that a drink prepared by dairies and others from its "Dari-Rich" chocolate flavored syrup, is made of milk, or otherwise representing that it is made of whole milk. The stipulation does not inhibit Bowey's, Inc., from representing the finished drink to be milk or made of whole milk in localities where whole milk is used by dairies and others in the preparation of the respondent's product.

Under its stipulation, the respondent also agrees to cease representing that the drink prepared by dairies and others from its syrup is a chocolate drink or is chocolate milk; that it is an aid to so-called "beauty diets" and that it contains 100 per cent more energy value than other beverages, unless a direct comparison is made with a beverage specifically mentioned, the energy value of which has been determined scientifically.

The respondent also agrees to desist from advertising that the drink will not lessen mealtime appetite if consumed between meals, and that it is a health-building drink. (02550)

**Brigham Oil Burner Company**—See Diagraph-Bradley Stencil Machine Co.

**Diagraph-Bradley Stencil Machine Corporation,** trading as Brigham Oil Burner Company, 3745 Forest Park Blvd., St. Louis, has entered into a stipulation in which it agrees to cease certain representations in the sale of oil burners of the so-called "blue flame" type for installation in stoves and ranges.

In its advertising matter, the respondent corporation, according to the stipulation, represented its product as a "new invention" which "burns 96 per cent air, 4 per cent of a cheaper variety of oil obtainable everywhere" and provides "cheaper heat without coal," and "quick, clean violent heat * * * 3 times hotter than coal, and cheaper."

The stipulation points out that the respondent's device is not new; that the greater proportion of air to oil consumed in the device is not of substantial, if any, difference from the proportion of air to oil generally consumed in other oil burners, and that the fuel oil consumed in the device is not cheaper in all sections of the country.

Under its stipulation, the respondent agrees to cease the foregoing representations and to discontinue advertising that there is scientific basis for its claims; that all features of its device, including lighting, are automatic; that exclusive trade territory is reserved to each of the respondent's agents, and that its agents or salesmen can make profits or earnings within a specified time which are in excess of the average net profits or earnings of the respondent's full-time agents under normal conditions in a like period of time. (2766)

**Eagle Pencil Company, Inc.,** 703 East 13th St., New York, has entered into a stipulation in which it agrees to cease certain representations in the sale of pens.

The respondent stipulates that it will discontinue use of the descriptive designation "Iridoid" as applied to pen points, and will cease use of this word or any other coined or fictitious expression the effect of which is to imply that the pen points so designated are made of or tipped with any purported substance having special or exceptional qualities.

The stipulation points out that certain of the respondent's pen points advertised as being equipped with "Spherical Iridoid Tip" were in fact made of chromium steel or stainless steel alloy; that there is no substance known to science or industry as "Iridoid," and that the tips of the pens thus designated did not contain any added valuable ingredient as implied. (2762)

**Earnshaw Knitting Company,** Newton, Mass., distributor of hosiery and garments, including diapers known by the trade name "Vanta," stipulates that in the sale of its packaged products, it will cease use on its cartons or in advertising matter of the word "Sterilized" or any other word of similar implication as descriptive of products which are not in a state of sterility at the time of their removal from the package by the purchaser, and from use of such word in any manner tending to convey the idea that the products are free from pathogenic bacteria and other micro-organisms at the time of their removal from the package by the purchaser. The stipulation points out that diapers sold by the respondent had been subjected to sterilization processes at the plant but had not been so packaged and treated as to remain sterile or free from bacteria at or until the time of their removal from the package by the purchaser. (2760)

**Falls Rubber Company of Akron, Inc.,** Findlay, Ohio, manufacturing and distributing automobile tires, has entered into a stipulation in which it agrees to desist, in connection with the sale or distribution of certain of its tires, from marking, stamping, branding or labeling such tires with either the phrase "Silent Safety Six" or "Heavy Duty 6," or with any other phrase of similar implication tending to convey the belief that the tires so referred to are composed, constructed or equipped with six plies. The corporation also agrees to cease and desist from use on its tires or the wrappings thereof, or in connection with the advertisement, sale or distribution of such tires, of any mark, stamp, brand or label which imports or implies that such tires contain more plies in their construction than they actually contain. (2770)

**Elam G. Hess,** Manheim, Pa., in the sale of "Kano", a food product previously known as "Pecano," agrees to cease advertising that a comparison of the number of calories contained in his product with that contained in other foods is a correct basis for comparison of their respective nourishing values; that the food value of "Pecano" or "Kano" is to any extent greater than that of other specified food, when such comparison is not based on measurable units; that the product supplies more nourishing value than does either beefsteak, eggs, whole milk or fish; that it costs less than other specified foods, unless such representation is accompanied by a complete statement of the basis for the purported price comparison; that it is the best source of tissue building material, and revitalizes or recleanses one's body, and that it is effective in treating malnutrition in all cases or in cases which may be due to causes other than a deficiency of the food elements supplied by this product. (02546)

**Hodges Candy Company**—See Klotz Confection Company.

**Klotz Confection Company**—F. C. Klotz, Jr., trading as Klotz Confection Company, 731 Brent St., Louisville, Ky., Mark D. Hodges, trading as Hodges Candy Company, Milledgeville, Ga., and Gorton Cigar and Candy Company, Flora, Ill., a dealer in candy, pipes and cigarettes, have agreed to cease using lottery methods in the sale of their products.

Under their stipulations the respondents agree to cease and desist from (1) selling or distributing their merchandise so packed and assembled that sales to the public are to be or may be made by means of a lottery scheme or gift enterprise; (2) supplying to or placing in the hands of others (a) assortments of their merchandise together with push or pull cards, punch boards or other lottery devices, or (b) such devices either with assortments of merchandise or separately, which devices are to be or may be used in selling such merchandise to the public, and (3) selling or otherwise disposing of any merchandise by means of such lottery devices. (2765-2768-2769)

**Lilly Products Company, Inc.,** Attleboro, Mass., insecticide manufacturer, has entered into a stipulation in which it agrees to cease certain representations in the sale of its arsenical preparation "Ant Cups," designed for use as an ant and roach eliminator.

The respondent company agrees to cease selling its insecticides placed in containers simulating the dress or appearance of containers in which similar merchandise is sold by a competitor, with a tendency to deceive purchasers into believing that its merchandise is that of a competitor.

The stipulation recites that Lilly Products Company, Inc., sold its "Ant Cups" in packages similar in dress and appearance to those containing "Ant Buttons" sold by Harris Products Company, Miami, Fla., and that the resulting tendency was for purchasers to confuse the two products. The Miami company's product, in its characteristic container, had become well identified in the public mind and had been on the market for several years prior to the appearance of the Lilly company's preparation, according to the stipulation. (2764)

**Magic Iron Cement Company**—Herman J. Reich and A. W. Render, trading as Magic Iron Cement Company, Cleveland, Ohio, in the sale of their "Magic" casein glue, agree to cease employing in advertising matter the word "Waterproof" or any words of similar meaning or implication as descrptive of their glue which is not waterproof, and to desist from the use of such word in any manner conveying the impression that their product is impervious to water or its effects. (2773)

**Mystic Laboratories, Inc.,** 257 Cornelison Ave., Jersey City, N. J., in the sale of "Mystic Cream," stipulates that it will cease representing that the product is an amazing or scientific development, or that, when rubbed on the hands, it will cause them to be as soft or as white as the hands of a child, or that it will cause any immediate transformation in the condition of the skin. The respondent also agrees to desist from representing that the product has any other than a temporary effect upon the skin unless used regularly, or unless such representations are limited to rough, red or chapped hands. (02547)

**New York Handkerchief Manufacturing Company,** 1015 West Adams St., Chicago, agrees to desist from the use, directly or indirectly, of the terms "Pre-Shrunk" or "Shrunk" or representations of like effect as descriptive of its goods when they are not shrink-proof or non-shrinkable, or have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left remaining in them. The stipulation provides that if the terms "Pre-Shrunk" or "Shrunk" are used properly to indicate that such goods have undergone a shrinkage process and have been shrunk to a substantial extent but there remains some residual shrinkage, then such term or word shall be accompanied by an explanatory statement of the percentage of residual shrinkage remaining in both the warp and the filling, or in the warp or the filling, whichever has the greater residual shrinkage; for example, "Pre-Shrunk (or shrunk)—will not shrink more than ——%". The percentage of residual shrinkage so designated is not to be less than the percentage shown under recognized and reliable test methods such as Commercial Standard CS59-39. (2759)

**Nu-Enamel Corporation,** Cleveland, Ohio, stipulates that it will desist from representing that "Nu-Enamel Enamelized Paint" is the first basic improvement in house paint in more than 400 years; that the respondent corporation was the first to discover the process for using tung oil as a base for paint, enamel and varnish; that "Nu-Enamel Enamelized Paint" will last three times as long as lead and oil paints; that lead and oil paint, or "even the best grade" thereof, produces a "shocking" appearance or that the three basic ingredients of Nu-Enamel possess certain distinct virtues not found in ordinary lead and oil paint. (2767)

**Perry-Field Tire & Rubber Company,** 2328 South Michigan Ave., Chicago, and Herman M. and Alfred A. Bilski and Wolf Levy, have entered into a stipulation to discontinue certain representations in the sale of used automobile tires.

The respondents agree to discontinue using the word "reconditioned" or any other word of similar import, without qualification, or the picturization of tires purportedly equipped with treads simulating those of new tires, or of such picturization in connection with the unqualified word "reconditioned", the effect of which may convey the belief to purchasers that tires to be furnished them will be equipped with treads like those on new tires, or that the treads of such tires will be of such sound condition as the pictured treads, namely, the treads on new tires. The stipulation points out that the treads of tires sold in numerous instances by the respondents had not been restored to new tire condition or to the condition as portrayed in the advertising.

Other representations to be discontinued are use of any statement or so-called agreement purporting to assure a continuity of service from tires which is improbable, and use of the phrase "for a limited time only" or words of similar meaning in connection with an alleged gift offer of merchandise, when in fact such gift offer is an ordinary and usual one, made in the normal course of business.

The respondents agree to cease requiring customers who seek to avail themselves of an advertised 12-months service, to ship their tires to the respondents' Chicago office for inspection and pay the transportation costs, unless the fact that such conditions are imposed and such charges made is clearly set forth in the advertisement. (2763)

**Pioneer Publications, Inc.,** R.K.O. Building, Rockefeller Center, New York, sells books entitled "Eugenics and Sex Harmony" and "New Birth Control Facts." The stipulation recites that in its advertising this corporation represented that the method outlined in "New Birth Control Facts" is dependable as a means of avoiding and of causing conception, and that the book contains a table of periods during which conception is impossible. In its stipulation the respondent admitted that as to a substantial number of persons the method outlined is not effective, and that for a substantial number there is at present no way of exactly computing the periods in which conception is impossible. The respondent agrees to cease representing that the method outlined is dependable in bringing about or avoiding conception, and that the book contains a table or information, which, if followed, enables all users to compute a safe period. (02549)

**Rothenberg and Schloss Cigar Company,** Kansas City, Mo., in connection with the sale and distribution of its cigars, tobacco and pipes in commerce, has agreed to cease and desist from supplying to or placing in the hands of others, cigars, tobacco and pipes or other merchandise, together with punch boards, push or pull cards or other lottery devices, which devices are to be or may be used in selling or distributing such merchandise to the general public; supplying to or placing in the hands of others punch boards, push or pull cards or other lottery devices either with cigars, tobacco and pipes or other merchandise, or separately, which lottery devices are to be or may be used in selling or distributing such merchandise to the general public, and selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme. (2771)

**Sabbagh Brothers, Inc.,** 230 Fifth Ave., New York, a distributor of decorative linens and handkerchiefs, agrees to cease using the word "Manufacturers" as descriptive of its business and to discontinue representing that it has factories in Chefoo, Swatow, or Shanghai, China, or elsewhere, when such is not a fact. (2758)

**A. Zaphirio & Company**—Peter Zaphirio, trading as A. Zaphirio & Co., Chicago, Ill., engaged in the sale and distribution of cigarettes under his private brand of "Zaphirio," agrees to cease and desist from (a) use of the word "Manufacturers" as descriptive of his business, or of the legend "Fac. No. 335, 2nd Dist. N. Y.", in a manner importing or implying that such factory is his own, and from use of any other words of similar implication tending to convey the belief that he makes or manufactures the products sold by him, or that he actually owns and operates or directly and absolutely controls the plant or factory in which such products are made or manufactured; (b) representing that the cigarettes sold by him are "blended from our own direct importation of choice Turkish tobacco," or in any other way representing that he is an importer of such tobacco or of any other commodity, and (c) representing that he has branch places of business in New York or in Cavalla, Macedonia, or elsewhere. (2772)

## FTC CASES CLOSED

The Federal Trade Commission has closed without prejudice its case against Tanen Shirt Company, Inc., 596 Broadway, New York, charged with misleading representations in the sale of men's shirts.

The closing order recites that the respondent has discontinued the unfair practices alleged in the Commission's complaint and has agreed to accept and abide by the rules of fair trade practice concerning shrinkage of woven cotten yard goods promulgated by the Commission June 30, 1938.

Closing of the case was ordered without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

The Commission has also dismissed a complaint charging Paul S. Hervey, trading as Aldine Dental Stationers, Des Moines, Iowa, with misleading representations in the sale of stationery.

The Commission also has dismissed a complaint issued against the late Daniel A. Brennan, who had maintained an office at 10 South LaSalle St., Chicago, and Acco Products, Inc., 39th Ave. and 24th St., Long Island City, N. Y., paper fastener manufacturer, who had been charged with a combination and conspiracy tending to suppress competition and create monopoly in the sale of paper fasteners.

The Commission has made findings as to the facts in the case, based on the respondents' acts and practices up to the time of the death of the respondent Brennan on February 15, 1940, and has concluded that these acts and practices had a tendency to prevent competition and restrain interstate trade in paper fasteners.

Commission findings are that the respondent Brennan, who had been a Chicago patent attorney and also an inventor, had obtained patents for certain paper fasteners and licensed Acco Products, Inc., to manufacture and sell paper fasteners under his patents, and that under an agreement entered into between the respondent Brennan and Acco Products, Inc., they had cooperated and conspired in circularizing other paper fastener manufacturers and retailers, by means of letters in the respondent Brennan's name, threatening suit for infringement of patents owned by Brennan. The findings are further that such letters had not been written in good faith; that the respondent Brennan had never instituted any such infringement suits, and that the purpose of the letters had been to enhance the sale of the Acco company's products and to harass Acco's competitors.

Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 19, May 10, 1940

## BMI Developments

**Don Searle notified Neville Miller this week that Stations KOIL, Omaha, and KFAB and KFOR, Lincoln, were subscribing to BMI.**

**Station WWJ, Detroit, and WPID, Petersburg, Va., are other recent subscribers.**

Appointment of George Marlo as professional manager of Broadcast Music, Inc., was announced May 7 by M. E. Tompkins, general manager of BMI. Mr. Marlo is at present manager of the Crawford Music Corporation and was recently elected president of the newly organized Music Publishers Contact Employes Union, an affiliate of the American Federation of Labor. Mr. Marlo will take up his new duties on Monday, May 13th.

In making the announcement Mr. Tompkins said: "This is the appointment the amusement industry has been waiting to hear. Mr. Marlo knows the popular music business as few other men in the country. He is respected by the music industry, composers, and performing artists alike."

Mr. Marlo began his career with De Sylva, Brown & Henderson in 1928. Two years later he organized his own publishing house, Marlo Music. In 1932 he was with the Paramount group for a short time before going to Warner Brothers in charge of the Remick catalogue, where he remained until 1936 when he revived Marlo Music. In 1937 he sold Marlo Music to the Dreyfuss interests and went with them in charge of Chappell Music Co. He has been with these companies ever since in different capacities, most recently as manager of Crawford Music.

In discussing his affiliation with Broadcast Music, Mr. Marlo said: "What I think of BMI is indicated by the fact that I am joining its staff. I know it is going to be a success or I wouldn't wish to be associated with it.

"BMI represents a new idea in the song publishing world," he continued, "— that of giving a break to the unknown or little known composer. Most of the older publishing houses want the work of 'established' writers. They work on the theory that because a man has written a lot of songs and has produced a number of hits, because he has been well known for ten years, he's likely to produce a more successful song. Actually the exact opposite is frequently true. The man who has been writing for years is the more likely to go stale.

"The newcomer has a freshness in his music, a new appeal—if he can get a hearing. Of course there are old-timers who can turn out hits, but the publishing house that gives a chance to the newcomer is seizing a golden opportunity that the older houses have been passing up.

"Only a good song can make a hit. BMI is going to succeed because it is tapping new sources of good songs. Once you have a good song, of course there is no medium that does so much to popularize it as the radio.

"My talks with men in the other publishing houses have convinced me," he said, "that the music publishing industry looks upon BMI as a new house that is offering them fair competition and thus giving a stimulus to business. I am very glad to be a part of it."

Charles E. Lawrence has been appointed Comptroller of BMI and took up the work of that office on Monday, May 6th.

Mr. Lawrence was born in Philadelphia and studied at Temple University. He has been engaged in the work of accounting and auditing for the past twenty years. Since 1932 he has been with the American Home Products Corporation. For two years he was Comptroller of various subsidiaries of that company in Chicago. In 1934 he was transferred to the New York offices and since 1937 has been General Auditor.

Previously he was with Merritt-Chapman & Scott Corporation and with Franklin Baker Company and associated companies.

The Great Atlantic and Pacific Tea Company was one of the most important radio advertisers until June, 1937, when it went off the air entirely. Now it is planning to return to the air with a program which will incidentally feature BMI.

The Musico program, sponsored by National Tea Company from WGN in Chicago, was a sort of musical bingo. The music played was not announced. The listeners

*(Continued on page 4234)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## BMI DEVELOPMENTS

*(Continued from page 4233)*

guessed at the titles by marking cards containing twenty-five squares, five to a row, a song title in each. When a listener had filled in a row correctly, he became eligible for a prize.

The program was so successful for National Tea that A & P is now trying it out—but with a variation. The new cards contain in each row of five squares only four titles. The fifth square is blank. In that blank the listener may suggest a title for a new song—one new song to be played on each program. The winner gets $100 plus 50% of any royalties on the new song. All the new songs are to be compositions that have not been published at the time of the broadcast. Immediately after the broadcast each new number is to be submitted to Broadcast Music, Inc.

---

All proceeds from the sale of the new song written by Frank Luther in memory of Will Rogers will go to the Will Rogers Memorial Fund. This has been agreed by Mr. Luther and the BMI officers.

The song, *Our Old Friend Will,* has already been performed on the air by the composer himself. It will soon be released by BMI.

In a preface to the song, Mr. Luther says:

> Will Rogers was a second father to me.
>
> I once made a concert tour with him—one-night stands all over the United States. . . . He was the only man I've ever known who practiced the American principle that all men are created equal. He never looked down on a newsboy, and he never looked up to a king. . . .
>
> I've written this song to try to say in my humble way what I feel about the greatest man I've ever known.

---

Did you ever see a man step on his own toes—and blame the shoemaker? Look at one of the ASCAP officers.

He is Irving Caesar, ASCAP's Assistant Treasurer who once thought he wanted to debate with BMI's President or General Counsel. Last Tuesday he got his feet so tangled that it was hard to tell which way he was heading. There were moments when he was right in step with BMI. And of course BMI welcomes all recruits—even if they come from the ASCAP camp.

On Tuesday Mr. Caesar, speaking as President of the Songwriters' Protective Association, complained that too few songs are plugged on the air—songs by too few writers. One of the worst aspects of the very situation created by ASCAP itself which BMI, to the great distress of the ASCAP organization, is trying to remedy! If Mr. Caesar would only take his right foot off his left foot, perhaps the bunions wouldn't bother him so much.

The point at issue is an indirect result of the ASCAP policies which have kept all the opportunities for song-success in the grip of ASCAP's cherished few. Mr. Caesar was objecting to the attention given to the weekly "most-played" lists and the tendency to build up huge figures for the first ten or fifteen numbers on those lists with consequent discouragement for other writers. That is really the whole ASCAP situation reflected in miniature.

Is it possible that Mr. Caesar, an ASCAP officer and director, is beginning to understand how the difficulty of getting a song before the public can discourage a writer? Has he really caught the picture of what happens when the music that gets a chance for popularity comes from an ever-narrowing circle of writers rather than from a widening one?

Those questions are still matters of some doubt, but at least Mr. Caesar has discovered one thing that all people except the High Priests of ASCAP have known for years—namely, the plugging power of radio and the fact that the writers need radio more than radio needs any particular group of writers. As reported in *Variety,* he said, "It's got so that people remark, 'That tune must be a hit because I hear it so much.' "

The item might be included in a biography called "The Education of Irving Caesar."

*Variety* adds:

> "Another twist to the discouraging element mentioned by Caesar is reflected in the report that the SPA, whose members are virtually 100% ASCAP-affiliated, fears that if many of the older writers don't start getting breaks on the air they may be inclined to place some of their manuscripts with Broadcast Music, Inc."

Such gems of argument suggest that a debate with Mr. Caesar at one end of the platform might afford a rather amusing evening.

Or perhaps there won't be any need for debate. On the particular point he raised, Mr. Caesar was making the same plea that BMI is making and the effect of his speech was to support the aim and effort of BMI.

# Television and FM

## FLY DISCUSSES TELEVISION, FM

Within the next week or two, the FCC expects to clear up the television situation in "satisfactory shape", James Lawrence Fly, Chairman, told a press conference the latter part of last week.

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Chairman Fly told the newsmen that there must be healthy competition in the industry, but whether or not standards should be set up at this time is one of the questions to be decided by the Commission, he said. The Chairman stated that as he recalled it the engineers appearing before the Commission were practically unanimous in the opinion that standards should not be fixed at the present time but he did not indicate the possible action of the Commission.

Chairman Fly was not very clear in discussing limited commercialization of television, but there was an intimation in his statement that when the Commission acts it is possible that there might be full commercialization rather than limited.

The Chairman stated that when the Commission considers television it will necessarily have to consider frequency modulation at the same time, but he was very clear in his statement that the Commission will announce its television policy before it announces its policy on FM and he stated that any announcement on frequency modulation would probably come along about a week after its decision on television. In connection with the television situation Mr. Fly told the correspondents that after all is said and done "the engineers are going to write the ticket."

Chairman Fly stated that he expects the monopoly report to be in the hands of the Committee within the next few days, but he made no mention about when the Committee would be able to report to the Commission proper.

## LUNDEEN PROTESTS DELAY

On May 6, Senator Lundeen (FL-Minn) made a lengthy speech in the Senate, protesting "against the delay in the matter of the FCC decision on television." (Congressional Record, May 6, p. 8573).

## RCA AND DUMONT BRIEFS

RCA and Allen B. DuMont Laboratories, Inc., debated today in briefs filed with the FCC the question of engineering standards for television broadcasting.

DuMont accused RCA of seeking to "freeze" standards. It argued for flexibility.

RCA asserted that "the motion picture interests, which are financing DuMont laboratories, have a much greater financial stake in the 'movie' industry than they have in television."

"Their recent interest in television is primarily for the purpose of 'protecting' their larger interest in the 'movie' and theater industry and not to develop the new art of television," the RCA brief added. "Therefore, they desire the adoption of systems and methods which would make television inferior rather than superior to motion pictures." . . .

RCA favors the transmission standards formulated by the Radio Manufacturers Association, but has said it was prepared to build television receivers so that they would also receive programs from other transmitters.

DuMont said that the commission "has had adequate opportunity to learn that standards must be set by governmental authority and not by commercial agreement."

"It is suggested that it is now clear that the key to the situation is the compulsory requirement of the high-frequency DuMont type pulse which can be installed in a few hours for minimum expenses by any transmitting station," DuMont said.

It added that the "record shows that the cost to somebody of the reconstruction of fixed type small-sized nonretentive screen receivers so as to adopt them to the progress possible in the immediate future with flexible standards would be between $30 and $70, including change of screen."

## SARNOFF'S VIEWS

At the annual RCA stockholders meeting in New York Tuesday, David Sarnoff, RCA president, said:

> If I were asked to name the most significant factor in the progress of RCA during the past decade, I would unhesitatingly say research and technical development. Ten years ago we were largely dependent on the electrical companies then associated with us. Today RCA itself has over 600 technical specialists in its laboratories and engineering departments engaged in this important work.
>
> Research has directly contributed to our income and earnings; it has enabled us to expand the scope and variety of our products and services; and today promises even greater expansion in new fields.
>
> As the result of RCA research, three new services now beckon those who seek to expand radio's usefulness. They are: Facsimile, Frequency Modulation, and Television.
>
> *Radio Facsimile* is the transmission of pictures and printed matter through the air. It is now bringing photographs from many parts of the world for prompt use in daily newspapers. Its development will include services for the home, as well as for the press. The latest type of RCA Facsimile Receiver is on exhibition in this room today and we cordially invite your inspection.
>
> *Frequency Modulation (F.M.)* holds much promise for the future. The growth of Frequency Modulation in broadcasting

services will probably be gradual. Only time can determine the extent of its full development.

RCA's research engineers have done pioneering work in this field and in the development of uses for the ultra high frequency spectrum, where F.M. has its most advantageous applications. Our laboratory tests and field experiments have been extensive. Many fundamental inventions have been made by our engineers during the course of this work. RCA has valuable patent rights in these developments and has granted licenses under them to practically the entire radio industry.

F.M. represents an important forward step in the broadcasting of sound. The Federal Communications Commission now has under consideration the subject of authorizing frequency-modulation on a commercial basis.

*Television,* on the other hand, adds sight to sound, and stands today on the threshold of public service. In time, television is bound to revolutionize the broadcasting industry just as the addition of sound to sight revolutionized the motion picture industry.

RCA's laboratory achievements, its field tests and its experimental program service have been fully reported at every stage of development.

The position of the Corporation with respect to placing television on a commercial basis has been stated fully during recent hearings before the Federal Communications Commission and the Interstate Commerce Committee of the United States Senate.

The Federal Communications Commission is now considering the testimony presented by RCA as well as by others in the industry.

While television will provide a new service for the home, it will be useful also in theaters and other public places. Developments in large screen television, which we will demonstrate to you today, will enable you to form your own judgment as to its future possibilities. No one can foresee all the future uses to which television may ultimately be put. But this much is clear: the addition of sight to sound in radio will be of vital importance to industry, education and entertainment.

RCA is proceeding on three fronts in television. Our research laboratories are continuing to develop new processes and new equipment; our manufacturing and sales people are exploring new markets; and our broadcasting company is proceeding with its development of television programs.

Television offers new opportunities for the employment of men and money, for the expansion of entertainment and other services, and for the creation of a new medium of advertising for American industry and business.

The Corporation's policy in respect to its inventions and patent rights, including its developments in television, is well known. RCA has licensed the radio industry under its patents. While this Corporation has pioneered in television, we are not alone in this field. There is no monopoly in radio, nor is one possible in this highly competitive industry.

## REPUBLICANS WELCOME TELEVISION

Television will take its place in the front row at a national political convention for the first time in history next June.

John Hamilton, chairman of the Republican National Committee, announced this week that two National Broadcasting Company television units, and that of the Philco Radio and Television Corporation, will televize the proceedings of the 1940 Republican National Convention at Philadelphia beginning next June 24.

Hamilton said he took "a peculiar pleasure" in making the announcement.

"The Republican Party," he said, "is the party of private enterprise and welcomes this chance to provide an opportunity for a new industry to stride forward in honest American fashion.

"It was but a few days ago that the New Deal, through its dominated Federal Communications Commission, struck viciously at this very industry by bluntly commanding it to cease its efforts at merchandising.

"We of the Republican Party sincerely hope that the public interest accruing to television by reason of its use at the 1940 Republican convention will more than offset the setback given this new industry by the New Deal."

## Radio Festival

*TO ALL STATION MANAGERS:*
*WANTED*
*FOR HANGING*
*RADIO FESTIVAL PHOTOS*

*We have the space. All that's needed to complete a section of NAB's picture gallery are good black and white gloss prints of Radio Festival events.*

*Most Radio Festival participants will make at least a partial pictorial record of Radio Festival for their own use. One good print, action shot preferred, will get a permanent hanging if it's sent.*

*Please autograph the photo in india ink.*

*Sincerely yours,*

*Arthur Stringer.*

Radio Festival is going over big!

It works—with intense satisfaction to participants. That, after all, is the acid test.

There is something that every station can do to impress listeners with the importance of radio, with the contributions which radio makes to the pleasure and betterment of everyday living. What you do helps keep radio out in front!

Reports from several cities follow:

BELLINGHAM . . . KVOS.

Though the first of the month found KVOS engaged in a civic promotion enterprise, President Rogan Jones wrote that the folks of Bellingham and vicinity are going to have their Radio Festival. While plans are not yet complete, he has booked advance speaking dates for the demonstration-talk, born at WLVA, Lynchburg, Va., and distributed by NAB through the courtesy of Edward A. Allen, the station's president.

Mr. Jones is taking in "civic and service clubs, church groups, grange groups, Chambers of Commerce, veteran organizations, etc." And in conclusion, he wrote: "You are doing a splendid work, and I trust you will keep it up."

CHARLOTTE, N. C. . . . WBT and WSOC.

Charlotte's two stations, WBT and WSOC, are busily engaged in planning their Radio Festival festivities. Paul W. Norris, sales promotion manager of the latter station, and Program Director Charles Crutchfield, WBT, have direction of plans for their respective stations. Date is June 3-8.

RALEIGH . . . WPTF

Richard H. Mason, manager, WPTF, has likewise selected the June 3-8 period to bring Radio Festival to Raleigh and surrounding territory.

OTHER NORTH CAROLINA CITIES

"Dick" Mason is also president of the North Carolina Association of Broadcasters and he reports enthusiastic support for the spring promotion by the industry. An exchange of correspondence between state broadcasters and President Mason indicates that most of the stations will observe the early June dating.

Plans of Manager Robert J. Stratton, WDNC, Durham, were reported in the weekly bulletin of May 3. With a large number of other state stations staging Radio Festivals, it is apparent that North Carolina's broadcasting industry will surpass previous records.

WBIG, Greensboro, completed its Radio Festival celebration Saturday. Thousands of visitors were entertained at studios and transmitter. Greensboro public schools presented twelve separate programs during the week. There were programs from schools in eight counties, besides programs from the University of North Carolina; Woman's College of the University of North Carolina; Greensboro College; A. and T. College; Lutheran Emanuel College; Bennett College and Guilford College.

DANVILLE, ILL. . . . WDAN

"Duke" Richardson, manager, WDAN, "The Community Station," has Radio Festival celebration under way. We don't know what he is planning this year, but it's a reasonable assumption that an open house will play a part. Last spring WDAN had over 7,000 visitors in three nights, between seven and ten. Two thousand five hundred roses were given to as many women guests before the supply ran out.

He staged audience participations, interviews and quiz programs with dollar bill give-aways. Radio stores, all over town, erected displays in their windows for the entire week, and five of the station's sponsors featured radio week windows. A local men's wear shop used figures and microphones to represent their broadcast over the station.

JAMESTOWN, N. Y. . . . WJTN

Program Director Marshall B. Shantz, Jr., wrote on May 6 that "This station is planning on entering wholeheartedly into National Radio Festival, June 3 to 8.

"This event has a double significance for a small station such as WJTN. Not only will it be of great assistance to us in that ever present question of public promotion, but we hopefully expect that the greater cooperation in this city between the public and radio—which should result from this Radio Festival—will be of great help in absorbing the many 'growing pains' attendant upon our ever present expansion."

(Read statement by President Alfred J. McCosker of WOR which also discusses this same subject of industry solidarity.)

Mr. Shantz has worked out plans for an outstanding celebration with everybody entered in the Essay Contest. He believes that Jamestown youngsters are smart enough to collect the NAB $100 grand award. Luck to you, Mr. Shantz.

Simon Goldman, acting manager, a day or so later, reported that the Mayoralty proclamation has been arranged with "Hiz Honor." "We are all enthused about our participation in the Radio Festival and know it will be very successful," Mr. Goldman concluded.

HOBBS, N. M. . . . KWEW
ROSWELL, N. M. . . . KGFL

Governor John E. Miles in official proclamation has proclaimed "the week of May 12 as Radio Festival Week throughout the State of New Mexico, and I urge our citizens everywhere to participate in the observance of the event by listening to the special programs and visiting the studios."

W. E. Whitmore, head man of KWEW and KGFL, prevailed upon the Governor to bring New Mexico officially within the nation-wide industry celebration.

Mayors of both Roswell and Hobbs have both issued city proclamations. During the week there will be broadcasts by prominent citizens, including the Superintendent of Schools and faculty members of the New Mexico Military Institute. Copies of "Radio's Riches" will be distributed. Youngsters in the public schools will compete in the Essay Contest.

NEW YORK CITY . . . WOR

Alfred J. McCosker, president, WOR, lost no time in getting into the subject of his station's participation when he announced initial plans in a letter last Monday.

"I should like to assure you", he wrote, "of WOR's participation in the National Association of Broadcasters' National Radio Festival. We have set aside the week of June 3-8 and plans have already been drawn up for promotion, publicity and programming."

Mr. McCosker's next paragraph is also quoted because it expresses so clearly the advantages which accrue to the broadcasting industry when individual units deliberately and publicly join hands. He said:

"It is a pleasure to be able to cooperate with the work you are doing, as I feel that *the more radio makes the public conscious of its efforts as a solidified industry,* the more we, within the industry, will be able to do in mutually evaluating our problems and our subsequent gains."

Some of the ideas which WOR contemplates are:

1. "Transmitter Open House—This would be open to children accompanied by parents who would write in for visiting tickets. At the time the tickets were sent, a mimeographed instruction sheet would also be sent. A different host would be on hand on different days, viz. Bob Emery, Irving Caesar, Bill Slater and Uncle Don. We are also considering an occasional day-time interview from the transmitter with our host talking to one or two of the visiting children.

2. "AN ESSAY CONTEST—The probable subject would be: 'What WOR Means to Me.' The best letter each day for a week would be read over the air during our five minute program preview period, and a daily prize of $10.00 offered.

3. "I REMEMBER—Spotting of WOR's ten-year veterans for interviews on various programs during the week, pointing up the tradition and continuity of radio. Personalities would be Uncle Don, John Gambling, Roger Bower, Jack Poppele and others.

4. "SHUT-INS—An all-request program dedicated to shut-ins. We are evaluating an idea in this respect by asking superintendents of hospitals to write in for radio sets if their hospital has none. We believe we can secure a reasonable number of reconditioned sets from the Radio Servicemen of America.

5. "BLOW-UP TELEGRAMS—signed by various WOR personalities to be displayed in telegraph offices, calling attention to the week and the Festival.

6. "Presentation of WOR's Credo of policy which has recently been written. It is a brief but eloquent statement of all we are doing and trying to do in serving the public. This would be released to trade papers, and we are considering offering it to Gabriel Heatter for discussion on one of his programs.

7. "A radio serviceman will be spotted as a guest on a variety program for an interview.

8. "We will ask Miss Pegeen Fitzgerald, our very clever fashion designer and commentator, to design a festival "radio hat". This would be tied in with a special department store window with equipment as a background showing its historical improvement."

QUINCY, ILL. . . . WTAD.

C. Arthur Fifer, general manager, has augmented his original plans. We've shipped him the last thousand copies of the first printing of "Radio's Riches" which he plans to distribute during Radio Festival.

WILKES-BARRE, PA. . . . WBAX.

H. A. Seville, general manager, WBAX, is the first to announce an Amateur Photographic Contest as a part of National Radio Festival. Wilkes-Barre department stores and those in other cities within the station's service area have agreed to display the entries along with appropriate captions and posters.

The Mayor of Wilkes-Barre, Chamber of Commerce officials and the Wyoming Valley High School Conference of some twenty schools are all tied in with the week's program. Special programs of the activities will fill the airlanes for the entire week.

THE YANKEE NETWORK

R. L. Harlow, vice president, Boston, among other things said: ". . . You have already received notifications of cooperation in the Radio Festival.

"We are definitely planning to do something along similar lines in Providence with Station WEAN. . . ."

## FAIR'S RADIO DAY JULY 4

The NAB has accepted the invitation of the New York World's Fair to develop a suitable celebration of a day set aside in honor of the broadcasting industry. Following consultation with NAB, the day designated was July 4.

The President will be invited to participate in the exercises, along with Neville Miller, president of the NAB, and a committee representative of all elements in the broadcasting industry, including the heads of the major networks. Distinguished men and women from all walks of life will be invited to witness and bear testimony to the importance of the event. The central section of the ceremonies is tentatively scheduled to be broadcast, while rebroadcasting privileges are being requested for non-network stations. Arrangements are to be worked out by Ed Kirby, NAB Director of Public Relations, in collaboration with industry people and representatives of the New York World's Fair.

On this occasion the NAB plans to dramatize the expression and the ideal "freedom of radio" which has long since taken its place alongside the concepts of the terms "freedom of the press" and "freedom of religion."

## DENTISTS PROTEST ADS

Headquarters has received the following resolution from the Radio Broadcasting Committee of the American Dental Association:

> "To the Board of Trustees of the American Dental Association:
>
> "At a special meeting of the Board of Trustees of the Pennsylvania State Dental Society, held March 31, 1940, it was unanimously voted that the American Dental Association, through proper channels, contact the Federal Radio Communications Board in regard to control and limitation of radio programs of advertising dentists and other commercial dental programs on the air."

## CONSUMER STUDY

Continuing the NAB inquiry into the effect of the consumer movement might have on radio advertising, Neville Miller met Wednesday with the committee of Consumer Relations in Advertising in New York. Kenneth Dameron, the director, made a complete report on the activities of the committee's staff and the meetings he had attended. He also outlined plans for the future. The following members of the committee were present:

John Benson, A.A.A.A., Chairman of the Committee (representing advertising);
Julius Adler, *New York Times* (representing newspapers);
William Raydel, Newell Emmett, member of the A.A.A.A. (representing advertising);
Fred Healy, Curtis Publishing Company (representing magazines);
Chester LaRoches, Young & Rubicam (representing advertising);
Neville Miller, NAB (representing radio).

## PACIFIC ADVERTISING CLUBS

The Pacific Advertising Clubs convention is slated for July 7-10, in Vancouver, B. C. It has been suggested that some members might like to attend the convention, then take a three weeks' vacation in the West before the NAB convention in San Francisco, August 4.

## TEACHING BY RADIO

Radio has a more than two-to-one edge over textbooks as a method of learning school lessons, as far as some junior high school students are concerned.

In a questionnaire answered by seventh and eighth grade pupils of Bronxville, New York, 45 per cent said they found it easier to learn by radio than from books. Thirty-five per cent decided it made no difference and only 20 per cent voted for books as the easier medium.

The study was made by the Evaluation of School Broadcasts at Ohio State University, Columbus, Ohio.

The pupils who found it easier to learn by radio said the broadcasts gave better explanations and held their interest better. They declared that the radio programs left out the dull, boring parts—in short, that the radio method was more amusing and "more fun."

Pupils who said it was harder to learn by radio felt that not enough facts were given on the broadcasts. They preferred books because they could go back and re-read their lessons several times, while on the radio information was given only once. And some said they found it hard to understand the radio speakers and actors, because they didn't speak distinctly.

## WINDOWS ARE OPEN

Spring is here; summer is just around the corner; and people are beginning to keep their windows open day and night.

All of which means that this is the season of the year in which the NAB receives all sorts of letters and resolutions from people who somehow believe that the broadcaster is responsible should the sounds of music waft across the court from a neighbor's apartment in the wee small hours.

Last year one or two letters indicated that the writers felt the radio station was responsible for the volume of sound emanating from neighbors' loudspeakers, one letter suggesting that the stations ought to "reduce the power after ten o'clock at night."

In each case, the NAB points out that the broadcaster cannot be responsible for the failure of a person to consider the comfort of his neighbor. However, it does believe that an occasional friendly reminder on the air might build goodwill all the way around, placing the station in the position of being concerned with those who wish to exercise their right to listen late at night, and also with those who wish to quit listening at an earlier hour.

## LEGISLATIVE COMMITTEE

The NAB Legislative Committee met yesterday at headquarters. The Logan-Walter Bill to improve administrative procedure and judicial review of administrative proceedings was considered by the Committee, but no action was taken. Those present were John A. Kennedy, Chairman, Harry Butcher, John Elmer, Frank M. Russell, Theodore C. Streibert and Neville Miller.

## FEDERAL LEGISLATION

H. R. 9665 (Clason, R., Mass.) COPYRIGHT—To reduce the amount of damages for infringement of copyright of musical compositions in certain hotels and other places. Referred to the Committee on Patents.

H. R. 9703 (McGranery, D., Penna.) COPYRIGHT—To amend the Copyright Act of 1909, and for other purposes. Referred to the Committee on Patents.

## CONVENTION RESERVATIONS POUR IN FROM WHOLE COUNTRY

With requests for NAB convention room-reservations pouring in from all parts of the country, Howard

Land, KFBK, has appointed Lincoln Dellar, KSFO, chairman of the convention housing committee. The number of requests for reservations indicates that broadcasters from the east, south, and midwest will attend the convention in full force. Many are taking their families with them and are combining the convention with a West Coast vacation trip.

Ralph Brunton, KJBS, is chairman of the Treasure Island entertainment committee and is making extensive plans for entertaining the delegates at the Fair.

Ward Ingrim, KFRC, is chairman of the golf committee which is making arrangements for the annual NAB Tournament for the *Broadcasting* trophy, to be played Sunday, August 4.

Again the NAB urges those broadcasters interested in an all-expense trip to communicate with Russell Place, NAB counsel. Raymond Whitcomb, Inc., has been engaged to act as agent for the NAB in arranging the details of these all-expense trips.

## FCC APPROVES NAB LOG

The NAB is sending to member stations, this week, a "Program Log Recommendation" designed to aid members comply with Rule 3.90A of the FCC Rules and Regulations Governing Broadcast Stations, and approved by the FCC. The report was prepared by the NAB Research Department for the Accounting Committee and submitted to the FCC for its review, March 30, 1940. The following letter was addressed to the Commission:

March 30, 1940.

Mr. T. J. Slowie, Secretary,
Federal Communications Commission,
Washington, D. C.

Dear Mr. Slowie:

There is attached a copy of a Program Log Recommendation prepared by the Accounting Committee of the National Association of Broadcasters. The recommendation is designed to aid stations to comply with Rule 3.90A of the revised Rules and Regulations Governing Broadcast Stations, issued by the Federal Communications Commission last August. Many stations appealed to the NAB for assistance in preparing a suitable form for the keeping of a Program Log and in interpreting the detail of information to be recorded on the form.

In the work of preparing the Program Log Recommendation for the NAB Accounting Committee, the Secretary-Treasurer and the Research Director of the Association consulted with a subcommittee of the Commission's Rules Committee. NAB is grateful for the splendid cooperation of Mr. Porter of the Law Department, Mr. Sutton and Mr. Utter of the Accounting Department, Mr. Massing of the License Bureau and Mr. Ring of the Engineering Department, Chairman, who comprised the sub-committee. Their aid was invaluable in preparing the recommendation.

We ask you to submit the Program Log Recommendation to the Commission to ascertain whether it complies with the requirements of Section 3.90A of the Rules. Paragraph three of the first page of the recommendation points out that minimum requirements to comply with the Rule are set forth in the recommendation. We do not seek to establish a standard form since the Program Log can serve station management beyond Commission requirements by the inclusion of additional data. As an example, the form can be used, with some revision, as a "proof of performance" record for commercial programs and employed as a Journal for billing.

In mailing this recommendation to stations we would like to be able to say that the Commission is in accord, that it fulfills the requirements of the Program Log Rule and thus render the recommendation of maximum value to the Commission and the industry. We trust that this can be accomplished without the necessity of formal Commission action.

Should there be any questions concerning the recommendation, we will be glad to answer them.

Very sincerely yours,

s/Edwin M. Spence,
*Secretary-Treasurer.*

The reply to the NAB letter was as follows:

May 8, 1940.

National Association of Broadcasters,
1626 K Street, N. W.,
Washington, D. C.

Gentlemen:

This will reply to your letter of March 30, 1940, submitting for review a proposed "Program Log Recommendation" dated March 22, 1940, with attached log form and "Instructions—Program Log."

The Commission has determined that the log form submitted by you makes provision for the keeping of log entries as required by the Rules now in effect applicable to standard broadcast stations, and that the instructions submitted by you for keeping the log are appropriate under the Rules.

Very truly yours,

s/T. J. Slowie,
*Secretary.*

The FCC's official report No. 928 (B)—"Decisions of the Commission," dated May 8, 1940, which reports the action of the Commission en banc on May 7, includes the following note on the NAB Program Log Recommendation:

### NAB PROGRAM LOG FORM

The Program Log Form submitted by the National Association of Broadcasters, was held to be in keeping with program log requirements under Sec. 3.90(a) of the Commission's rules and regulations.

## APPEALS FROM FCC

In *Evans*, doing business as the Voice of South Carolina, v. *Federal Communications Commission,* decided April 29, the Court of Appeals for the District of Columbia by extension of the reasoning of the Pottsville case (— U. S. —, decided January 29, 1940), held that it was without power to interfere with the functioning of the FCC with respect to an application for modification of a contested construction permit, which application had been filed by one of the parties to the appeal during pendency of the appeal. In denying appellant's (the existing station's) motion for a stay order against Spartanburg Advertising Agency, holder of the contested C. P., the court said: "The limited function which this court plays in its appellate review, therefore, is crystallized by it in no 'vested right' as against the power of the Commission to consider other applications, whether for the same or competing facilities and the rights of others to have their applications considered. The court's decision has in it, of course, an element of finality; but within the principle of the Pottsville decision, it has no finality as against the power of the Commission to make a proper allocation of facilities as required by 'public interest, convenience and necessity,' whether upon applications involved in the appeal or others, so long as its doing so does not involve disregarding the court's decision upon the questions of law determined in the appeal. This is clearly so as to applications of third persons not involved in the appeal. The Principle is equally applicable to new applications filed by one of the parties to the appeal, but not involved in it."

Having concluded that if the appeal had been determined, the Commission would have jurisdiction to consider the application for modification within the rule laid down by the Pottsville decision, the court took another step and decided the Commission had jurisdiction while the appeal was pending. "To hold otherwise," the opinion states, "would be in direct contradiction of the administrative purposes and procedure created by the statute with a view, among other things, to prompt and efficient disposition of the Commission's business and the conflicting claims presented to it."

In respect of appellant's contention that failure to secure the stay would render the appeal moot, the court stated: "If the Commission's action renders the appeal moot, we will be powerless to prevent it; insofar as it does not do so, the appeal retains full vitality; insofar as it may raise new appealable issues, they must be presented upon another appeal and another record in any event. These alternative possibilities may not involve the technical finality characteristic ordinarily of the judgments and decrees of courts. But they will bring more quickly and as fairly to a conclusion the entire controversy among the parties, a result more obviously in accord with the purposes of administrative action than the observance of merely technical conceptions evolved in and characteristic of another process."

## TOBEY ASSAILS FCC

Senator Tobey (R-NH) assailed the FCC this week for failure to make its "monopoly" report. The Senator sent the following letter to the Commissioners:

May 3, 1940.

————, Commissioner,
Federal Communications Commission,
Washington, D. C.

Dear Mr. ————:

In November 1938, Chairman McNinch stated to the House Appropriations Committee that the Radio Monopoly Report of the Commission would be submitted to the Congress within sixty days.

In June 1939, as Chairman of the Federal Communications Commission, you appeared for the Commission, before the same Congressional Committee, and said that the report would be ready for Congress within sixty days.

In November 1939, Commissioner Fly of the Federal Communications Commission appeared and stated before the Congressional Committee that the Commission would make its report and recommendations within sixty days.

It is now eighteen months since Congress was officially told by the Commission that its Radio Monopoly Report and recommendations would be "ready in about sixty days."

I submit to you that, in the light of these facts, these assurances would seem to be nothing but a mockery. As a member of the Senate, interested in this matter, I ask you now as to the reasons for this delay and what you, as a member of the Commission, can do to have the report submitted to the Congress at once. An early reply will be appreciated.

Sincerely yours,
/s/ Charles W. Tobey.

## TELFORD TAYLOR APPOINTED GENERAL COUNSEL OF FCC

The FCC has appointed Telford Taylor as general counsel, to succeed William J. Dempsey upon the latter's entering private practice. Mr. Taylor, who is a special assistant to the Attorney General, will join the Commission's legal staff immediately as special counsel. Mr. Dempsey will remain with the Commission for several weeks.

Born at Schenectady, N. Y., on February 24, 1908, Mr. Taylor attended local schools and was graduated from Williams College in 1928 with an A.B. degree. He taught history and political science at Williams for two years, receiving his M.A. degree in 1932. In that year he was graduated from Harvard Law School with the degree of LL.B. cum laude, having served on the editorial board of the Harvard Law Review. He was appointed law secretary to Judge Augustus N. Hand of the Circuit Court of Appeals, New York, from 1932 to 1933, when he became assistant solicitor of the Department of the Interior.

From 1934 to 1935 he was senior attorney of the Agricultural Adjustment Administration and handled much of its legislative work. For four years he served as associate counsel of the sub-committee of the Senate Committee on Interstate Commerce, investigating railroads and railroad finances. Since October, 1939, Mr. Taylor has been head of the Court of Claims section of the claims division of the Department of Justice.

Mr. Taylor has appeared in cases in the District of Columbia Court of Appeals and also in the United States Supreme Court. He is married.

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Joseph L. Rauh, Jr., was appointed general counsel, to succeed William C. Koplovitz. Mr. Rauh has resigned as assistant general counsel of the Wage and Hour Division of the Department of Labor to assist Telford Taylor who, on May 6, was announced to become general counsel of the Commission, vice William J. Dempsey, who will enter private practice with Mr. Koplovitz.

Mr. Rauh was born at Cincinnati, Ohio, on January 3, 1911. Entering Harvard College in 1928, he was graduated therefrom magna cum laude in 1932. He enrolled at Harvard Law School, from which he was graduated at the head of the class of 1935. He was on the Harvard Law Review.

From 1935 to 1936, Mr. Rauh was a member of the legal staff of the Securities and Exchange Commission, participating in litigation involving the constitutionality of the Public Utilities Holding Company Act. In 1936 he became law secretary to Associate Justice Benjamin N. Cardozo of the United States Supreme Court, serving in that capacity until the death of the Justice in 1938.

Joining the legal staff of the National Power Policy Committee, Mr. Rauh was thus engaged from July, 1938, to January, 1939, when he became law secretary to Associate Supreme Court Justice Felix Frankfurter. In March, 1939, Mr. Rauh became associated with the Wage and Hour Division of the Labor Department. As that division's assistant general counsel, he had charge of all interpretive work and the drafting of all findings in wage order cases and from time to time represented the Administrator in the courts. Mr. Rauh is married.

## ST. LOUIS CHANGES

Serious and long standing problems involving radio stations in the St. Louis area are near solution as a result of a series of orders issued today by the Federal Communications Commission.

The stations concerned are KSD, KFUO, KXOK, WGBF, KFRU and KWK. The Commission took the following action:

1. Granted application of KSD, St. Louis, to operate unlimited hours on 550 kilocycles, with power of 5 kilowatts day, 1 kilowatt night, effective not later than July 1, 1940, KSD's application for 630 kilocycles was dismissed.
2. Granted application of KFUO, St. Louis, to change from 550 kilocycles to 830 kilocycles, 1 kilowatt day and night, local sunrise to sunset at Denver, Colo., effective not later than July 1, 1940.
3. Granted application of KXOK, St. Louis, for construction permit to change from 1250 kilocycles to 630 kilocycles, 5 kilowatts, unlimited hours, with directional antenna.
4. Granted application of WGBF, Evansville, Ind., for construction permit to change from part time on 630 kilocycles to 1250 kilocycles, unlimited hours, 5 kilowatts day, 1 kilowatt night, with directional antenna.
5. Granted application of KFRU, Columbia, Mo., for construction permit to change from 630 kilocycles part time to 1370 kilocycles unlimited hours, 250 watts.
6. Granted petition of KWK, St. Louis, to reinstate application for permission to operate unlimited hours with 5 kilowatts on present frequency, 1350 kilocycles, and granted construction permit to cover directional antenna system subject to approval by the Commission. KWK's application for change to 630 kilocycles has been designated for hearing.

The action was taken as a result of negotiations by the Commission with interested parties, in order to bring to a close long and continued administrative proceedings and court litigation.

## RAILROAD YARD EXPERIMENT

Experiment in radiotelephone communication between the central control tower of a railroad freight yard and locomotives therein is proposed by the Central Railway Signal Company, of Proviso, Ill., which today received authorization from the Federal Communications Commission for that purpose. The company was issued construction permits for two Class II experimental stations at Proviso, each to operate with 15 watts power, A3 transmission. One will use 300,000 to 400,000 kilocycles, and the other 35,460, 37,140, 39,140 and 39,540 kilocycles.

## BYRD PICTURES BY RADIO

Pioneer use of radiophotograph transmission from the antarctic, to relay pictures from Little America to the United States, is involved in the special temporary authorization granted Press Wireless, Inc., to communicate with the Byrd antarctic expedition. A1 (continuous wave telegraphy) and A2 (modulated continuous wave telegraphy) type emission will be used to control the pictures by air from the expedition base radio station, KTRK, to the Press Wireless point-to-point station at Hicksville, N. Y. The experiment is authorized for one month.

## INTERNATIONAL BROADCAST STATIONS

FCC this week approved a notice to be sent all licensees of international broadcast stations relative to the power and antenna requirements of such stations.

## FTC INDEX

Because of lack of interest on the part of most members, the annual index of Federal Trade Commission orders will not be published this year. An index is on file at the NAB, however, and inquiries about particular cases will receive prompt attention.

## LABOR NOTES

Field forces of the Wage and Hour Division, U. S. Department of Labor, were instructed today by Colonel Philip B. Fleming, Administrator, to take immediate action against employers who have failed to keep true and adequate records as required by law.

"Incomplete wage and hour records are the most serious hurdle confronting our inspectors," Colonel Fleming declared.

"This is true in all of the 15 regions into which the country has been divided for enforcement purposes. I have directed that employers violating the law in this respect be prosecuted. The law has been in effect 18 months and no one can plead ignorance of the recordkeeping regulations. Any employer, therefore, who does not keep these records is properly suspect."

Regulations issued under the Act merely require listing of the name of each employee, home address, hours worked each work day and each work week, hourly rates of pay, total wages paid and date of payment. In some instances violators have falsified or destroyed records.

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Thurman Arnold has lost his second case under the anti-trust laws against labor unions, and the A. F. of L. is jubilant.

Indictments against labor unions and labor leaders for "illegal" union activity have been thrown out in St. Louis and Washington, D. C.

In commenting on the Washington decision, A. F. of L. counsel emphasized that "the broad question of whether labor unions are exempted from prosecution under the Sherman Act by the Clayton Act was not involved in this case and was not passed upon by the Court."

### 826 STATIONS

The FCC issued operating licenses to four stations and granted three permits for the construction of new stations during the month of April, 1940. A comparative table by months follows:

| | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | April 1 | May 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ....... | 734 | 735 | 735 | 738 | 739 | 743 | 751 | 755 | 765 | 769 | 771 | 775 | 779 |
| Construction ..... | 38 | 38 | 43 | 56 | 59 | 57 | 58 | 57 | 49 | 48 | 51 | 48 | 47 |
| | 772 | 773 | 778 | 794 | 798 | 800 | 809 | 812 | 814 | 817 | 822 | 823 | 826 |

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral argument is scheduled before the Commission in a broadcast case during the week beginning Monday, May 13. It is subject to change.

#### Thursday, May 16

Oral Argument Before the Commission

REPORT NO. B-95:

NEW—Neptune Broadcasting Corp. (A. Harry Zoog, Pres.), Atlantic City, N. J.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for hearings and oral arguments in broadcast cases. They are subject to change.

#### May 23

Oral Argument Before the Commission

REPORT NO. B-96:

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license; **25950 kc.**, 1000 watts, emission A-3, unlimited time, according to Rule 983 (a).

W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license; **88000, 120000, 240000** and **500000 kc.**, 500 watts, emission A-3, unlimited time according to Rule 983 (a).

#### May 28

WRTD—Times Dispatch Radio Corp., Richmond, Va.—C. P., **590 kc.**, 1 KW, unlimited time (DA-night). Present assignment: **1500 kc.**, 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted construction permit to install new equipment and directional antenna system for day and nighttime operation; increase power from 1 KW to 5 KW; and move transmitter site locally; frequency **610 kc.** (B3-P-2476).

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted construction permit to install new transmitter, directional antenna for day and night use; increase power from 1 KW to 5 KW, unlimited time; frequency **620 kc.** (B5-P-2632).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted construction permit to make changes in equipment and increase power from 10 KW, unlimited time, to 50 KW, unlimited time; frequency **1180 kc.** (B5-P-2783).

WTAQ—WHBY, Inc., Green Bay, Wisc.—Granted modification of construction permit to make changes in directional antenna system (B4-MP-952).

Lakeland Broadcasting Co., Willmar, Minn.—Application for construction permit to erect a new station, already in hearing docket, amended so as to request **1310 kc.**, 100 watts, unlimited time. Exact transmitter site to be determined (B4-P-2370).

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Granted modification of license to increase night power from 100 watts to 250 watts, operating on frequency **1200 kc.** (B1-ML-968).

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted construction permit to increase night power from 1 KW to 5 KW, install directional antenna for nighttime, operating on frequency **1360 kc.** (B1-P-2654).

WMAN—Richland, Inc., Mansfield, Ohio.—Granted modification of license to change hours of operation from daytime to unlimited, using 250 watts power on **1370 kc.** (B2-ML-947).

KBKR—Louis P. Thornton, Baker, Ore.—Granted modification of license to increase night power from 100 watts to 250 watts; frequency **1500 kc.**, 250 watts day, unlimited (B5-ML-951).

KEEN—KVL, Inc., Seattle, Wash.—Granted consent to the assignment of license from KVL, Inc., to Evergreen Broadcasting Corp.; frequency **1370 kc.**, 100 watts, shares time with KRKO (N5-AL-271).

WPIT—Westinghouse Electric & Mfg. Co., Saxonburg, Pa.—Granted construction permit to move International Broadcast Station WPIT to Hull, Mass.; increase power from 40 KW to 50 KW and make changes in equipment; station operates on frequencies **6140, 15210, 21540 kc.**, unlimited time, shares time with WBOS on **9570 kc.**, shares time with WLWO on **11870 kc.**, and shares time with WNBI on **17780 kc.** (B1-PIB-23).

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special experimental authority for International Broadcast Station WRCA to operate an additional 35 KW power amplifier in parallel with the regular 35 KW power amplifier, the additional amplifier to feed a separate directive antenna, making an effective operating power of 70 KW; station operates on **9670 kc.** and **21630 kc.**, unlimited time (B1-MLIB-33).

WENL—Station WIS, Inc., Portable-Mobile (area of Columbia, S. C.).—Granted consent to assignment of license of portable relay broadcast station WENL from Station WIS, Inc., to The Liberty Life Insurance Co.; frequencies **30820, 33740, 35820, 37980 kc.**, power 2 watts (B3-ALRE-23).

KDAC—Gilbert H. Jertberg, Executor of the Estate of George Harm, Portable-Mobile (area of Fresno, Calif.).—Granted consent to involuntary assignment of license of relay broadcast station KDAC from George Harm, deceased, to Gilbert H. Jertberg, Executor of the Estate of George Harm; frequencies **1622, 2058, 2150** and **2790 kc.,** power 25 watts (B5-ALRY-10).

National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—Granted construction permit for new portable-mobile television broadcast station to operate on **312000-324000** and **282000-294000 kc.,** 15 watts aural and visual power, A3 and A5 emission (B1-PVB-54).

Columbia Broadcasting System, Inc., Portable-Mobile (area of New York, N. Y.).—Granted construction permit for new television relay broadcast station; frequency **336000-348000 kc.,** power 25 watts (B1-PVB-46).

W1XCS—Connecticut State College, Storrs, Conn.—Granted construction permit to change name to The University of Connecticut; change frequencies from **39540, 139960, 300000-400000 kc.** to **26300, 139960, 300000-400000 kc.;** increase power from 250 to 1000 watts; change emission to A3 and special for FM; change equipment.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Granted modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night; frequency **1370 kc.;** unlimited time. (B4-ML-960)

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted modification of license to increase hours of operation from all hours except 8:30 a. m. to 10 a. m. and 2 p. m. to 3 p. m. EST, daily, to all hours except 8:30 a. m. to 10 a. m. Mondays through Fridays, contingent on granting of modification of license for WSVS (B1-ML-962).

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted modification of license to change hours of operation from 8:30 a. m. to 10 a. m. and 2 p. m. to 3 p. m. EST, daily, to 8:30 a. m. to 10 a. m. EST, Mondays through Fridays (B1-ML-963).

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Granted modification of construction permit as modified for increase in night power from 100 watts to 250 watts, and extension of commencement date to 60 days after grant and completion date to 180 days thereafter; frequency **1500 kc.,** 250 watts day, unlimited time (B-MP-917).

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period June 1 to August 1, 1940:

KDYL and auxiliary, Salt Lake City; KFIO, Spokane; KGGF, Coffeyville, Kans.; KLS, Oakland, Calif.; KOL, Seattle; KPAC, Port Arthur, Texas; KRGV, Weslaco, Texas; KTFI, Twin Falls, Idaho; KTMS, Santa Barbara, Calif.; KUOA, Siloam Springs, Ark.; KWSC, Pullman, Wash.; KYA and auxiliary, San Francisco; KXOK, St. Louis, Mo.; KATR, Waterbury, Conn.; WAVE, Louisville, Ky.; WBRC, Birmingham, Ala.; WCSH, Portland, Me.; KFBB, Great Falls, Mont.; KFOX, Long Beach, Calif.; KGBX, Springfield, Mass; KOIL, Omaha, Neb.; KIT, Yakima, Wash.; KOIN, Portland, Ore.; KRSC, Seattle; KVOA, Tucson, Ariz.; WCAD, Canton, N. Y.

## DESIGNATED FOR HEARING

Arlington Broadcast Corp., Arlington, Va.—Application for construction permit for a new station to operate on **1420 kc.,** 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval (B2-P-2466).

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Application for construction permit to make changes in directional antenna system and increase time of operation from specified hours, employing directional antenna, using 5 KW on **1480 kc.,** to unlimited time, employing directional antenna system for both day and nighttime operation (B4-P-2399).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. CST on May 21 and 22, 1940, in order to permit WNAD to broadcast special educational programs; to remain silent from 7:15 p. m. to 9:15 p. m. CST, May 21, as licensed.

WNAD—University of Oklahoma, Norman, Okla.—Granted temporary authority to operate during the above period from 2 to 3 p. m. (provided KGGF remains silent) in order to broadcast educational programs; to operate as licensed from 7:15 to 9:15 p. m., May 21.

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Granted special temporary authority to operate from 8 p. m. to 10 p. m. CST, May 13, 1940, in order to broadcast the parade and festivities in connection with the celebration "Days of '69," sponsored by the North Platte Community and Union Pacific Railroad Co., the highlight of this program to be the arrival of the radio comedy team "Burns and Allen."

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to rebroadcast over station KNX, a program picked up from short wave transmitter WNJC, licensed to the National Park Service on Government assigned frequency **2496 kc.,** from 10:30 to 11 p. m. EDST, May 17, 1940, in order to broadcast a program from a small boat on the Colorado River, near Phantom Ranch, Grand Canyon; the rebroadcast to be a part of Robert Ripley "Believe It or Not" program carried by the Columbia Network.

WANZ—Pillar of Fire, Zarepheth, N. J.—Granted license to cover construction permit for changes in equipment; frequency **1350 kc.,** 1 KW power; shares time with WBNX; directional antenna day and night (B1-L-1140).

W3XMC—McNary and Chambers, Washington, D. C.—Granted construction permit to move transmitter from Pennsylvania Avenue and 18th Street, N. W., Washington, D. C., to 2701 Fourteenth St., N. W., Washington, D. C. (B1-PHB-225).

W2XWE—WOKO, Inc., Albany, N. Y.—Granted construction permit to move transmitter from east side Central Avenue, opposite Tremont St., Albany, N. Y., to State Office Bldg., Swan St., Albany, N. Y.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts from 8:30 p. m. to 9 p. m. CST, May 11, 1940, in order to broadcast the University of Kentucky State Musical Festival.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of eight and one-half hours daily for the period beginning May 20, 1940, and ending not later than June 8, 1940, in order to observe the examination and vacation period between regular University sessions.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 11 p. m. to 12 p. m. CST, May 10, 1940, in order to broadcast the Senior Ring Dance.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from sunset (May 7:30 p. m. EST) to 11 p. m. EST, May 9, 1940, in order to broadcast a banquet and dance of the American Legion Posts in the 26th district of Pennsylvania only.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate with A-4 emission on **42600 kc.** on May 6 and 7, 1940, in order to make a test of performance capabilities of a new pre-production model facsimile receiver manufactured by the R.C.A. Manufacturing Co. containing in one chassis the recorder, standard broadcast band receiver and facsimile receiver covering the bands 25-27 and **42.54-44 mc.**

WAGF—John T. Hubbard, Julian C. Smith, & Fred C. Hoseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted construction permit to move transmitter and install new antenna; frequency **1370 kc.;** power 250 watts, daytime (B3-P-2829).

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted license to cover construction permit for installation of new equipment; frequency **770 kc.;** power 50 watts; simultaneous day, shares with KFAE night (B4-L-1142).

Gilbert H. Jertberg, Executor of the estate of George Harm (deceased), Portable-Mobile (area of Fresno, Calif.).—Granted construction permit for new relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.;** power 10 watts (B5-LRE-350). Also granted license to cover construction permit (B5-LRE-311).

WRTD—Times Dispatch Radio Corp., Richmond, Va.—Granted motion for continuance of hearing now scheduled for May 6 to a date to be fixed by Secretary's Office, in re application for construction permit to change frequency from **1500 kc.** to **590 kc.,** and increase power from 100 watts to 1 KW; unlimited time, DA night.

KFSD—Airfan Radio Corp., San Diego, Calif.—Granted petition to intervene in the hearing on the application of Worcester Broadcasting Corp. for a new station in San Diego to operate on **1420 kc.**, 200 watts, unlimited time.

Burlington Broadcasting Co., Burlington, N. C.—Granted petition for leave to amend application for new station to request **1310 kc.** instead of **1420 kc.**, and unlimited time instead of daytime.

W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Scheduled for oral argument on May 23, 1940, the proposed findings of the Commission on the application for renewal of license for high frequency broadcast (experimental) station.

WEHJ—WJW, Inc., Portable mobile (Area of Akron, Ohio).—Granted construction permit to install new transmitter in relay broadcast station (B2-PRE-351).

WDAY, Inc., Portable-Mobile (area of Fargo, N. D.).—Granted construction permit for new relay broadcast station, frequencies **133030, 134850, 136810, 138630 kc.**, power 1 watt, special emission (B4-PRE-345).

General Electric Co., Portable-Mobile (area of South Schenectady, N. Y.).—Granted license for new special relay broadcast station to be used in connection with International Broadcast Stations WGEA and WGEO, when the same program is not being broadcast by Station WGY; frequencies **31220, 35620, 37020** and **39260 kc.**, power 2 watts, A3 emission (B1-LRE-310).

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartansburg, S. C.—Denied special temporary authority to operate from sunset (May 7:30 p. m., June 7:45 p. m.), EST, to conclusion of baseball games on the following days: May 7, 8, 9, 13, 14, 17, 18, 22, 23, 25, 29, 30, 31; June 5 and 6, 1940, in order to broadcast the home games of the Sally League Baseball Team only.

WHAM—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 (B1-Z-382).

KGVO—Mosby's Inc., Missoula, Mont.—Granted petition of KGVO to dismiss petition for rehearing in the matter of the application of KHSL, Chico, Cal., for a construction permit to install new equipment, increase power from 250 watts, unlimited time to 500 watts night, 1 KW day, on the frequency **1260 kc.**

William F. Huffman, Wisconsin Rapids, Wis.—Granted motion of applicant requesting that Commission reconsider its action of October 24, 1939, in designating for hearing his application for a new station to use **1310 kc.**, 100 watts night, 250 watts LS, unlimited hours, and granted the application, subject to selection of approved transmitter site and antenna system.

Hazlewood, Inc., Orlando, Fla.—Denied motion of Hazlewood, Inc.. requesting dismissal of the application of Radio Corp. of Orlando, for a new station in Orlando, Fla., to operate on **1200 kc.**

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Denied motion of WBHP to dismiss the application of The Huntsville Times Co., Inc., for a new station in Huntsville, Ala.

Kentucky Broadcasting Corp., Louisville, Ky.—Ordered that the order be discharged directing the Kentucky Broadcasting Corp. to show cause why construction permit issued them should not be recalled, and order granting application for new station be set aside on grounds that applicant is not financially qualified to construct and operate station. Satisfactory showing as to financial qualifications has now been shown.

KMPC—Radio Station KMPC, Los Angeles, Calif.—Issuance of construction permit covering move of transmitter site, increase in power to 5 KW, and installation of directional antenna system for day and night time operation, will be withheld, pending the selection by applicant of a site satisfactory both to the CAA and the Commission.

WGPC—Albany Broadcasting Co., Albany, Ga.—Denied protest and request for hearing in the matter of the application of E. D. Rivers, Valdosta, Ga., for a construction permit to erect a new station to operate on **1420 kc.**, 100 watts night, 250 watts day, unlimited time, which was granted by the Commission without hearing on February 7, 1940.

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans. —Granted license to cover construction permit which authorized installation of new equipment and new antenna, and move of transmitter and studio; frequency **1050 kc.**, power 5 KW, limited time (B4-L-1138). Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-388).

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted modification of construction permit as modified which authorized construction of a new broadcast station to make changes in equipment; frequency **1500 kc.**, power 100 watts, unlimited time (B1-MP-975). Granted license to cover construction permit (B1-L-1143). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-391).

WCLO—Gazette Printing Co., Janesville, Wisc.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-390).

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted license to cover construction permit as modified for new high frequency broadcast station, frequency **43000 kc.**, power 1000 watts, special emission, granted upon an experimental basis only, conditionally (B4-LHB-58).

WLWO—The Crosley Corp., Mason, Ohio.—Granted license to cover construction permit as modified which authorized increase in power to 50000 watts and installation of new equipment (B2-LIB-11).

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted modification of construction permit which authorized increase in power for approval of antenna and of site subject to the condition that the station will be required to reduce power or select another site and install a directional antenna system when Executive Agreement Series No. 136 is made effective (B5-MP-913).

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit which authorized increase in power from 1 to 5 KW, installation of new transmitter, and directional antenna for day and night use, and move of transmitter, for changes in type of transmitter and move transmitter from east of Brooklawn, N. J., to Creek Road, Bellmawr, N. J., extend commencement date 10 days after grant and completion date 120 days thereafter (B2-MP-974).

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted license to cover construction permit as modified for new high frequency broadcast station; frequency **43000 kc.**; power 50000 watts; special emission; granted upon an experimental basis only, conditionally (B1-LHB-59).

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Adopted final order denying the application for a construction permit to install a new transmitter and a directional antenna for nighttime use, to change frequency to **1270 kc.**, and to operate with power of 1 KW, unlimited time.

Caribbean Broadcasting Association, Inc., San Juan, Puerto Rico.—Denied petition to set aside the order of the Commission of March 12, 1940, granting the application of Puerto Rico Advertising Co., Inc., for a new station in San Juan, to operate on **1500 kc.**, with 250 watts, unlimited time, reconsider said application and designate the same for consolidated hearing with the application of Caribbean Broadcasting Association, Inc., for the same facilities.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Cal.—Denied petition for rehearing in the matter of the application of Marysville-Yuba City Broadcasters, Inc., to erect a new station at Marysville, Cal. to use frequency **1420 kc.**, with 100 watts power, unlimited time, which was granted by the Commission without a hearing on January 17, 1940.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Denied petition requesting reconsideration by Commission of its action in designating for hearing the application of WTAL for renewal of license.

WOL—American Broadcasting Co., Washington, D. C.—Dismissed, upon request of applicant, the petition for rehearing in the matter of the application of Lawrence Heller, for a new station in Washington, D. C.

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted modification of construction permit for new broadcast station for approval of antenna, change type of transmitter, approval of transmitter site at 6th St., U. S. Highway No. 41, and studio at 320 Busseron St., Vincennes, Ind. (B4-MP-731).

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted license to cover construction permit which authorized changes in auxiliary transmitter; frequency **580 kc.**; power 1 KW; auxiliary purposes only (B3-L-1141).

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted modification of construction permit which authorized increase in power, changes in equipment and antenna system, and move of transmitter, for extension of completion date from June 17, 1940 to August 20, 1940; frequency **1420 kc.**, 250 watts, unlimited time (B4-MP-977).

KAXM—Radiomarine Corp. of America, New York, N. Y.—Granted extension of special temporary authority to operate ship radiotelephone station KWBL with special emission on frequencies **4422.5, 8820, 8840, 13200, 13220, 17610** and **17680 kc.**, and as a special relay broadcast station on frequencies **6425, 9135, 12862.5, 17310 kc.** for the period May 15, 1940, to not later than June 13, 1940, to transmit programs to the National Broadcasting Co. in connection with series of educational programs on sociological conditions in the Pacific South Sea Islands.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 5 p. m. to 6 p. m. CST, May 10, 14 and 24, 1940, and from 4 p. m. to 5 p. m. CST, May 11 and 25, 1940, in order to broadcast the Purdue Baseball Games.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate on Daylight Saving Time from May 9, 1940, to not later than August 1, 1940.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of construction permit for approval of antenna system, approval of transmitter site, change in type of transmitter; frequency **1350 kc.**, 500 watts (B3-MP-972).

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Reopened for further hearing, to be held in Washington, D. C., on May 22, 1940, the order of revocation of license of Eagle Broadcasting Co., Inc. (KGFI).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Modification of license to change frequency from **550** to **830 kc.**, increase power from 500 watts night, 1 KW day to 1 KW day and night, change hours from share with KSD to from local sunrise to sunset at Denver, Colorado.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to change hours from share with KFUO to unlimited time. Requests facilities of KFUO.

### 770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—License to cover construction permit (B4-P-2496) for new equipment.

### 780 Kilocycles

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Transfer of control of corporation from R. E. McDonald to Wm. J. Wagner, 332 shares common stock.

### 940 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Texas.—Construction permit for new broadcast station on **940 kc.**, 500 watts, unlimited time, Class III-B Station. Studio: Petroleum Tower Bldg., Dallas, Texas. Transmitter to be determined, Dallas, Texas.

WHA—State of Wisconsin, University of Wisconsin, Madison, Wis.—Modification of license to change frequency from **940** to **830 kc.**

### 1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to change specified hours *to* daily except Sunday: 6 to 8 a. m., 11:30 a. m. to 12:30 p. m.; daily except Saturday, 3 to 6 p. m.; Saturday only, 2:30 to 5:30 p. m. (contingent on KTBC license being revoked. Amended to request daily except Sunday, 6 to 8 a. m., 11:30 a. m. to 12:30 p. m.; daily except Saturday, 3 to 6 p. m., February through September; 2:30 to 5:30 p. m., daily except Saturday, October through January, and 2:30 to 5:30 p. m. Saturday only.

NEW—J. M West, J. Marion West and P. M. Stevenson, near Austin, Tex.—Construction permit for new broadcast station on **1120 kc.**, 1 KW, specified hours, Class III-B, studio and transmitter sites to be determined near Austin, Tex. (applicant requests consideration only if KTBC's license is revoked). Amended to change name of applicant to J. M. West, J. Marion West, T. H. Monroe and P. M. Stevenson, and to request facilities of KTBC.

### 1200 Kilocycles

NEW—Albert Joseph Meyer, Powell, Wyoming.—Construction permit for new broadcast station on **1500 kc.**, 250 watts, unlimited. Amended re antenna changes and requesting change of requested frequency to **1200 kc.**

WCLO—Gazette Printing Co., Janesville, Wis.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

WMAN—Richland, Inc., Mansfield, Ohio.—Authority to transfer control of corporation from George Satterlee to Monroe F. Rubin, 93 shares of common stock.

### 1400 Kilocycles

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Modification of license to change name to WLTH—NEW YORK, INCORPORATED.

### 1420 Kilocycles

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Modification of construction permit (B4-P-2521) for increase in power, changes in equipment and antenna, move transmitter, requesting extension of completion date from 6-17-40 to 8-20-40.

WMVA—Wm. C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Modification of construction permit (B2-P-2226) for a new station, requesting approval of antenna system, change transmitter, approval of studio site at Hotel Henry, Church St., Martinsville, Va., and transmitter site near Martinsville, Va.

### 1450 Kilocycles

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Modification of license requesting designation as Class III-A station.

### 1500 Kilocycles

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-2100) as modified for a new station, requesting changes in equipment.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—License to cover construction permit (B1-P-2100) as modified for new station.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement of antenna power.

## MISCELLANEOUS

NEW—Hughes Productions Division of Hughes Tool Co., Junipero Serra Peak, Monterey County, Calif.—Construction permit for new relay television broadcast station on **319.25** and **323.75 mc.**, power 25 watts, emission A5 and special for frequency modulation.

NEW—Hughes Productions Division of Hughes Tool Co., Copernicus Peak, Santa Clara County, Calif.—Construction permit for new relay television broadcast station on **307.25** and **311.75 mc.**, power 25 watts, emission A5 and special for frequency modulation.

NEW—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Construction permit for new high frequency broadcast station on **43200 kc.**, 1000 watts, emission special for frequency modulation.

NEW—Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Construction permit for new high frequency broadcast station on **43200 kc.**, 1000 watts, emission special for frequency modulation.

NEW—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Construction permit for new Class II television broadcast station on **66000-72000 kc.**, 10 KW visual and aural, emission A3 and A5. Form 318 received requesting Class II.

NEW—Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Construction permit same as above except location to be San Francisco, Calif. Form 318 received requesting Class II television broadcast station.

NEW—Hughes Productions Division of Hughes Tool Co., Portable-Mobile.—Construction permit for a new portable television broadcast station on **301.25** and **305.75 mc.**, power 25 watts, A5 and special for frequency modulation. Portable, area of California.

NEW—Hughes Productions Division of Hughes Tool Co., Frazier Peak, Ventura County, Calif.—Construction permit for new relay television broadcast station on **307.25** and **311.75 mc.**, power 25 watts, emission A5 and special for frequency modulation.

NEW—The Louisville Times Co., Louisville, Ky.—License for new high frequency broadcast station on **25300 kc.**, 500 watts, emission A-3 (using transmitter of Facsimile Station W9XWT). Amended to change name of applicant to Courier-Journal and Louisville Times Company.

NEW—Hampton Roads Broadcasting Corp., Newport News, Va.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, A3-special emission for frequency modulation. Amended: Emission special for frequency modulation.

NEW—A. J. Fletcher, Raleigh, N. C.—Construction permit for new high frequency broadcast station on **43400 kc.**, 1000 watts, emission special for frequency modulation.

WEIX—Memphis Commercial Appeal Co., Area of Memphis, Tenn.—Construction permit to increase power from 5 watts to 22 watts and install new equipment.

NEW—Larus & Brothers Co., Inc., Richmond, Va.—Construction permit for new high frequency station on **43200 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Radio Station WSOC, Inc., Charlotte, N. C.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation.

W3XGN—Berks Broadcasting Co., area Reading, Pa.—Construction permit to increase power from 1 watt to 2 watts and install new transmitter.

W8XVH—WBNS, Inc., Columbus, Ohio.—Construction permit to install new equipment.

NEW—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation.

W9XH—South Bend Tribune, South Bend, Ind.—Modification of license to change frequency from **26050** to **42380 kc.**

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Cord & Webbing Company**—Max Krauss, trading as American Cord & Webbing Company, 394 Broadway, New York, engaged in the sale and distribution of cloth tape or web used in connection with Venetian blinds, upholstery and other articles, is charged in a complaint with misrepresentation.

The complaint alleges that in advertisements in trade journals, and other advertising material, the respondent represents, among other things, that "Vat Dyes are the Fastest dyes known to science —made to resist the color destroying action of sunlight, washing, dry cleaning, etc."

Through use of the foregoing representation and others of similar import, the complaint continues, the respondent represents that all colors in his products are produced by means of vat dyes.

The complaint alleges that in truth two of the colors portrayed in the respondent's advertising material are not "vat dye" colors, one of them being produced by a process known as the naphthol process, and the other by the sulphur process.

As illustrative of the purported fastness and durability of the dyes used to color his products, the complaint alleges, the respondent has caused to be inserted in certain of his advertising material charts or tables showing purported "Tests made on colors most likely affected by sunlight", through use of a "Comparative Fade-Ometer."

Through the use of such charts and tables the respondent is alleged to represent that the colors of his products are superior in fastness and durability to other colors used for similar purposes, when such is not a fact in all cases, and that his products have been subjected over designated periods of tests which demonstrate that the colors will not fade or change, when in fact the colors of his products fade appreciably when subjected to authentic tests for periods much shorter than those designated by the respondent.

A further practice of the respondent, the complaint continues, is use of the trade names "Lintex" and "Siltex" to designate certain of his products. Through use of these words, it is charged, the respondent alleges that his products are composed of linen or silk, when such are not the facts. (4112)

**Cheshill Manufacturing Company**—Edward Shill and Sanford C. Chesick, trading as The Cheshill Manufacturing Company, 501 Seventh Ave., New York, engaged in the sale and distribution of chain door locks equipped with so-called safety bells, which are sold under the name "Safety Bell Chain Locks," are charged with misrepresentation in a complaint.

In advertising matter printed on letterheads, billheads and on cartons containing their products, and by other means, the complaint alleges, the respondents have falsely represented that they are the manufacturers of the Safety Bell Chain Locks and other patented protective devices.

The complaint alleges that respondents have sold and distributed locks with the legend "Pat. Pend." stamped or braised in raised letters on metal bases of the locks.

In truth, the complaint continues, the respondents are not holders of letters patent on the locks or any other protective devices, and have not applied for nor do they have pending a patent for their Safety Bell Chain Locks or any of their parts. The complaint also charges that the respondents do not own, operate or control any factory, and that they are in no sense the manufacturers of the locks sold by them. (4123)

**Food Display Machine Corporation,** and M. J. Kulikowski, Mrs. M. J. Kulikowski and George H. Hardt, 620 North Michigan Ave., Chicago, are charged in a complaint with misrepresentation.

The respondents M. J. Kulikowski, Mrs. M. J. Kulikowski and George H. Hardt are the officers and principal stockholders of the corporation, which is engaged in the sale and distribution of machines designed for cooking potato chips, corn chips and doughnuts. The respondents use the trade names "Vita-Seald" in connection with their potato chip machines, "King Korn Company" and "King K Company" with respect to the corn chip machines, and "Brown Bobby Company" in connection with the doughnut machines.

In advertisements in magazines and periodicals, and other material, the respondents allegedly have represented, among other things, that "Only $2.50 investment in raw materials brings back $10 in cash at wholesale"; "Your machine is capable of turning out 10 lbs. of chips every hour—80 lbs. in an 8 hour day. If sold in 5¢ size bags . . . that should give you a total profit of $21.60 on your 80 lbs. of chips"; "Sensational New Business That May Sweep You to Riches," and "Experts estimate and tests show that the first year's requirements should be about 12,000,000 lbs. You make 32¢ net profit on every pound that passes through your hands."

These and other statements, the complaint alleges, represent that tremendous incomes and profits may reasonably be expected by purchasers and users of the respondents' machines; that with little effort and small investment or expense one can start a business that will rapidly accumulate riches for himself, and that the respondents' machines present in themselves the most amazing money-making opportunity offered by any business in America.

In truth, the complaint continues, the respondents' claims as to the actual or potential markets available are grossly exaggerated, misleading and deceptive, and the actual market is supplied by strong, well-financed, experienced operators from whom an inexperienced operator with one or more of the respondents' machines would be unable to acquire or divert substantial trade and custom. To accumulate the profits or earnings at the rate and in the amounts represented by the respondents, the complaint alleges, would require the steady operation of such machines at full capacity. (4122)

**Junior League Lingerie, Inc.,** 152 Madison Ave., New York, is charged in a complaint with misrepresentation.

The respondent corporation is engaged in the sale and distribution of women's apparel, including slips and other lingerie. In the course of its business, the complaint charges, the respondent has falsely represented that its products are sponsored or approved by the Junior League, such representation being made by means of tags and labels attached to its products, and by letters, circulars and other advertising material distributed among prospective purchasers.

The name "Junior League," the complaint continues, has long been associated in the minds of a substantial portion of the purchasing public with the organization, to such an extent that the use of it to describe articles of merchandise, particularly women's apparel, causes the public to believe that the articles so designated are sponsored or approved by the Junior League.

In truth and in fact, the complaint alleges, none of the respondent corporation's products is sponsored or approved by the Junior League, and the respondent is not connected in any way with the organization and has no authority from the organization to use its name to designate its products. Use by the respondent of the words "Junior League," the complaint charges, as a part of its corporate name, constitutes within itself a false and misleading representation that the respondent is connected with the Junior League and that the respondent's products are sponsored or approved by the organization. The respondent has also, the complaint continues, placed directly in the hands of uninformed or unscrupulous dealers a means and instrumentality whereby such dealers have been and are enabled to mislead and deceive members of the purchasing public. (4124)

**Liberty Candy Company**—See McAfee Candy Company.

**McAfee Candy Company**—Joe B. Hill and C. O. McAfee, trading as McAfee Candy Company and Liberty Candy Company, 651 Poplar St., Macon, Ga., manufacturers of candy distributed to jobbers and wholesale and retail dealers, are charged, in a complaint with use of lottery methods in the distribution of their products.

Certain of the assortments distributed by the respondents, the complaint charges, are so packed and assembled as to involve use of games of chance or lottery schemes when sold to ultimate consumers. The respondents also are alleged to furnish various push cards for use in the sale and distribution of their products by means of a gift enterprise or lottery scheme. Through use of these plans, the respondents allegedly supply to and place in the hands of others the means of conducting lotteries in the sale of their products. (4114)

## STIPULATIONS

Following stipulations have been entered by the Commission:

**American Royal Products Company**—Edna Foster, trading as American Royal Products Company, 931 Ashland Ave., St. Paul, in connection with the sale and distribution of "Riteway" Corn and Callous Remover, agrees to cease representing that the product is amazing, new, marvelous, sensational, or different; is superior to other products; that it is "$1,000 Guaranteed"; that agents or vendors may make $2 to $3 an hour, or earn profits in excess of the average net profits consistently made by full time salesmen; that a charge of 10 cents or other amount is intended merely "for mailing and handling" of a sample package, when in fact such sum covers the full price for which the commodity is regularly sold and delivered, and that E. L. Fox is the president of American Royal Products Company, or otherwise representing that her business is incorporated or extensive in size and operation. (2775)

**Cassell Products, Inc.,** 131 West 33d St., New York, in the sale of a toilet vinegar, agrees to desist from use on its wrappers, tags, or other advertising matter of the word "British", alone or in connection with any other words or pictorial or other representations, the effect of which may convey the impression that the product is of English origin or that it is made in the British Isles. According to the stipulation, the respondent's preparation is of domestic manufacture. (2777)

**Cleo-Pax**—Jay P. Walk, trading as Cleo-Pax, 416 South Dearborn St., Chicago, manufacturer of so-called wrinkle plasters sold under the name "Cleo-Pax", agrees to cease using any statement directly asserting or implying that the use of the products will check or prevent the formation of wrinkles, lift up sagging facial lines, or cause such lines or wrinkles which result from age to fade away or become shallower, and agrees to desist from advertising that use of these products will rejuvenate aged or aging skin or eradicate facial lines or wrinkles. (2780)

**Colonial Lumber Specialties, Inc.,** 30 Church St., New York, engaged in the sale and distribution of red cedar shingles, agrees:

To cease representing that the "Early American Brand" of hand split red cedar shingle is "Guaranteed 20 years against fire", or designating or referring to a limited vendor's warranty as "an unconditional guarantee," and from use of the word "Guarantee" or the word "Guaranteed" or words of similar meaning in connection with the advertising, offering for sale, sale or distribution of its products, unless whenever used, clear and unequivocal disclosure be made in direct connection therewith, of exactly what is offered by way of security, and also any qualifying restrictions, limitations or provisos.

(b) To discontinue representing, by use of expressions such as "This guarantee does away with all uneasiness in reference to the fire hazard," or in any other way, that there is no danger from fire where the hand split red cedar shingles sold by it are used, or that they will not ignite, and to cease representations of any kind tending to convey the belief that untreated wooden shingles have been rendered fireproof.

(c) To desist from use on its trade stationery of the words "Mills in British Columbia, West Virginia" or other designated locality, or from words of similar implication tending to convey the belief that it makes or manufactures the products sold by it, or that it actually owns, operates or directly and absolutely controls a plant or mill in which such products are made or manufactured. (2782)

**Dated Cream Company**—Theresa H. Boyer and Ann Bray, trading as Dated Cream Company, Evansville, Ind., agree to cease representing that their preparation "Dated Cream" has healing properties or penetrates the skin; that it will go down deep into the pores and cleanse them of all foreign matter or will stimulate the pores to normal action, or that the preparation activates the sebaceous glands or does more than to cleanse the surface. The respondent co-partners also stipulate that they will cease representing that their preparation will vitalize the skin or remove wrinkles, prevent or restore sagging muscles, or restore a substance natural to the skin. (2785)

**Dickey Eye Water Company**—James J. Durr, doing business as Dickey Eye Water Company, Montgomery, Ala., engaged in selling a medicinal preparation designated "Dr. J. A. Dickey's Eye Water," agrees to cease representing that the preparation is superior in beneficial qualities to any other preparation used for the same purposes; that it is recognized as a standard preparation for the eyes, and that the preparation is a remedy or is capable of curing or healing. (02551)

**Ulric C. Jones Advertising Agency**—Ulric C. Jones, trading as Ulric C. Jones Advertising Agency, Hurt Building, Atlanta, has entered into a stipulation in which he agrees to desist from certain representations in the dissemination of advertisements with respect to 15 poultry, dairy and hog feeds sold by J. Kendley Martin, trading as Standard Milling Company, Atlanta. Among the feeds so advertised were "Super Quality" pullet, starting, laying, breeding and supplement mashes, "Standard 18% Hog Feeds" and others.

In the stipulation, Ulric C. Jones agrees to discontinue disseminating or causing to be disseminated, any advertisements which represent directly or by implication that any of the feeding plans or feeds of J. Kendley Martin, or any ingredients in such feed, will "insure" or "assure" for the user any result which may not be expected to follow under every condition of use or which is not entirely dependent on such feeding plan, feed, or ingredients in the feed, for its accomplishment.

Among other representations which the respondent agrees to discontinue are that any of the Martin feeds are perfectly balanced or incorporate every new feeding discovery of value in a poultry or livestock ration; that "Super Quality Coccidiosis Control Mixture," when used in connection with proper sanitary measures, will prevent coccidiosis in baby chicks or do more than aid in its prevention; that this preparation is completely medicated or will help prevent infectious diseases, unless, where it does so only because of its nutritive qualities, such reason is clearly indicated; that any of the hog feeds sold by Martin will afford the highest profit or grow and develop swine at the lowest feeding cost, or that the various feeds distributed by J. Kendley Martin are sold entirely direct to the purchasing public. (02552)

**Kaiser Baking Company,** trading also as Frantz Home Bakers, East Liverpool, Ohio, agrees to cease selling or otherwise disposing of bread or other products by means of a game of chance, gift enterprise or lottery scheme. The stipulation recites that the respondent company conducted a lottery and advertised "20 Free Trips to the New York World's Fair" through weekly drawings in which the winners were determined wholly by lot or chance. (2784)

**Van de Mark Advertising, Inc.,** Cincinnati, and Claude Efnor, vice president, engaged in the sale and distribution of advertising material consisting of cuts, mats, and material for promoting the sale by others of goods and commodities, have agreed to discontinue representations concerning "Riteway" Corn and Callous Remover similar to a number of those stipulated to be discontinued by Edna Foster, trading as American Royal Products Company. (2776)

**Standard Milling Company**—See Ulric C. Jones Advertising Agency.

**Standard Refining Company, Inc.,** 500 Palisade Ave., Jersey City, N. J., and Eleanor G. Rudiger and Joseph H. Rudiger, president and vice president of the corporation, distribute molasses, syrups and honey. In their stipulation the respondents agree to cease using the phrase "Extra Fancy Barbados Molasses" as a mark, stamp or brand for a product not composed wholly of molasses originating in the Islands of Barbados. They also agree to cease employing the word "Barbados," alone or in connection with other words or in any way as descriptive of molasses other than Barbados molasses. The stipulation provides that if the product is composed of a blend having Barbados molasses in substantial quantity as an ingredient and also having ingredients other than Barbados molasses, and the word Barbados is used to refer to such Barbados molasses content, then the word Barbados shall be accompanied by other words in equally conspicuous type to indicate clearly that the product is not composed wholly of Barbados molasses but is a blended product in which Barbados molasses is but one of two or more ingredients. (2778)

**United Factories, Inc.,** 1302 McGee St., Kansas City, Mo., engaged in the sale and distribution of oil burners for installation in stoves and furnaces, agrees to cease representing:

(a) That the device sold by it is a new, cheap type oil burner or that it burns cheap oil in a new way, or, by the use of similar terms or phrases, representing that the heating process employed in its open pool or pot type oil burners is an innovation or involves any new principles, or, inferentially or otherwise, that such burners operate satisfactorily with grades of oil inferior to or cheaper than the grades which should be used therein.

(b) That the oil burners it sells furnish twice the heat rendered by coal or wood, either at half the cost or at smaller cost, or at all, or representing without due regard to circumstances and environment that the heat from such burners is greater or cheaper than that from coal or wood.

(c) That any article is given "free" or as a gratuity, when the receipt of such article is contingent upon any consideration, terms or condition, as payment of money or rendering of services.

(d) Representing, by statement or inference, that exclusive trade territory is or may be given, allotted or reserved either "free" or for a consideration or otherwise, to any person, or that agents or salespersons are designated for any territory or district with exclusive agency or selling rights therein. (2774)

**C. E. Woodling Chemical Works**—C. E. Woodling, trading as C. E. Woodling Chemical Works, 127 South Jefferson St., Allentown, Pa., engaged in selling a chemical designated "Odorene," to be sprayed in rooms for deodorizing them, agrees to cease representing that the product is instant in action and will banish, end or kill odors, or implying that it is permanent in effect; that there is no competition in selling the product; that the product is new in any territory, unless there have been no previous sales in the locality referred to; that the financial opportunities afforded in selling the product are unparalleled, and that the product is effective for all odors. (02553)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Chapman Health Products Company,** 4618 Euclid Ave., Cleveland, and John W. and Nellie C. Chapman, individually and as officers of the corporation, have been ordered to cease and desist from further dissemination of advertisements for the purpose of inducing the purchase of medicinal preparations sold and distributed by them under the designations "N.A.R. Tablets", and "Faid" (otherwise known as "Daintee").

Upon application of the Federal Trade Commission, the United States District Court for the Northern District of Ohio last December issued an order restraining The Chapman Health Products Company from further dissemination of false advertisements concerning the preparation designated "Faid" or "Daintee", pending the issuance of a complaint under its regular procedure by the Commission.

Findings of the Commission are that the respondents represented "N.A.R. Tablets" as a cure or remedy for rheumatism, neuritis and arthritis, when in fact the preparation possesses no therapeutic value in the treatment of those ailments except so far as the analgesic properties might afford temporary relief.

The preparation designated "Faid" (otherwise known as "Daintee") was represented as a cure or remedy for obesity and as being a competent, safe and scientific treatment, its use having no ill effect upon the human body. In truth, the Commission finds, the preparation contains powdered extract phytolacca berries, sodium biborate, berberine hydrochloride, apocynoid and desiccated thyroid. These drugs, according to findings, are present in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the respondents' advertisements or under such conditions as are customary and usual.

The respondents are ordered to cease and desist from the dissemination of any advertisements for the purpose of inducing the purchase of the preparations or any medicinal preparations composed of substantially similar ingredients, whether sold under the same name or any other name, and which advertisements, when referring to the product "Faid", fail to reveal that its use may result in serious or irreparable injury to health, or which advertisements represent "N.A.R. Tablets" as a cure or remedy for rheumatism, neuritis or arthritis, or that the preparation "Faid" (otherwise known as "Daintee") is a cure or a competent, safe or scientific treatment for obesity. (4004)

**Ehrhart Conrad Company,** 106 Carlisle St., Hanover, Pa., engaged in the sale and distribution of food products to retail dealers, is found by the Commission to have sold and distributed to dealers a so-called "Plee-zing Treasure Chest" device for use in the sale of the products to the consuming public, in a manner involving the operation of a game of chance. The "Plee-zing Treasure Chest" consists of a card with a seal, and 100 small trade "receipts", with spaces provided on the card on which the receipts are to be pasted. After the blank spaces on the card are filled, the prizes designated under the seal become available to the holder of the card. The food products or cash awards so designated under the seals vary in value in accordance with each card, the prizes or awards thus being distributed to the purchasing public wholly by lot or chance, according to findings. (4068)

**Erwin Feather Quilt Company**—Herbert S. and Mabel T. Erwin, trading as Erwin Feather Quilt Company, 1598 East Livingston Ave., Columbus, Ohio, have been ordered to cease and desist from misrepresentations concerning their products.

Findings of the Commission are that the respondents have circulated to purchasers and prospective customers throughout the United States advertising folders, pamphlets and other literature, which contain false and misleading statements concerning the value and price of their products. Among such statements are: "Return this card at once for our SPECIAL OFFER FOR THIS WEEK ONLY", and "FALL AND PRE-HOLIDAY PURCHASE PLAN. One week only is the limit—we must place on our special offer to let you personally examine these exceptional quilts and see for yourself their beautiful colors—attractive designs, and know the comfort that comes from these warm light-weight feather quilts."

Findings are further that upon inquiry received from prospective purchasers as a result of the advertisements, the respondents, in person and through agents, would get in touch with the prospective purchasers and sell them quilts, pillows, bed spreads and other products at the prices quoted which were represented to be reduced and special prices, limited as to time.

In truth, the Commission finds, the respondents' quoted special or reduced prices were not special reduced prices for a limited time, and the products advertised have never had a usual, regular or customary retail sales price greater or other than the price quoted.

The respondents are ordered to cease and desist from representing that the prices at which they offer for sale and sell their products constitute a discount to the purchaser, or that such prices are special or reduced prices or introductory prices or are applicable for a limited time only, when in fact they are the usual and customary prices at which respondents sell such products in the normal and usual course of business. (4011)

**Fascination Candy Company,** Chicago, the Commission finds, manufactures packaged chocolate candy exclusively, its annual sales aggregating between $260,000 and $300,000. In 1936 and 1937, it was found, the company sold assortments of candy suitable for distribution by the use of punch board and push card devices. With some of the assortments push cards were packed by the respondent in containers along with the candy, and in other assortments the candy was sold by the respondent without the cards. When requested by the customer, the Commission finds, the respondent had the push cards or punch boards sent direct to the customer from the manufacturer of such cards and boards. The sales by respondent with which such cards or boards were furnished aggregated between $2,000 and $3,000 annually. The Commission finds that the respondent, by furnishing such cards and boards, or either type of device, with the candy and articles of merchandise sold by it, supplied to and placed in the hands of others a means by which games of chance, gift enterprises and lotteries have been conducted. (3321)

**Le Flor Company**—Leland F. Benham, trading as Le Flor Company, 620 North Orleans St., Chicago, engaged in the sale and distribution of a medicinal preparation for the treatment of obesity, has been ordered to cease and desist from misrepresentations concerning his product.

The medicinal preparation is described as "Le Flor Weight Reduction Tablets," and is sold under the name of "Le Flor Method." Prior to August, 1937, the respondent conducted his business under the trade name Dixie Products Company.

In advertisements in newspapers and periodicals, the Commission finds, the respondent represented that his treatment for obesity, described as the "Le Flor Method," consisting of "Le Flor Weight Reduction Tablets" and a so-called "deficient element" diet, is a cure or remedy for obesity which does not contain any dehydration drugs, and that the price of $1 per box or 6 boxes for $5 at which the product was being offered for sale, was a special price, and that the regular and customary price was $2 per box.

The Commission finds that the tablets are not a cure or remedy for obesity and have no therapeutic value beyond that of a cathartic or laxative; that they contain dextrose, phenophthalein, powdered extract of bladderwrack, and talc, the drug phenophthalein being a dehydration drug, and that the price of $1 per box or 6 boxes for $5 at which the respondent offers them for sale, is not a special or reduced price but the regular customary and usual price.

The respondent is ordered to cease and desist from representing that his preparation is a cure, remedy or effective treatment for obesity or overweight; that the combination of the respondent's preparation and diet constitute a cure, remedy or effective treatment for obesity; that the preparation contains no dehydration drugs, and that the price at which the respondent offers for sale and sells his preparation constitutes a discount to the purchaser, or that such price is a special, reduced or introductory price or is applicable for a limited time only, when in fact it is the usual and customary price at which the respondent sells his preparation in the normal and usual course of business. (4031)

**Oxol Laboratories**—William S. McClymonds, trading as Oxol Laboratories and Western Research Laboratories, 1046 Santa Fe Drive, Denver, Colo., engaged in compounding, selling and distributing a medicinal preparation, has been ordered to cease and desist from misrepresentations concerning his product.

Findings of the Commission are that the product, designated "Quinox Capsules," is intended for use by women suffering from delayed menstruation. In newspapers and periodicals and other printed and written matter, the Commission finds, the respondent has represented that the preparation is a cure or remedy for and constitutes a competent and effective treatment in cases of delayed menstruation. Findings are that these representations are misleading and untrue, and that the preparation is without any substantial therapeutic value aside from its effect as an ordinary laxative.

The respondent is ordered to cease and desist from representing that the preparation is a cure or remedy or a competent or effective treatment for delayed menstruation, or will relieve or have any beneficial effect thereon, or that the preparation possesses any substantial therapeutic value aside from its effect as an ordinary laxative. (4035)

**Prudential Sales Corporation,** 230 East Ohio St., Chicago, distributor of dry shavers, wrist watches and other merchandise, has been ordered to cease and desist from the use of lottery methods and misrepresentation in the sale of its merchandise.

Findings of the Commission are that, besides furnishing to dealers devices such as push cards which involve games of chance in the sale of its products to ultimate consumers, the respondent represented certain electric dry shavers to have a value of $15, when in truth they were of a lower quality and had a retail value of substantially less than that amount. The respondent also is found to have placed on the face of push cards the picture of an electric dry shaver, and beneath or to the side of the picture, in bold type, the word "Packard," while beneath the word "Packard," in small letters, were the words "Combination pen and pencil," the words and picture being so arranged that buyers received the erroneous impression that the electric shaver referred to was a genuine $15 Packard Lectro-Shaver."

The respondent is further found to have advertised blankets by use of the unqualified word "Wool" in bold type and so set out as to attract attention of purchasers, while the statement "Guardsman has over 80% wool content guaranteed," was in small inconspicuous type, and is found to have used the word "Elkskein" to designate sports jackets, such word serving as a representation that the jackets were actually made from elkskin, when they were not made from elkskin and did not possess its desirable qualities.

The Commission order directs the respondent to cease and desist from supplying to or placing in the hands of others, merchandise together with lottery devices, or such devices together with merchandise or separately, for use in selling or distributing merchandise to the public; from representing fictitious and excessive prices as the customary or regular prices or values of electric shavers; from using the trade name "Packard" or other trade name in connection with the picture of an electric shaver, or separately, so as to indicate that the respondent is offering an electric shaver bearing such trade name, when in fact the respondent uses such name to refer to an article other than an electric shaver; from using the word "Wool" or any other word or term descriptive of wool to designate any fabric or product which is not wholly composed of wool, provided, however, that in the case of fabrics or products composed in part of wool and in part of other fabrics, such words may be used as descriptive of the wool content if there is used in immediate conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent; from using the word "Elkskein" or any other simulation of the word "Elkskin" to describe sports jackets not made from the skin of an elk, tanned by the chrome process, and from using the word "free" or any other term of similar meaning to describe or refer to articles regularly included in a combination offer with other articles, or which are given as compensation for services. (3839)

**Roxanna Canning Company**, manufacturer and distributor of dog foods, with its office in Lebanon, Ohio, and manufacturing plant in Dodds, Ohio, has been ordered to cease and desist from misrepresentations concerning its products.

Findings of the Commission are that the respondent, in the course of its business, has made statements that are deceptive and misleading concerning the ingredients of the various brands of dog foods it manufactures and sells. Typical of these, according to findings, is a representation that "Blackspot," one of its products, is a scientifically balanced ration containing beef by-products, cereal composed of wheat, corn, oats and soy bean products, ground beef bone, beef, carrots, salt, and cod liver oil prepared in broth, and that it is guaranteed to contain not less than 8 per cent protein, 2 per cent fat, and not over 2 per cent fiber. The ingredients of "Harty," another product, are represented as being virtually the same.

The Commission finds that these representations are false and misleading, and that the foods do not contain beef by-products, ground beef bone or beef, and are not scientifically balanced rations or scientifically balanced beef rations.

The respondent is ordered to cease and desist from using the terms "beef by-products," "ground beef bone," or "beef" or any other term of similar import or meaning, to designate or describe any ingredients of such products which ingredients are not in fact, respectively, beef by-products, ground beef bone, or beef, and from representing that such products are scientifically balanced beef rations. (3904)

**Conrad Schickerling Research Laboratory**—Conrad Schickerling, trading as Conrad Schickerling Research Laboratory, 589 Central Avenue, Orange, N. J., seller and distributor of various types of incandescent lamps for use in connection with photography, has been ordered to discontinue certain representations concerning his products.

The respondent has sold and distributed various types of incandescent lamps, known as "Schickerling Mushroom Bulb Photo Flood Lamps," sometimes known as "Schickerling Full Sun Spectrum Photo Flood Krypton Lamps," "Schickerling Photo Enlarging Lamps," "Schickerling '1000 Flash' Photo-Flash-Flood-Lamps," and "Schickerling '200 Flash' Photo Lamps."

The Commission finds that the respondent has conducted his business under the name of the Conrad Schickerling Research Laboratory and has caused these words to be used in advertisements, although in fact he does not own, control or direct a laboratory where such research work is conducted, and has not at any time been engaged in the direction, control or conduct of such research work.

The respondent is directed to cease using the words "research laboratory" or the word "laboratory" or any other similar word, words or phrases in his trade name or in connection with his business, when the respondent does not own and operate or directly and absolutely control an appropriately equipped laboratory where research work in connection with his business is conducted by trained technicians. (4042)

**Standard Brands, Inc.**—Part of cease and desist order and findings issued in June, 1939, against Standard Brands, Incorporated, New York, and its subsidiary, Standard Brands of California, San Francisco, has been modified.

The original order prohibited price discriminations in violation of the Robinson-Patman Act in the sale of bakers' yeast of like grade and quality but dismissed the Commission's complaint in so far as it applied to the sale and distribution of foil yeast, the kind sold in small cakes for individual use.

The modified order does not alter the provisions prohibiting discrimination in the sale of bakers' yeast but vacates the dismissal of the allegations concerning foil yeast, restates the findings in regard thereto and specifically forbids certain discriminations in the sale of foil yeast.

The modified findings are that the respondents sold in commerce immediately prior to April 1, 1940, foil yeast according to the following price scale: 300 pieces and up per month, 27 cents a dozen; under 300 pieces per month, 30 cents a dozen. The respondents are found to have sold foil yeast to units of corporate, voluntary and cooperative groups at 27 cents a dozen regardless of the quantity delivered during any one month to any one unit, and to independent retailers taking more than 300 pieces per month. Members of the groups are found to have been competitively engaged with the independent retailers who did not receive the lower prices but who purchased comparable quantities.

Findings are that the differentials in price did not make only due allowance for differences in cost of sale and delivery resulting from the differing quantities in which the foil yeast was sold, as required by the Robinson-Patman Act, and that the differential amounted to substantial sums annually so that some preferred purchasers obtained substantial savings annually over other purchasers not receiving the benefit of the differential.

Subsequent to March 31, 1940, the findings continue, the respondents have sold foil yeast to the afore-mentioned groups and to those competing independent retailers taking more than 300 pieces a month, at 28½ cents a dozen, and to competing retailers taking less than 300 pieces per month, at 30 cents a dozen. Such differential in price now makes only due allowance for the differences in cost of sale and delivery resulting from the differing quantities sold and delivered, as provided in the act.

The Commission order directs that the respondents, in the sale of foil yeast, cease discriminating in price between different purchasers of this product of like grade and quality, either directly or indirectly, by selling it at different prices such as the following: 300 pieces per month and up, 27 cents a dozen; under 300 pieces a month, 30 cents a dozen. (2986)

**Western Novelty Company**—Max Levin, trading as Western Novelty Company, 1729 Lawrence St., Denver, Colo., engaged in the sale and distribution of knives, cameras, razors and other merchandise, was found to have sold and distributed certain assortments of merchandise so packed and assembled as to involve use of a game of chance when sold to ultimate consumers. One of the assortments, findings are, consisted of a punch board with a number of articles of merchandise attached. The punch board contained a number of small sealed tubes containing slips of paper and numbers. Holders of certain specified numbers were entitled to receive amounts up to $2.50 in cash on a 5-cent sale, and holders of certain other numbers were to receive the articles of merchandise attached to the board, according to findings. (4055)

**Western Research Laboratories**—See Oxol Laboratories.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 20, May 17, 1940

## ASCAP Again Tries to Split Broadcasters United Front

Neville Miller today made the following reply to ASCAP's latest effort to "divide and conquer":

> "I disagree emphatically with the statements contained in John Paine's May 13 letter to broadcasters. The letter is but another attempt on the part of ASCAP to drive a wedge into the industry for the benefit of ASCAP at the expense of broadcasters.
>
> "The enthusiastic support BMI is at present receiving is the best possible answer to Mr. Paine's statement that stations are anxious to sign the new contracts. Today, 292 stations, representing 70% of the revenue ASCAP derives from radio, are members of BMI, with additional stations joining each week. All indications are that the broadcasters are united and are determined once and for all to end ASCAP monopolistic control of music.
>
> "All who have followed this controversy know that any contract requiring broadcasters to pay ASCAP on news broadcasts, sports broadcasts, and other programs which either contain non-ASCAP music or no music at all will be objectionable to broadcasters.
>
> "The broadcasters for years have demanded a per-use character of contract and I am sure have not changed their minds over night, nor will they voluntarily accept ASCAP proposal which curtly dismisses this demand as 'uneconomical and unscientific'.
>
> "All broadcasters are aware that the proposed ASCAP contract perpetuates ASCAP's monopoly and are fully aware of the result of such a monopoly, which was accurately described by Justice Black when he said ASCAP was "a price fixing combination that actually wields the power of life and death over every business . . . dependent upon copyrighted musical compositions for existence. Such a monopolistic combination's power to fix prices is the power to destroy".
>
> "Recent events in Europe have made us accustomed to fifth column activities, and the landing of parachute troops behind the lines. Therefore, I am sure that broadcasters will not be misled by the kind and benevolent interest in their behalf expressed by Mr. Paine, but in their minds will stand out the cold facts that without consultation with the industry, ASCAP has seen fit to demand an increase of approximately 100% in payments, that radio today is contributing two thirds of ASCAP's entire revenue, and that any continuation of the present form of contract will only end in strengthening ASCAP's monopoly.
>
> "Broadcasters would naturally welcome an 'end of difficulties between broadcasters and the authors and composers,' but that end can only be reached by the establishment of free competition in the music field and not by a surrender to ASCAP."

### JUSTICE DEPARTMENT SUBPOENAS ASCAP RECORDS; HEARING SET

The anti-trust division of the Department of Justice is investigating ASCAP to determine whether it exercises an illegal monopoly or restraint in the field of popular music.

Proceeding quietly, the Department of Justice has served a grand jury subpoena upon the society requiring it to produce its records for Federal scrutiny. The society, through Gene Buck, its president, responded by moving to quash the subpoena. Argument on this motion will be held May 22, before Judge Henry W. Goddard in United States District Court in New York.

The anti-trust division is proceeding along criminal lines. Victor Waters, Special Assistant Attorney General in charge of the inquiry, told newspapermen in Washington that a grand jury investigation of ASCAP was under way. He refused to comment.

Herman Finkelstein of the law firm of Schwartz & Frohlich, 1450 Broadway, which represents ASCAP likewise refused comment to newspapermen. He indicated, however, that it was the society's view that the government might be trying to get new evidence with which to revive a civil action which it brought against the society and disputed allied associations in August, 1934. That action, in which the government sought an injunction to restrain the defendants from alleged monopolistic practices, was tried in 1935 only partly and never finally decided.

### BMI DEVELOPMENTS

Louis Katzman has joined the BMI staff in charge of public-domain and tax-free music of the standard, salon, and classical type. He will be associated with Milton Rettenberg, BMI's Music Editor, in presenting copyrighted music of the standard and ballad type.

Mr. Katzman will make it his particular task to explore the needs of each member station, individually, in accordance with the station's report to him as to its musical facilities. He will then be in a position to recommend tax-free theme songs, tax-free music to be used as background or incidental material for dramatic sketches and similar purposes. He will also be charged with getting such music out in suitable form for station use.

For music for small string ensembles, simfoniettas, and so forth, he will hold the position that Mr. Marlo holds in the field of popular music.

Mr. Katzman's experience equips him for this work in a remarkable way. Born just fifty years ago in Russia, he has devoted his whole life to music in various capacities. He has been performer, arranger, conductor, composer, associated with the recording and radio industries

*(Continued on page 4252)*

Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## BMI DEVELOPMENTS

*(Continued from page 4251)*

from their early years. He was first trumpet at the Edison Recording Company in 1919, later was under contract for three years with the Witmark Company as staff arranger, and for two years was chief recording director for the Brunswick Company. For the past five years he has been chief musical director for Hearst Radio, Inc., and he will continue in that capacity in addition to carrying on his work for BMI.

He was conductor as well as arranger and director of the Whittall Anglo-Persians, the second large commercial show on the air in the days of radio's infancy. He conducted his Anglo-Persians in the stage show for two weeks at the opening of the Roxy Theatre in New York. He was the first to introduce "symphono-jazz" and trademarked the name. He was music director of the first Fred Allen show and served in the same capacity for George Gershwin's air show.

He is credited with discovering and developing more young artists and composers than any other music director in the business.

This long and unusual experience enables Mr. Katzman to put himself in the position of the staff of a radio station and to understand their problems and identify himself with them whether the station works on 100 watts or 50,000.

---

George Marlo, BMI's professional manager, has picked three songs for special promotion. The work of a contact man requires him to exercise a neat judgment as to the tunes which are most likely to have strong popular appeal. The music in which he has the greatest confidence is the music he can most successfully promote. It is the confidence which singers, band leaders, and other performers have in his judgment that persuades them to take an interest in the music that he puts before them. Out of the songs already in the BMI catalogue, Mr. Marlo has chosen *Here in the Velvet Night, In the Silence of the Dawn,* and *Practice Makes Perfect.* (The last is in the shop but not yet released.)

BMI is making serious efforts to open the doors for the trained and competent composer who has not previously been able to get a hearing. M. E. Tompkins, General Manager, has written to music schools, conservatories, the music departments of universities, and also to the locals of the American Federation of Musicians, which number in their ranks many professionals of experience who have been blocked in their efforts as composers no less than the most ignorant amateur.

In writing to the officer of one of the locals, Mr. Tompkins said in part:

> As a publisher of music BMI is unique because it is able to assure its writers that their work will have a wide public hearing. The stockholders of the company are exclusively the owners and operators of radio stations which are licensed to play BMI music—nearly 300 of them at present, including most of the major network stations. They will give that music a nationwide audition through the most effective medium in existence, the radio.
>
> In your group there must be men who have music in them that the world would learn to love, granted a hearing of it. Perhaps some of them would already have won wider recognition if they had been given the chance to put their music before the public favorably. BMI can give them that chance.
>
> Of course the needs of the dance bands create the greatest demand for a steady stream of new numbers. We are interested in all music, however, whether or not it is suitable for dancing. The most popular writers are being drawn increasingly from the ranks of trained and competent musicians. It is in groups such as yours that the composers will be found who will write America's outstanding musical works of the future—symphonic works and also the song-and-dance hits. BMI, as the instrument of the broadcasting industry, is grateful for the part it will play in the molding of those careers.
>
> We ask that your members send to use the pick of their manuscripts. The professional musician is well aware of the type of music that appeals to the mass radio audience. That is our immediate need.

The response has shown that, in this respect as well as in so many others, BMI is meeting a great and widespread need.

---

"Man-Bites-Dog" is the old newspaper formula for news. This week *Variety* shows what it considers the unusual and the striking. HIT IS MADE WITHOUT BIG AIR BUILD-UP, it announces in headlines. The tune in question has been played on the air. All that stirred *Variety's* interest was the fact that it "got there with a minimum of radio plugging. . . . For the past several weeks it has averaged but eight network plugs a week."

That says as plainly as any editorial could say, "It is radio which makes a song into a hit. When a hit is made without being plugged on the air—boy, that's news!"

BMI tunes start off with a better chance to become hits than any other songs. Every BMI baby is born with a silver spoon in its mouth.

---

The following letter appeared in *The Beverage Times* for May 6, 1940:

> To the Editor:
>
> Would you be kind enough to tell me what to do? For the last four years I paid to the ASCAP $30 a year, for two nights'

music, three pieces, a week. Now this year they ask $60 a year for one night a week, three pieces playing. Do you think this is fair? I think this new rate will put many musicians out of work. What is your opinion? I think it is going to be a racket and should be stopped. I wish your paper would publish this fact.

HARRY C. SEIFFERT,
Brightwaters, L. I.

(We suggest that you get in touch with Franklin Nichols, president of the Suffolk Restaurant Liquor Dealers' Association, Nichols Hotel, Patchogue, L. I. Association heads are currently working on a plan to escape payment of heavy fees to ASCAP.—ED.)

This little personal note is a strong demonstration of the circumstances which are sweeping all commercial users of music into eager cooperation with BMI.

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## Fly Compliments Broadcasters On War Coverage

"Broadcasters of the United States are doing a whale of a job on reporting war news," FCC Chairman James Lawrence Fly said at a press conference early this week.

The Chairman told newsmen that he has listened to a great number of broadcasts, both from commentators in America and foreign broadcasts, and is of the impression that the broadcast industry is doing an excellent job and "keeping us well informed." Chairman Fly said that the news broadcasts are preserving a balanced perspective and are using discretion in giving their news sources.

"Broadcasters," he said, "are doing an intelligent job and are evaluating their reports." Mr. Fly said that he is favorably impressed with the war news broadcasts and with the methods that are being used and broadcasters are doing "a real public service."

The Chairman called attention to the fact that some time ago there was a serious question regarding the sanctioning of war news but the broadcasters and Commission reached an agreement and the broadcasters are "consistently following the rule laid down." In his remarks Mr. Fly said that of course he was not making any reflection on the excellent work of the regular news service.

Chairman Fly told the newspapermen that he hopes that the Commission will be able to make public its television policy over the next weekend.

### DISTRICT MEETINGS

In line with the NAB bylaws, members in eight of the seventeen districts will hold meetings within the next few weeks. The principal business to be transacted at these meetings is the election of directors for a two year term. A staff representative from NAB will attend all the meetings except the one at Los Angeles. Distance and the fact that Sixteenth District members will have the opportunity to meet the staff at the August convention led to this decision.

Carl Haverlin, recently appointed stations relations director of Broadcast Music, Inc., will attend all of the meetings including the one at Los Angeles. The following dates have been definitely set:

June 1-2—District 4—Greensboro, North Carolina.
June 8—District 10—St. Louis, Missouri.
June 10—District 12—Wichita, Kansas.
June 12—District 14—Salt Lake City, Utah.

The dates for the Second, Sixth, Eighth, and Sixteenth Districts have not as yet been agreed upon and will be announced later.

### JUSTICE DEPARTMENT CLEARS FIVE PROGRAMS REFERRED BY FCC

The Justice Department has cleared five more programs referred to it by the FCC.

They are "Musico," broadcast by station WGN, Chicago; "Songo," broadcast by WIP, Philadelphia; "Especially for You," broadcast by WFIL, Philadelphia; "Sears' Grab Bag," broadcast by WISE, Asheville, N. C., and "Dixie Treasure Chest," broadcast by KRLD, Dallas, Texas.

Previously the Justice Department had cleared the "Pot o' Gold" and "Mead's Bakery" programs.

### McGRANERY COPYRIGHT BILL BAD FOR BROADCASTING

Preliminary analysis of the McGranery Copyright Bill (H. R. 9703) shows it to be a compromise between many interests including the performing artists and labor, particularly the A. F. of M. It does not make any concessions to radio and is very definitely directed at the recording interests. Among the outstanding changes the Act would create, are the following:

1. It abolishes the compulsory license clause for recordings.
2. It makes it a violation of law to broadcast a copyrighted rendition or performance without the consent of the owner of the rendition or performance.

3. It prevents the use of the sound track of a picture apart from the visual part of the film.

4. It makes a recorded rendition of a work susceptible of copyright.

5. It extends copyright to the authors of all countries parties to the International Copyright Convention, subject to certain protection for acts already done with respect to works which may go from public domain to copyright as a result of such provision.

6. It preserves the manufacturing clause and provides that all phonograph records must be recorded and manufactured in the United States.

7. It provides for a fifty-six year term of copyright with no valid assignment of rights or grant of interest to be operative longer than the first twenty-eight years.

8. It introduces the right of the author to object to modifications of the work prejudicial to his honor or reputation.

9. It requires any licenses or grants of any right in a copyright to be in writing.

10. It provides that any performer of a rendition which has been recorded shall be deemed to be the author of the rendition, and that in cases of joint renditions, a conductor or leader shall be deemed to be an author.

11. It authorizes the President to take all steps necessary to make the United States a member of the International Copyright Convention.

It is obvious that this bill would be disastrously disadvantageous to all broadcasters. On the face of it, it would appear to be introduced at the request of NAPA. Representative Kramer (D-Calif.), Chairman of the House Patents Committee, has advised the NAB that it is not contemplated at this time to have the Committee on Patents give consideration to this measure.

# Promotion

## RADIO FESTIVAL

Here are some additional broadcasters who are taking part in National Radio Festival. Observe that they are cutting the coat to fit their particular needs. There's some productive plan for everybody.

We hope to hear from other members as soon as their plans are perfected.

### IOWA

Out where the tall corn grows listeners of KRNT and KSO, Des Moines, are to have at least a month-long Radio Festival including a KSO-KRNT Radio Festival Picnic; tentatively scheduled for Saturday, June 8.

Radio Festival is tied-in with the Radio Gift Man. He will give away one radio set every day to some listener who is tuned to either of the two stations when he calls.

"We're tying him up with the Radio Festival for at least a month, and possibly more, beginning May 13," said Craig Lawrence, commercial manager of KSO-KRNT.

"The Radio Gift Man will call in different section of Des Moines, the various towns around Des Moines and in the rural areas at a different time each day—it may be early in the morning, midmorning, noontime, late afternoon but whatever time he calls, it will be completely unannounced. He will carry his gift radio right with him and tell the person upon whom he calls about the Radio Festival and present them with the radio. Naturally, we will have publicity on this tied up with the Radio Festival in the radio columns of the Des Moines Register and the Des Moines Tribune.

"To climax the Radio Festival, both stations will give a big picnic at Riverview Park in Des Moines. This is the amusement park here and it is quite large for a town of this size and very well operated. We will have a lot of free rides, free shows, fireworks, a baseball game and lots of special attractions for the people who come out. It will be entirely free to them and we will feature it as a KSO-KRNT Radio Festival Picnic. Naturally, this will also get strong promotion on the stations and in the newspapers. We have this currently scheduled for Saturday, June eighth.

"All in all, it's going to be a big month for turning the spotlight on radio here in Iowa and the listening public will know plenty about it."

### UTAH

Arch L. Madsen, manager, KOVO, "The Voice of Central Utah," has set Radio Festival in Provo for the week of June 3-8.

"KOVO will cooperate in every way in the promotion of National Radio Festival . . . we have studied your plan and intend to follow it very closely, with variations necessitated by local conditions . . . Congratulations on your fine work," he wrote.

### WEST VIRGINIA

From Clarksburg, W. Va., G. C. Blackwell, director, WBLK, writes that "WBLK will join the other stations of the West Virginia Network to observe National Radio Festival, the week of June 10-15, inclusive." Other West Virginia Network stations are WCHS, Charleston; WSAZ, Huntington; and WPAR, Parkersburg.

West Virginia stations previously reporting on Radio Festival were WJLS, Beckley and WWVA, Wheeling.

"Tentatively," Mr. Blackwell said, "it is planned to engage the facilities of our local auditorium for the broadcast of several of our local programs in an 'open house' manner.

"It may be that local radio and allied product dealers will cooperate in the showing and demonstration of radio receivers, etc.

"City Manager Late B. Davisson will proclaim observance of the week in Clarksburg. It is understood that the Governor of West Virginia will issue a state Radio Festival proclamation."

### CALIFORNIA

Harry W. Witt, president of the Southern California Broadcasters Association, and sales manager of KNX, Los Angeles, has plenty of ideas on the fire leading to a great sectional observance of Radio Festival.

### SMOKE IN LOUISIANA

Where there's smoke, there's fire. And final Radio Festival plans in Louisiana, still in the smoke stage, are about to burst into flame. It looks as though the state will do "a Connecticut," "a North Carolina" or "a West Virginia" where practically all of the stations went Radio Festival. The will to cooperate is there.

### CONNECTICUT

The "nutmeg" boys are doing an outstanding job of industry promotion in connection with Radio Festival. For one thing they're distributing hundreds of copies of "ABC of Radio" to students who are hearing various broadcasts and who wish to enter the essay contest.

So far books have been expressed to WDRC, Hartford; WELI, New Haven; WICC, Bridgeport; WNBC, New Britain; WNLC, New London; and WTIC, Hartford.

WTIC ran a full page ad in Hartford Newsdaily on Radio Festival May 13. During the remainder of the week a force of men called on the elementary and high schools with copies and posted them on the school bulletin boards.

Even while pre-Radio Festival promotion was under way Connecticut stations carried on a more circulation campaign via auto radio as reported in another column.

### NEW YORK

WHEC, Rochester, is head over heels in plans for an outstanding Radio Festival celebration. The staff is at work under direction of Manager Gunnar Wiig, and the advance schedule of broadcasts sent by Charlotte Edwards, continuity director, indicates the wide scope of activities contemplated.

They have brought into the picture the youngsters, associations, men and women. On some days there are as many as five Radio Festival broadcasts scattered throughout the afternoon and evening build up.

One series of programs will be conducted with the cooperation of the Parent-Teachers Association. The subject for discussion will be "Using the Radio as A Means of Making the Home the Center of Family Culture, Entertainment and Education."

A job hunt for several deserving high school seniors will be conducted in cooperation with the Rochester Chamber of Commerce.

There will also be a student-selection of one of their number to appear on the big civic opening of the Festival as the representative of all the girls and boys in the city.

A newspaper editor will discuss "The Freedom of Radio and the Press."

Outstanding department stores will display products and photographs of radio of interest to the public.

A transcription will be made of one of the weekly assemblies in a large high school and then played back when the students can hear it.

Short biographical sketches of men who have helped to make radio will be incorporated into various programs.

Saluting radio as a contributor to safety via automobiles will feature the station's own safety programs.

The man on the street programs, with theater tickets as give-aways, will be based on propounding questions concerning radio celebrities, programs and sponsors.

The Mayor of Rochester will proclaim Radio Festival Week. Additional plans will be completed on May 20.

## AUTO RADIO

Millions of hours of added daily listening are assured this year due to the efforts of individual stations to popularize auto radio and to induce present auto set owners to keep their receivers in good repair.

Several suggested announcements will be mailed stations within the next few days. Below are listed some of the stations which began the increased listening campaign early:

### "LISTEN WHILE YOU RIDE" ON WLOK

"Listen While You Ride" announcements started on WLOK, Lima, Ohio, on April 1 and have been continued since that time. So reported Howard Donahoe, program director, on May 11. There are two announcements per day back of new auto radio sets.

### WSPD COOPERATES WITH RSA

Russell Gohring, program director, WSPD, Toledo, reports highly satisfactory experience with the Toledo Chapter, Radio Servicemen of America. The station is the medium through which the public and the servicemen are brought together. He says:

"We sincerely feel that WSPD and RSA in Toledo and vicinity can mutually profit by cooperation, and we are very happy to render every assistance. Joe Marty (RSA secretary) has been most cooperative and we feel very kindly toward this organization."

### AND IN CONNECTICUT

The month of April found Connecticut broadcasters engaged in suggesting to auto-set owners that their sets be put in thorough repair so that they would bask in their share of the nation's 11 million to 18 million extra hours of radio listening per day.

To James F. Clancy, sales promotion manager, WTIC, we're indebted for the following summary of happenings throughout the state in connection with the campaign:

WBRY, Waterbury, gave fine cooperation, and, in a letter received a few days ago, they state that the announcements will be continued until May 15.

WNLC, New London, and WELI, New Haven, both booked the campaign for the entire month of April. There were several plugs every day.

WICC, Bridgeport, cooperate on a long range basis with their local servicemen's group (RSA) with an established headquarters and a central telephone number from which point service calls were handled. The station is very aggressive.

WNBC, New Britain, used the auto-radio service announcements several times daily all through the month of April.

WDRC, Hartford, as always, did a good job, while we at WTIC used the announcements throughout the day and evening whenever the opportunity afforded.

### WNEW, NEW YORK CITY

This station began a serious effort to improve servicing throughout a metropolitan New York on Saturday, May 11. WNEW's Promotion Manager, Halsey Barrett, is cooperating with the eight metropolitan chapters, Radio Servicemen of America, in the area. They have a central telephone number and calls are dispatched to the nearest member.

## SALES ACTIVITIES

Plans have been completed by the NAB Sales Managers' Division to take part in the Conventions next month of the Advertising Federation of America and of the National Retail Dry Goods Association. The AFA meeting will be held at the Sherman House, Chicago, June 23-27, while the NRDGA will meet at the Palmer House, June 17-20.

Transcripts of the NRDGA meeting in January, devoted to the use of radio by department stores, are now available at $1.50 per copy from Joseph Hanson, Sales Promotion Manager, National Retail Dry Goods Association, 101 West 31st Street, New York City.

Ed Kirby, NAB Public Relations Director, and Samuel J. Henry, Jr., of the NAB Bureau of Radio Advertising, attended this week's Convention of the American Association of Advertising Agencies in New York.

## TOBEY ASSAILS FCC, RADIO

Senator Tobey (R-NH) made the following speech in the Senate on May 15:

In June 1938, the House of Representatives voted on a resolution which provided for a committee of the House to inquire into and investigate allegations and charges that a monopoly or monopolies existed in radio broadcasting; the resolution further provided that the committee should make a thorough investigation of these charges and the effect which such monopoly or monopolies may have on the character of radio programs, the rates charged advertisers and the general effect which such monopolies have on the public.

Up to a period shortly preceding the day of this vote, it was the general belief, on the part of the members of the House, that the resolution would go through without material opposition. Then the pressure was applied on members of the House to vote against the resolution. Chairman O'Connor of the Rules Committee spoke of this monopoly situation, as follows:

"I have never in my life seen such lobbying against the resolution, from high places and from low places, from part of the leadership of the House and from the page boys of the House and even the colored boys in the other places. I have been here so long that I can smell what is going to happen in this House. * * * You can walk out in that lobby tonight and you will find difficulty in getting through the lobby because of the crowd of radio lobbyists from New York and all over the country and from every department of the government.

"This is the situation we face. The Committee on Rules instructed me, after holding hearings for two years, to bring in this resolution to investigate the radio monopoly. I know all the pressure that has been put on my friends; I know all the pressure that has been put on the members of this House."

The resolution calling for this investigation by the House was defeated and one of the main arguments presented by the opponents of the resolution was that the Federal Communications Commission itself was investigating alleged monopolistic conditions in the radio industry and, therefore, there was no need for the Congress to take duplicate action.

Bearing on this situation, I wrote a letter, under date of May 3, 1940, to each of the seven members of the Federal Communications Commission, which reads as follows:

"In November 1938, Chairman McNinch stated to the House Appropriations Committee that the Radio Monopoly Report of the Commission would be submitted to the Congress within sixty days.

"In June 1939, Commissioner Brown of the Federal Communications Commission appeared for the Commission, before the same Congressional Committee and said that the report would be ready for Congress within sixty days.

"In November 1939, Commissioner Fly of the Federal Communications Commission appeared and stated before the Congressional Committee that the Commission would make its report and recommendations within sixty days.

"It is now eighteen months since Congress was officially told by the Commission that its Radio Monopoly Report and recommendations would be 'ready in about sixty days.'

"I submit to you that, in the light of these facts, these assurances would seem to be nothing but a mockery. As a member of the Senate, interested in this matter, I ask you now as to the reasons for this delay and what you, as a member of the Commission, can do to have the report submitted to the Congress at once. An early reply will be appreciated."

This letter was simple, direct, and to the point. I fully expected to get prompt and adequate responses from the members of the Commission. Three replies have been received and they read as follows:

(Date) May 7, 1940.

"My dear Senator Tobey:

"Your letter of May 3 has been received. I am not familiar with the progress of the 'Radio Monopoly Report' of the Commission. Under Chairman McNinch's regime a committee consisting of Commissioners Sykes, Brown and Walker with McNinch as Chairman was appointed by the Commission to investigate network chains, etc. They have held extensive hearings. Commissioner Sykes has resigned and Commissioner Thompson took his place on the Committee. Chairman McNinch has resigned and no one has taken his place on the Committee.

"Meantime, I have been Chairman of the Committee on Superpower and the WLW matter in that connection, which reported long ago to the Commission. I was also a member of the Committee on Television which reported on that matter last fall to the Commission. As I am not a member of the so-called Monopoly Committee I do not know how far they have progressed toward their report.

"Further, may I say that I have been ill since the 20th of February confined to my bed with pneumonia, pleurisy and phlebitis. The first two are well over; the last still keeps me on the bedroom floor of my house. Therefore, I am not as familiar as I otherwise would be with what has been done at the Commission.

"With warm personal regards,

"Sincerely yours,
(Signed) Norman S. Case,
*Commissioner"*

Under date of May 7, 1940, I received the following letter:

"Dear Senator Tobey:

"Receipt is acknowledged of your letter of May 3, 1940, relative to the so-called 'Monopoly Report' of the Commission.

"As you know, the hearing, as well as the report on the evidence, was entrusted to a committee of the Commission. This Committee is now composed of Commissioner Thad Brown, Chairman, Commissioner F. I. Thompson, and Commissioner Paul A. Walker. Although the hearing to ascertain the facts has been completed for some time, the Committee has not yet submitted its report to the Commission. Recently, upon inquiry of the other Commissioners who were not members of the Committee, the report was promised in a short time.

"In view of your letter, at the next regular meeting of the Commission I shall press for the report and recommendations of the Committee. Any action taken thereon by the Commission with appropriate recommendations will be forwarded to Congress if the same are found to be necessary.

"Very truly yours,
(Signed) T. A. M. Craven,
*Commissioner"*

A letter dated May 5, reads as follows:

"My dear Senator Tobey:

"Only yesterday, I returned from several weeks of revocation hearings that I was holding in Texas, so I had no time to look into the monopoly report as to its standing as of today.

"Over a month ago, I brought the matter up at meeting of the full Commission. I stated that, while I was not a member of the subcommittee on the Radio Monopoly Hearing, I felt that the report had been so long delayed that all the members of the Commission would very properly be charged with neglect if the subcommittee were to continue to withhold the report. Two of the members of that subcommittee, Commissioners Thompson and Walker, assured me that they had been trying to have the report forwarded to the full Commission. The third member of the subcommittee is Commissioner Brown, who is also chairman of the subcommittee.

"Personally, I am glad that you have taken the action that you have, and at the next meeting of the Commission I shall formally move that the report be submitted to the Commission and submitted to Congress as you request.

"Very sincerely yours,
(Signed) George Henry Payne"

Men who have closely followed the activities of the Federal Communications Commission have advised that orders have been given against public releasing of the report and that this is in marked contrast to the way other similar matters have been treated. The subcommittee which conducted the superpower and television studies were permitted to make known their findings at the time they were turned in to the full membership.

It has been said that the President of the United States has given assurance that he will not allow the report to be made public without his approval. It is pointed out that much of the data compiled in the report will be out of date by the time it is released.

I am advised by several sources that it is the intention of the subcommittee to render its report without any recommendations whatever.

Here we have a situation where the Congress, two years ago, was urged not to conduct an investigation on the ground it would be a duplication of the activities of the Federal Communications Commission. Eighteen months ago, and twice since that time, members of the Commission have assured Congress that the report would be ready within sixty days. The whole thing has been a mockery. A simple and reasonable question was put to each member of the Commission two weeks ago as to what each member would do to get the report presented to the Congress at once. A majority of the members of the Commission did not choose to answer or acknowledge this letter. This unusual delay, in light of the assurances of the Commissioners, indicates very strongly that the report is being deliberately held up.

I have presented the facts of this situation in order that the record may be clear and the Congress may know to what extent the members of the Commission are proving themselves free from influence in dealing with this vital matter of importance to the people.

Mr. President, I ask to have printed in the Record, at this point, an article appearing in the May 8 issue of *"Variety"* with regard to this matter.

## UNLICENSED OPERATOR CONVICTED

Following an investigation by inspectors of the FCC of the operation of unlicensed radio stations on Long Island, N. Y., Edward Mathes was indicted for violation of Sections 301 and 318 of the Communications Act of 1934, as amended.

The defendant was arraigned in the United States Court for the Eastern District of New York on May 6, and pleaded guilty to charges of operating an unlicensed radio station and operating a radio station without an operator license. The court suspended sentence and placed the defendant on six months' probation.

## ASKS MORE MONEY FOR FCC

President Roosevelt this week asked Congress for $142,000 more for telephone work of the FCC.

He sent to Congress the request for this amount of money and in explanation the following letter from Harold D. Smith, Director of the Budget in connection with the additional request:

I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Federal Communications Commission, amounting to $142,000, for the fiscal year 1941, as follows:

Federal Communications Commission

Salaries and expenses: For an additional amount for salaries and expenses, Federal Communications Commission, fiscal year 1941, including the objects and subject to the limitations specified under this head in the Independent Offices Appropriation Act, 1941, except that the limitation of $1,246,340 which may be expended under this head for personal services in the district of Columbia is hereby increased to $1,365,460 (47 U. S. C. ch. 5; 50 Stat. 213, 329; act, approved Apr. 18, 1940, Public Act No. 459, 76th Cong., 8)... $142,000

For the fiscal year 1941, an appropriation of $2,051,340 is made available for salaries and expenses of the Federal Communications Commission. The Commission has completed and transmitted to Congress its final report on the telephone investigation. Based upon facts developed during the investigation, the Commission has determined the procedure to be followed in order to provide adequate regulation of the telephone industry in accordance with the Communications Act of June 19, 1934. In order to carry out the proposed plan for expanded regulations, additional funds are needed for developing effective methods of determining the reasonable costs of apparatus and equipment, the allocation of expenses, division of interstate toll revenue, determination of depreciation rates, and for the development of cooperative machinery between the Federal Communications Commission and State commissions. The $142,000 submitted herewith will enable the Commission to initiate the proposed program.

The foregoing supplemental estimate of appropriation is required to meet a contingency which has arisen since the transmission of the 1941 Budget and its approval is recommended.

## INTERNATIONAL BROADCASTING

FCC has sent following announcement to all licensees of international broadcast stations:

The attention of all licensees of international broadcast stations is called to the provisions of Section 4.45 which provides that no international broadcast station will be licensed for operation with a power less than 50 kilowattes after July 1, 1940. Any station not having a power of 50 kilowatts should immediately file the necessary application to install a 50 kilowatt transmitter.

Your attention is likewise called to Section 4.43(c) which provides that the antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10). The Commission will soon require the filing of proof of performance showing compliance with this section.

## NEW FCC RULE

The FCC has adopted the following rule to become Section 4.12 of the Rules Governing Broadcast Services other than Standard Broadcast:

"*Section 4.12* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located, provided:

1. If the transmitter operator is located at a distance from the transmitter pursuant to Section 4.9, the station license shall be posted in the above-described manner at the operating position.
2. If the station is licensed for portable-mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The license of each station operator(s) shall be conspicuously posted at the operating position, provided:

1. If the station at which the operator is on duty is licensed for portable-mobile operation, the operator's license may be kept in his personal possession.

## FROM THE FCC MAIL BAG

The Commission has received several letters objecting to war news over the radio, or criticizing it as "biased." An Indiana man wants the "Government radio station" in Washington, D. C., to give daily war news broadcasts. A New Jersey man offers his services to the Commission as "a commentator on European news events." A New Yorker would "like to get in touch with the Commission's television casting director." A Cincinnati man requests "forms for approval of broadcast programs." Obviously, the Commission has to reply that it has no jurisdiction in such matters.

## "RADIO BROADCASTING EXPLAINED"

### (By the FCC)

At some time or other you have observed, from a distance, a man chopping wood. You noticed that the sound of his axe reached your ears AFTER your eyes had witnessed the actual impact. By the same token, a person at a radio receiving set thousands of miles away can hear a broadcast sound BEFORE a person seated far back of the microphone yet within earshot of the actual proceedings.

This is because radio emissions travel with the speed of light—186,000 MILES a second—as compared with only 1,120 FEET a second for sound. Thus, it requires just about 1/60th of a second for a voice from Europe to be electrically wafted to your home receiving set!

Here is how a standard broadcast station works:

A person talks into the microphone as if it were a telephone. His voice sets up varying vibrations in the microphone. The lower the pitch the slower the vibration. These vibrations have various "intensities" and "frequencies." "Intensity" means the degree of sound, and "frequency" refers to the number of sound waves which can be transmitted in a given length of time.

In the studio these vibrations are converted into electrical current having the same "frequency" and "intensity" characteristics as the sound delivered into the microphone. After being checked and double checked at the studio, these electric impulses are sent over leased telephone wires to the individual transmitting station (usually some miles distant), or to other radio stations carrying the same broadcast. This is the method used in so-called "network" broadcasting.

These electrical vibrations which represent the voice or music in the studio are sometimes called the "audio wave." They are greatly amplified in intensity—sometimes 10,000,000 times—before they are imposed upon the "carrier wave" at the transmitter. The carrier wave is the one assigned to the radio station by the Federal Communications Commission—that to which the dials on the radio receiver must be tuned in order to hear the station.

The intensity and the frequency of this wave are constant, and all by itself it cannot transmit any music or speech. In order to do this it must be varied in some way in accordance with the fluctuations of the audio waves. This is called "modulation." In the standard broadcast band the audio waves are imposed on the carrier wave in such a way as to cause its frequency to remain constant and its "amplitude" (or power) to vary in accord with the audio waves. This is called "amplitude modulations."

These modulated radio waves are then put on the air by the transmitting antenna. They radiate from the antenna tower like waves moving with the speed of light. They emerge in the same fashion that ripples do in a calm body of water disturbed by a thrown stone. However, these radiations move out in ALL directions. Some of them follow the contour of the ground and are called "ground waves." Others dart upwards and are called "skywaves." The former give the best daytime reception. At night, however, the "skywaves" are forced back to earth by a ceiling of electrical particles which science calls the "ionosphere." This nightly rebound gives the listener a choice of more distant stations.

Radio waves pass through buildings and other objects subject, of course, to absorption and interference. As in the case of artificial ripples on water, radio vibrations weaken with distance. Seasonal disturbances and sunspot periods can also disrupt and throw them off their course.

Standard broadcast stations in this country transmit 550,000 to 1,600,000 waves a second. They are known as "long wave" stations because the waves they transmit are actually long. At 550,000 waves a second, the distance between the crests is 1,800 feet. This is known as "wave length." A station transmitting 550,000 waves a second is said to have a frequency of 550,000 "cycles." This corresponds to 550 "kilocycles" (one kilocycle equals 1000 cycles) which, for the sake of convenience, is the usual marking on your receiving set dial. ("Kilo" means one thousand, and "cycle" refers to a complete swing of an electric vibration. Thus, "Kilocycle" is a short way of denoting a thousand of these vibrations or oscillations a second. By the same token, a "megacycle" is equivalent to 1000 kilocycles.)

The so-called "short wave" broadcast stations transmit from 6,000,000 to 25,000,000 waves per second. These waves are sent out one after the other so rapidly that the distance between their crests is only from 50 to 150 feet. It is a paradox that "short waves" go farther than "long waves." That is why international broadcasts are on "short waves."

Unknown to most people, radio transmission goes out in three simultaneous waves. The fundamental frequency or carrier wave, is accompanied by two other waves, one immediately above and the other immediately below the main carrier. These are called "side bands." The distance separating the main frequency and its companion frequencies is known as the "modulation frequency."

The modulated radio wave from the radio station transmitter is picked up by the home receiving antenna. That is to say, it sets up in the receiving antenna modulated radio frequency current having the same frequency and the same varying intensity as the radio frequency currents in the transmitting antenna. The receiving set changes these impulses back into sound which is amplified so that the human ear can hear. In the receiver the carrier wave and the audio waves, of which the modulated wave is comprised, are separated by a device called a "detector" or "demodulator". The carrier wave is shunted off into the ground. Having done its job it is no longer needed. The audio waves, however, are sent to the loud speaker or "telephone head set" where they are transformed back into sound waves.

Radio waves occupy only a portion of what science calls the "electromagnetic spectrum." Imagine the latter as a ruler marked off in kilocycles (which means frequencies) for eight different classes of electric radiation. The radio part of it ranges from 10 to more than 400,000 kilocycles (or frequencies). Not all of this is useful at the present time. But into the useful portion, at varying intervals and in various widths, are crowded many types of radio services.

The number of frequencies available for standard broadcast service are limited, so there is international agreement as to their use. This is necessary to prevent broadcasts in one country from "colliding" with broadcasts in another country. Thus, though the same frequencies have to be used throughout the world, they are shared in such manner as to minimize interference.

Standard broadcast occupies from 550 to 1600 kilocycles (or frequencies). This is known as the standard broadcast "band". This band was adopted for broadcasting because a score of years ago, when broadcasting began, the lower frequencies were used by other radio services, ships at sea, Government stations, and by radiotelegraph stations employing code signals. Very little attention was given to the higher frequencies in those early days. It was believed that they were not suitable for broadcasting since it was known that their ground waves were much more highly absorbed and weakened than those of the longer waves. They turned out to be the only ones possible for broadcasting to great distances, such as to foreign countries, because of the sky waves which bounce back to earth as previously explained.

Today the development of FM (frequency modulation) and television bids to make the ultra-high frequencies (above 30,000 kilocycles) also very useful. The FM development on the ultra-high frequencies is interesting because it promises more natural reproduction of music and speech than is obtainable on the lower frequencies and greater relief from static and noise. In the FM wave it is the amplitude or power which remains constant instead of the frequency as in the standard AM (amplitude modulation) wave, and it is the frequency which varies with the audio wave instead of the amplitude when the carrier and audio waves are superposed.

To prevent interference and confusion, it is necessary to apportion broadcast frequencies into "channels." In our standard broadcast band there are 106 such channels, each 10 kilocycles wide. A broadcast channel can be used by a number of stations if the stations are adequately separated to prevent interfering with one another or are protected by directional antenna systems.

A standard broadcast channel, in effect, means the path assigned to the emission of a particular station. The broadcast station's carrier wave, plus its two "side bands," must keep within the channel. The side band is the range of frequencies required for the audio program (music or speech).

A broadcast station is assigned 10 kilocycles of the spectrum for its omissions to travel in. It is permitted a certain amount of "swing" or deviation. However, its carrier must operate within 20 cycles of the assigned frequency.

Hearings differ, but the perceptible range of sound to humans is from about 16 cycles to 16,000 cycles a second. A new dog whistle emits sound which does not register on the human ear. A piano keyboard sets up vibrations of from some 27 to 4,000 cycles a second. The high-pitched piccolo has a frequency of about 8,000 cycles per second. Standard broadcast has a range of from about 60 to 5,000 cycles a second. The new FM (frequency modulation) system advocates a maximum of 15,000 cycles a second.

A broadcast channel may be likened to a modern highway, with the dividing white line of the latter representing the assigned radio carrier frequency, and the side bands symbolic of the adjacent traffic lanes. A broadcast station program travels the etherway with identifying call letters akin to license plates of an auto traversing a land highway. Both must keep in their assigned lanes to prevent "colliding" with traffic in adjacent lanes. Such "collisions" are responsible for the squeaks or rumbles often heard when you attempt to listen to distant stations.

A "regional channel" is one in which several radio stations can operate with individual station power not in excess of 5 kilowatts. A "local channel" is one in which several stations may operate with individual power not in excess of 250 watts.

The Federal Communications Commission licenses broadcast stations to operate with 100 watts to 50,000 watts of power. These are the minimum and maximum standards held by the Commission to be in the public service. "Watt" typifies radio power just as "horsepower" represents power in mechanics. The two hardly permit comparison but, roughly 746 watts are equivalent to one horsepower.

In order to provide broadcast facilities to varying population densities, the Commission licenses four general classes of broadcast stations. A Class I station, which operates on a clear channel, uses 10,000, 25,000, or 50,000 watts power to serve remote rural areas as well as a large center of population. A Class II station, which also operates on a clear channel, uses 250, 500, 1000, 5000, 10,000, 25,000, or 50,000 watts, renders secondary service over a primary service area. A Class III station, which shares a regional channel with several similar stations, uses 500, 1000 or 5000 watts, and serves a center of population and adjacent rural area consistent with interference from other stations on the same channel. A Class IV station operates on a local frequency (shared by similar stations elsewhere) and uses 100 to 250 watts for such local service.

"Primary service" area means the area in which the ground wave is not subject to objectionable interference and fading. "Secondary service" area means an area served by the skywave without objectionable interference but subject to intermittent variations in intensity. "Intermittent service" area means the area receiving service from the ground wave beyond the primary service area and subject to some interference and fading.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS

The FCC has adopted as the final findings of the Commission the Proposed Findings of Fact and Conclusions dated March 13, 1940, and entered a final order DENYING without prejudice the application of C. T. Sherer Co., Inc., Worcester, Mass., for a new station to operate unlimited time, using the frequency 1200 kilocycles, with daytime power of 250 watts, nighttime power of 100 watts.

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The FCC has announced adoption of an order GRANTING the application of L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, and Aubrey Gay, doing business as Valley Broadcasting Co., West Point, Ga., for construction permit for new radio-broadcast station to operate on 1310 kilocycles with power of 250 watts, unlimited time, upon the condition that permittee shall file an application for modification of construction permit specifying the exact transmitter location and the antenna to be employed within two months after the effective date of this Order.

## FINDINGS OF FACT

The FCC announced its Proposed Findings of Fact and Conclusions, proposing to GRANT the application of the Radio Voice of Springfield, Inc., for a construction permit to erect a new broadcast station in Springfield, Ohio, to operate on the frequency 1310 kilocycles, with power of 100 watts, unlimited time.

In its conclusions the Commission finds:

1. Station WLBC and the one proposed herein are classified, under the Commission's rules and standards, as Class IV stations and, as such, normally may be expected to render interference-free service during the daytime to the 0.5 millivolt per meter contour. It is plain that in the instant case it would not be in the public interest to deny the application for the proposed station in order that the relatively few people now receiving service from Station WLBC who would be affected thereby could continue to receive service from that station, since to do so would mean that the City of Springfield would be deprived of a local radio service, and the relatively large number of people who would be served by the proposed station would not receive the benefit of such service. Particularly is this true where as here those who would no longer receive service from station WLBC already receive service from several other stations.
2. Upon consideration of all the facts of record, the Commission concludes that the granting of the instant application will serve public interest, convenience and necessity.

In a proposed finding of fact and conclusions FCC announced, concludes that the "public interest, convenience and necessity" will be best served by renewing the license of radio station KVOS, Bellingham, Wash., and denying the application of the Bellingham Broadcasting Company for a new station seeking the facilities of KVOS in the same place.

The Commission holds the Bellingham Broadcasting Company "not financially qualified" to operate its proposed station. It adds:

"Very little information is furnished as to the type and character of program service to be furnished. It is essential in a proceeding such as this that the Commission not only be informed of the service which the applicant corporation would furnish the Bellingham community but also advised in such a manner that a comparison may be made between such service and that which the applicant seeks to supplant."

KVOS, which is the only station offering primary service to the Bellingham area, is declared to now be "legally, technically, and financially qualified to continue." The Commission points out that prior to July, 1937, the licensee "conducted its station in such manner generally as to encourage strife and discord in the community" and, subsequently "instances were presented . . . of the continuance to some degree of doubtful practices, particularly with respect to the treatment of candidates for public office." The Commission explains:

"The evidence suggests, but is not conclusive, that 'equal opportunity' was not afforded . . . and that censorship of candidates' speeches may have been imposed. However, determination of the question of censorship involves consideration of whether the material was libelous as a matter of law (a subject not within the jurisdiction of this Commission) and whether, if libelous, a licensee possesses the legal right to expunge from a proposed broadcast a libelous statement. In any event, in the light of this record, we do not feel called upon to pass upon these questions."

The Commission continues:

"The licensee has promulgated regulations since the cessation of the 'Newspaper of the Air' program designed to prevent a recurrence of that type of broadcasting. It has afforded use of its facilities for religious, civic and educational purposes. Its program service as a whole indicates that for the past year and more a wide variety of acceptable programs have been furnished. Recent instances indicate the maintenance of an unbiased attitude on the part of the station's management. Former questionable practices have now been discontinued."

Station KVOS operates on 1200 kilocycles, with 250 watts, unlimited time.

All parties will have 20 days within which to file exceptions and request oral argument on the proposed report and exceptions.

The FCC has announced its Proposed Findings of Fact and Conclusions, proposing to DENY the application of C. L. Weathersbee, W. H. Nichols, C. L. Pickler and E. M. Thompson, d/b as Albemarle Broadcasting Station, for a new station in Albemarle, North Carolina, to operate on the frequency of 1370 kilocycles with power of 100 watts, daytime only.

In its conclusions the Commission finds:

1. The applicants have failed to sustain the burden of showing that they are financially and otherwise qualified to construct and operate the proposed station, and that a grant of the application would serve public interest, convenience and necessity.

The evidence in the record relating to the financial qualifications of the individual applicants, and of the partnership, fails to show that they are presently possessed of sufficient means to pay the cost of construction and the expense of initial station operation, or resources from which necessary funds may be secured and made available. They have no definite or certain plan or arrangement for securing necessary additional finances. The record fails to show definitely that there is sufficient commercial support available to defray the estimated operating expense of the proposed stations.

None of the applicants has had experience in the operation of a regular radiobroadcast station, and no definite arrangement has been made by them for the employment of sufficient qualified personnel to insure efficient operation of the proposed station, nor have they any well defined plan for rendering broadcast service to the listeners in the area proposed to be served.

2. The granting of this application would not serve public interest, convenience and necessity.

All parties will have 20 days within which to file exceptions and request oral argument on the proposed report and exceptions.

The FCC has announced its Proposed Findings of Fact and Conclusions proposing to AFFIRM the recommendations of Commissioner Payne to revoke the licenses of three Texas radio broadcast stations—KTBC, State Capital Broadcasting Assn. Inc., Austin, KNET, Palestine Broadcasting Assn., Palestine, and KRBA, Red Lands Broadcasting Assn., Lufkin.

Upon consideration of all the facts of record, the Commission concludes in its Proposed Findings, that original construction permits and licenses for these stations were issued by the Commission upon misleading representations on the part of the respondents. Applicants failed to make full disclosures to the Commission concerning the financing of station construction and operation, as well as the ownership, management and control thereof, in violation of the Communications Act, and that had the actual facts in this connection been made known to the Commission it would have been warranted in refusing to license these stations.

All parties will have 20 days within which to file exceptions and request oral argument on the proposed report and exceptions.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled before the Commission for the week beginning Monday, May 20. They are subject to change.

### Monday, May 20

NEW—Worcester Broadcasting Corp., San Diego, Calif.—C. P., **1420 kc.**, 250 watts, unlimited time.

### Wednesday, May 22

Further Hearing Before Commissioner George Henry Payne

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—In re: Revocation of Station License of KGFI.

### Thursday, May 23

Oral Argument Before the Commission

Report No. B-96:

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license, **25950 kc.**, 1000 watts, emission A-3, unlimited time acc. Rule 983 (a).

W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license, **88000, 120000, 240000** and **500000 kc.**, 500 watts, emission A-3, unlimited time acc. Rule 983 (a).

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

### June 11

NEW—The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—C. P., **1500 kc.**, 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WSM—The National Life and Accident Ins. Co., Nashville, Tenn.—Granted extension of special experimental authority to transmit facsimile signals over standard broadcast station WSM (**650 kc.**, 50 KW, unlimited time), between the hours of 12 and 6 a. m., for the period ending August 1, 1940.

KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Granted construction permit to move transmitter site locally, install new equipment and vertical radiator, and increase power from 1 KW to 5 KW, unlimited time, on **600 kc.**

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW, unlimited time, on **570 kc.**

WELL—Enquirer News Co., Battle Creek, Mich.—Granted construction permit to install new transmitter, change antenna, and increase power from 100 watts to 250 watts, unlimited time, on **1420 kc.** Also granted consent to voluntary assignment of license of station from the Enquirer-News Company to Federated Publications, Inc. (Federated Publications, Inc., the new licensee, heretofore held all the stock of the Enquirer News Co., the old licensee. The grant of the application for construction permit at the same time as the Commission gave its consent to the assignment of license in this case is not to be considered a precedent for the grant of additional facilities to an assignor of a broadcast station license in any case where the new licensee was not previously the sole stockholder of the licensee corporation.)

KSUB—Harold Johnson and Leland M. Perry, d/b as Johnson and Perry, Cedar City, Utah.—Granted voluntary assignment of license for station KSUB from Johnson and Perry to Southern Utah Broadcasting Co.

KSUB—Leland M. Perry, Cedar City, Utah.—Granted renewal of license for station KSUB to operate on **1310 kc.**, 100 watts, unlimited time, for the period ending August 1, 1940.

W3XO—Jansky & Bailey, Georgetown, D. C.—Granted modification of high frequency broadcast (FM) license to change frequency from **43200** to **43400 kc.**

WGTC—Greenville Broadcasting Co., Greenville, N. C.—Granted modification of construction permit (B3-P-2053), as modified, to increase hours of operation from daytime to unlimited on **1500 kc.**, using 250 watts.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted construction permit to change transmitting equipment and increase power from 100 to 250 watts, unlimited time, on **1500 kc.** (B3-P-2673).

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted modification of license to increase power from 100 watts night to 250 watts day, to 250 watts, unlimited time, on **1500 kc.** (B4-ML-940).

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Granted construction permit to make changes in equipment and increase power from 100 to 250 watts, unlimited time, on **1420 kc.** (B5-P-2682).

WHDL—WHDL, Inc., Olean, N. Y.—Granted modification of license to change frequency from **1400 kc.** to **1420 kc.** and time of operation from daytime to unlimited, using 250 watts power (B1-ML-929).

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit to make changes in directional antenna system; station operates on **1330 kc.**, 5 KW DA, unlimited time (B2-MP-953).

WSAV—WSAV, Inc., Savannah, Ga.—Granted modification of license to increase power from 100 to 250 watts, unlimited time, on **1310 kc.** (B3-ML-953).

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted modification of license to increase night power from 100 to 250 watts, unlimited time, on **1310 kc.**, using 250 watts day (B4-ML-758).

WJPF—Orville W. Lyerla, Herrin, Ill.—Granted modification of construction permit for new transmitter, approval of antenna, studio and transmitter site, and change power to 250 watts day and night on **1310 kc.** (B4-MP-926).

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted construction permit authorizing new transmitter and increase in power from 100 to 250 watts, unlimited time, on **1310 kc.** (B2-P-2153).

McDowell Service Company, Welch, W. Va.—Granted construction permit for new Class IV station to operate on **1310 kc.**, with 250 watts, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval; also antenna system (B2-P-2816).

KFXM—Lee Brothers Broadcasting Co., San Bernardino, Calif.—Granted construction permit to install new transmitter, new antenna, move transmitter, and increase power from 100 to 250 watts, on **1210 kc.** (B5-P-2638).

Tri-County Broadcasting Co., DuBois, Pa.—Granted construction permit to erect a new station to operate on **1200 kc.**, 250 watts, unlimited time. Exact antenna system and transmitter and studio locations to be determined with Commission's approval (B2-P-2665).

## DESIGNATED FOR HEARING

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Application for construction permit to install directional antenna for night use; station operates on **1080 kc.**, with 50 KW, unlimited time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Application for construction permit to install new transmitter and directional antenna for night use; change frequency from **770 kc.** to **1080 kc.**; increase power from 10 KW to 50 KW; and move transmitter to 18 miles east of Lincoln, Nebr.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Application for modification of license to change hours of operation from simultaneous day, share KFAB night, to unlimited time, on **770 kc.** (contingent on KFAB changing frequency to **1080 kc.**).

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Application for construction permit to install vertical radiator, change frequency from **1060 kc.** to **770 kc.**, and time of operation from limited to WBAL and WTIC, to daytime (applicant requests frequency of KFAB).

WMBI—The Moody Bible Institute, Chicago, Ill.—Application for modification of license amended to request change in hours of operation from limited, S-WBT, to limited WBT and KFAB, contingent on the granting of WCBD's application to change to **830 kc.** and KFAB's application to change to **1080 kc.** (WMBI now operates on **1080 kc.**, with 5 KW, day and night—limited S-WCBD.)

WCBD—WCBD, Inc., Chicago, Ill.—Application for modification of license to change frequency from **1080 kc.** to **830 kc.** and hours of operation from limited time, sharing with WMBI, to daytime.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending August 1, 1940:

KFSG, Los Angeles; KFWB, Los Angeles; KGCU, Mandan, N. Dak.; KGGM, Albuquerque; KLCN, Blytheville, Ark.; KMBC and auxiliary, Kansas City, Mo.; KQW, San Jose, Cal.; KRKD, Los Angeles; KROW, Oakland, Cal.; WAAT, Jersey City, N. J.; WAIR, Winston-Salem, N. C.; WCAE and auxiliary, Pittsburgh, Pa.; WCOP, Boston; WNAC, Boston; WNAD, Norman, Okla.; WNBZ, Saranac Lake, N. Y.; WNEL, San Juan, P. R.; WNEW, New York City; WOL, Washington, D. C.; WRC, Washington, D. C.; WTAW, College Station, Tex.; WTNJ, Trenton, N. J.; WXYZ and auxiliary, Detroit, Mich.; KFDM, Beaumont, Tex.

## MISCELLANEOUS

KFRU—KFRU, Inc., Columbia, Mo.—Denied special temporary authority to operate simultaneously with Station WGBF with power of 250 watts from local sunset, for the period ending not later than May 16, 1940, in order to broadcast special war bulletins.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Denied special temporary authority to operate simultaneously with Station KFRU as above in order to broadcast special war bulletins.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted special temporary authority to rebroadcast impromptu interview between members of U. S. Army traveling flying cadet examining board and station announcer from U. S. Army plane Type B 18 cruising over San Jose, using Army transmitter on Army frequency **4595 kc.**, from 3:30 p. m. to 4 p. m., PST, on May 11, 1940, or 2:30 p. m. to 3 p. m., PST, on May 13, 1940.

WINS—Hearst Radio, Inc., New York, N. Y.—Denied special temporary authority to operate from local sunset at Albuquerque, N. Mex., to 2 a. m., EDST, for the period May 11, 1940, to not later than May 21, 1940, in order to broadcast news bulletins concerning the current European war crisis.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Denied special temporary authority to operate on **1060 kc.** simultaneously with Station KTHS from 9 p. m. to 6 a. m. daily, EST, for a period of ten days, in order to broadcast regular network programs from NBC, subject to interruption for news bulletins, and to broadcast other sustaining programs during such periods as news bulletins are not being broadcast.

Publix Bamford Theatres, Inc., Asheville, N. C.—Adopted final order (B-93) denying the application for construction permit for new broadcast station, to install a directional antenna for nighttime use, and to operate on frequency **1430 kc.**, power 1 KW, unlimited time.

Knoxville Broadcasting Co., Knoxville, Tenn.—Granted petition to dismiss without prejudice the application for construction permit for new station to operate on **1210 kc.**, 250 watts, unlimited time.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate from 10 p. m. to 11 p. m., EST, May 24, 1940, in order to furnish facilities for a State Wide Political Network to be used by the W. P. Horton Campaign Headquarters of the W. P. Horton for Governor Campaign.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 9:00 a. m. to 12:30 p. m. EST, on May 18, 1940, in order to broadcast Moving-up Day Exercises of St. Lawrence University.

Columbia Broadcasting System, New York, N. Y.—Granted special temporary authority to rebroadcast the various parts of a scheduled program originating at amateur stations taking part in the simulated emergency broadcast from 8:00 to 8:30 a. m. EST May 12, 1940, for release on the Columbia Broadcasting System; the amateur stations taking part in this program are W8CNA, W8AVD, W8RRS, W8PUZ, W8EUI, W8EA, W8ITS, W8QJP, W8DEC, W8VI, W8CHR, W8BKT, W3WX, W3GKM, W3UA, W3ZD, and W3QV.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 9:00 p. m. CST, Sunday, May 12, 1940, for the purpose of broadcasting the program of the Civic Music Festival at Naperville, Ill.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 9:00 p. m. CST, on May 20, 1940, for the purpose of broadcasting an educational and Patriotic Program from Geneva, Ill.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 9:00 p. m. CST on May 26, 1940, for the purpose of broadcasting the Annual Music Festival of the two local high schools at Aurora, Ill.

WGOV—E. D. Rivers, Valdosta, Ga.—Granted modification of construction permit for new broadcast station for approval of transmitter and studio sites at E. Park Avenue, Valdosta, Ga., and approval of vertical antenna; station operates on **1420 kc.**, 100 watts, 250 watts LS, unlimited time. (B3-MP-946).

KTRB—Thomas R. McTammany & Wm. H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 9 p. m. PST, May 16, 1940, to completion of opening soft ball game at Modesto; program to also include a band concert by local Stanislaus Co. Boys' Band and appearance of prominent local citizens; to operate from 9 p. m. PST, June 1, 1940, to completion of junior college track meet at Modesto; to operate from 7:30 p. m. PST (Sunset June, 7:30 p. m.), June 13, 1940, to conclusion of the Commencement address at the exercises of the Modesto Junior College.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with Station KTHS on **1060 kc.** from 9 p. m. to 6 a. m. daily, EST, for a period of ten days starting May 10, 1940, in order to broadcast complete news service direct from International News, United Press and the networks, only.

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate until 9 p. m., CST, or until the conclusion of an address to be delivered by the President on May 10, 1940.

## APPLICATIONS FILED AT FCC

### 610 Kilocycles

NEW—West Publishers, Inc., Houston, Texas.—Construction permit for new broadcast station on **610 kc.**, 250 watts night, 1 KW day, unlimited time. Class III-B. Transmitter and studio to be determined, Houston, Texas.

### 770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license to use old licensed transmitter as auxiliary transmitter.

### 780 Kilocycles

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—License to cover construction permit (B-P-1941) as modified for change of frequency, increase in power and hours of operation and move of transmitter, changes in equipment and antenna.

### 890 Kilocycles

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—License to cover construction permit (B3-P-2570) for increase in power and install new transmitter.

### 920 Kilocycles

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to install directional antenna for night use increase power from 1 KW night, 5 KW day to 5 KW day and night, change frequency from **920 to 950 kc.,** contingent on No. American Regional Agreement. Amended: To omit request for change in frequency.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—License to cover construction permit (B1-P-2835) for new transmitter.

### 950 Kilocycles

WHAL—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Modification of construction permit (B2-P-936) for new station, for approval of antenna and studio and transmitter site at 211 N. Washington Ave., Saginaw, Mich., and install new transmitter.

### 1040 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs Natl. Park, Ark.—Construction permit for new transmitter, directional antenna for night use, change frequency from **1040 to 1060 kc.,** increase power from 10 to 50 KW and hours from shares KRLD to unlimited, move transmitter to Plum Bayou, Ark., install 250 watt amplifier. Amended: To decrease power of signal amplifier from 250 watts to 100 watts night, 250 watts day.

### 1070 Kilocycles

KJBS—Julius Brunton & Sons Co., San Franscisco, Calif.—Construction permit to change frequency from **1070 to 860 kc.,** increase power from 500 watts to 1 KW, change hours from limited to unlimited, new equipment. Contingent on No. American Agreement becoming effective. Requests Class II station.

### 1130 Kilocycles

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to change frequency from **1130 to 1040 kc.,** change power and hours from 20 KW, limited time to 10 KW night, 20 KW day, unlimited time, and install directional antenna for night use. Amended: To omit request for change in frequency and power, make changes in directional antenna to be used from sunset at Salt Lake City, Utah to sign-off.

### 1200 Kilocycles

KPHO—M. C. Reese, Phoenix, Ariz.—Modification of construction permit (B5-P-2182) for new station, for approval of transmitter and studio at 24th Ave. and Buckeye Rd., Phoenix, Ariz., approval of antenna, and increase power to 250 watts day and night.

### 1250 Kilocycles

WNEW—WODAAM Corporation, New York, N. Y.—Construction permit to install auxiliary transmitter, using 1 KW power, for emergency use only. Amended re equipment.

### 1260 Kilocycles

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Modification of construction permit (B1-P-2415) for changes in directional antenna for day and night use, move transmitter and studio, further requesting changes in directional antenna; install new transmitter; increase power to 5 KW; extend commencement and completion dates. Amended to request 1 KW night, 5 KW day, using directional antenna day and night, and to request Class III-B station.

### 1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase power from 500 watts to 1 KW day, 500 watts night; change hours from share with WCAM and WCAP to unlimited. Requests facilities of WCAM and WCAP. Amended to request 500 watts day and night.

### 1310 Kilocycles

WLBJ—The Bowling Green Broadcasting Co., near Bowling Green, Ky.—Modification of construction permit (B2-P-2194) as modified for new station, requesting extension of commencement and completion dates from 12-31-39 and 7-1-40 to 2-29-40 and 9-1-40 respectively.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Construction permit for new transmitter, increase power from 100 watts to 1 KW, change frequency from **1310 kc.** to **1380 kc.** Amended to request **1430 kc.**

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Construction permit to make changes in equipment and increase power from 100 to 250 watts, change frequency from **1310 kc.** to **1500 kc.;** also to change hours from share with WHAT to unlimited. Amended re antenna.

### 1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit for new transmitter and antenna; increase power from 500 watts to 500 watts night, 1 KW day; change hours from share WSBT to unlimited; move transmitter. Contingent on WSBT going to **930 kc.** Amended to increase power requested to 1 KW day and night and request Class III-A station.

### 1370 Kilocycles

WATW—WJMS, Inc., Ashland, Wis.—License to cover construction permit (B4-P-2160) as modified for a new station.

WATW—WJMS, Inc., Ashland, Wis.—Authority to determine operating power by direct measurement of antenna power.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Construction permit to change equipment, antenna, increase in power from 100 to 250 watts, move transmitter ¼ mile from 821 Chillicothe St. to 1009 Gallia St., Portsmouth, Ohio. Amended re antenna.

### 1420 Kilocycles

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Modification of license to change hours from specified (daily 11 a. m. to 1 p. m. and 4 p. m. to 7 p. m.) to unlimited.

### 1430 Kilocycles

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Authority to transfer control of corporation from Memphis Press-Scimitar Co. to Memphis Commercial Appeal Company, 200 shares common stock.

### 1440 Kilocycles

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Construction permit to increase power from 500 watts to 1 KW; make changes in equipment. Requests Class III-A station.

### 1470 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—Construction permit for new transmitter; change in antenna; increase power from 5 to 10 KW; move studio and transmitter locally. Amended to install directional antenna for night use.

### 1500 Kilocycles

NEW—Delta Broadcasting Co., Escanaba. Mich.—Construction permit for new broadcast station on **1500 kc. (1490 kc.** when North American Regional Agreement is effective), 100 watts, unlimited time. Class IV.

NEW—The Marion Broadcasting Co., Marion, Ohio.—Construction permit for new broadcast station on **1500 kc.**, 250 watts, unlimited. Transmitter and studio to be determined at or near Marion, Ohio.

### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) for new equipment, increase in power, and move of transmitter, requesting approval of antenna and transmitter site at 56th Rd. and 49th St., Long Island City, N. Y. Amended to give transmitter location as South of Grand St., between 49th and 51st St., Long Island City, N. Y.

NEW—West Publishers, Inc., Dallas, Tex.—Construction permit for new broadcast station on **1550 kc.**, 5 KW, unlimited. Class III-A. Transmitter and studio to be determined, Dallas, Tex.

### MISCELLANEOUS

NEW—WTAR Radio Corp., Norfolk, Va.—Construction permit for new high frequency broadcast station on **43400 kc.**, 1000 watts, unlimited. Special emission for frequency modulation.

NEW—Times-Dispatch Radio Corp., Richmond, Va.—Construction permit for new high frequency broadcast station on **43200 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Ashbacker Radio Corp., Muskegon, Mich.—Construction permit for new high frequency broadcast station to be operated on regular commercial basis on **43600 kc.**, 1000 watts, special emission for frequency modulation.

NEW—The Metropolis Co., Tallahassee, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Gazette Printing Co., Janesville, Wis.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction permit for new high frequency broadcast station on **43200 kc.**, 1000 watts, emission special for frequency modulation.

NEW—E. Anthony & Sons, Inc., New Bedford, Mass.—Construction permit for new high frequency broadcast station on **43400 kc.**, 1000 watts, special emission for frequency modulation at New Bedford, Mass. Amended re site to be Crow Island, Fairhaven, Mass.

W1XG—General Television Corp., Boston, Mass.—Construction permit to install audio transmitter to use with video transmitter, 500 watts, A3 emission.

NEW—The Metropolis Co., Tampa, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation.

NEW—The Metropolis Co., Orlando, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation, location to be determined, Orlando, Fla.

NEW—The Metropolis Co., West Palm Beach, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation, location to be determined, West Palm Beach, Fla.

NEW—The Metropolis Co., Miami, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation, location to be determined, Miami, Fla.

NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for new high frequency broadcast station on **117670 kc.**, 1000 watts, special emission for frequency modulation. Amended: Exact site to be determined, New York, N. Y.

NEW—District Broadcasting Co., Washington, D. C.—Construction permit for new high frequency broadcast station to be operated on regular commercial basis on **43400 kc.**, 1000 watts, emission special for frequency modulation, site to be determined, Washington, D. C.

WMC-WEIX-WABG—Memphis Commercial Appeal Co., Memphis, Tenn.—Authority to transfer control of corporation from Memphis Press-Scimitar Co. to The E. W. Scripps Co., 3000 shares common stock and 3000 shares Class A Common Stock.

WEIX—Memphis Commercial Appeal Co., area Memphis, Tenn.—Modification of license to change corporate name from Memphis Commercial Appeal Co. to Memphis Publishing Co.

WABC—Memphis Commercial Appeal Co., area Memphis, Tenn.—Modification of license to change corporate name from Memphis Commercial Appeal Co. to Memphis Publishing Co.

WENS—Radio Station WSOC, Inc., area Charlotte, N. C.—License to cover construction permit (B3-PRE-348) for changes in equipment.

NEW—Badger Broadcasting Co., Madison, Wis.—Construction permit for new high frequency broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation.

NEW—World Peace Foundation, Abraham Binneweg, Jr., Portable, Oakland, Calif.—Construction permit for new developmental broadcast station on **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc.**, 250 watts, A1, A2, A3 emission. Amended: change power requested to 10 watts and change from fixed location to portable.

NEW—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit for new high frequency broadcast station to be operated on regular commercial basis on **43200 kc.**, 1000 watts, special emission for frequency modulation.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Drucquer & Sons**—John Drucquer, trading as Drucquer and Sons, 2201 Shattuck Ave., Berkeley, Calif., engaged in manufacturing cigarettes made of blended tobacco, and in advertising, selling and distributing the products, is charged in the complaint with packaging his products in cartons, wrappers and containers upon which are placed various pictorial representations, scrolls, words and phrases descriptive of their alleged origin and quality. One representation is a picture of a lion rampant, holding a cross of St. George in its right forepaw, accompanied by a scroll upon which is printed "Per Ardua." The statement "Manufactured by Drucquer and Sons of London, England," is in large type, according to the complaint, and in small type, hardly discernible, is printed "Late of The Strand and Regent Street, London."

The complaint charges that the respondent's business is not located in London, and that his products are manufactured, blended and processed at his place of business in Berkeley, Calif. (4125)

**London Tobacco Company**—Jacob Moss, trading as London Tobacco Company, 132 Hanover St., Boston, manufacturer and distributor of cigarettes, is charged, in a complaint, with packing and selling his products in cardboard boxes, on the top of each box appearing:

"LONDON

Special

(Crest, simulating the British
Royal Coat of Arms.)

CIGARETTES

London Tobacco Company"

Circulars used by the respondent to advertise his cigarette feature a pictorial representation which simulates the British Royal Coat of Arms, and carry the following price representations:

"FORMERLY 25¢ pkg.
REDUCED TO 15¢ pkg."

Through use of the word "London" as part of his trade name, and the word "English" in his advertising matter, the complaint charges, the respondent represents that his is an English concern;

that his "London Special Cigarettes" are manufactured or blended in England or of British tobacco, and that they have recently been reduced in price from 25 cents a package to 15 cents a package. The complaint alleges that these representations are untrue and misleading; that the respondent London Tobacco Company is not a British concern; that the respondent's cigarettes are manufactured in this country and that their price has not recently been reduced as advertised. (4126)

**Manchester Silver Company**—Alleging violation of the Federal Trade Commission Act in the pricing of silver flatware sold to wholesalers, jobbers, retailers, department stores and the public, a complaint has been issued against Manchester Silver Company, 49 Pavilion Ave., Providence, R. I., and Frank S. Trumbull, Franz S. Tiderman and Edward B. Palmer, officers of the corporation.

For many years, the complaint alleges, the respondents have circulated among retailers, wholesalers and jobbers a price list known as a "Pink List," purporting to show the usual and regular retail prices or values of the respondents' silver flatware. Many retailers, particularly large department stores, the complaint continues, in conducting special sales of the respondents' products, used the Pink List to show the so-called regular prices of those products as compared with the special sales prices. The "Sales Prices," in some instances, were as much as 33 per cent off the Pink List prices, according to the complaint.

About January 1, 1939, the complaint continues, the respondents devised a plan for use by retailers to promote the sale of the respondents' products at special sales, pursuant to which they issued a "Blue List" which had the words "Wholesale List" printed thereon. The prices shown in the Blue List for identical articles were substantially higher than the "Pink List" prices long in use and were wholly fictitious, according to the complaint.

The respondents allegedly recommended that retailers, in their special sales advertisements, quote the Blue List in connection with so-called half-price and comparative price sales and represent the Blue List prices as being the regular and customary prices. The complaint alleges that use of the fictitious Blue List prices enabled dealers to represent that purchasers at retail could obtain as much as 50 per cent off the regular list price of the respondents' flatware, whereas when the "Pink List" was used retailers were unable to represent that purchasers could obtain discounts off the list price in excess of 33 per cent.

It is alleged that the respondents granted to certain large retail dealers special discounts to induce them to participate in the respondents' Blue List plan. (4133).

**Petalskin Toiletries, Inc.**, 67 West 44th St., New York, engaged in the sale and distribution of toilet preparations designated as "Petalskin Face Cream," "Petalskin Face Tonic," "Petalskin Cream Pastelle," "Petalskin Face Powder" and "Petalskin Hand Cream," are charged, in a complaint with misrepresentations concerning their products.

By means of circulars and other printed matter distributed in various States, the complaint alleges, the respondent represented, among other things, that "Petalskin Face Cream" is "Rich in Vitamin F," and that "this emulsified, deep pore cleanser and tissue cream has unusual penetrating as well as nourishing qualities."

Through these and other representations, the complaint declares, the respondent also represents that its face cream contains Vitamin F; that the face tonic will close and refine the pores; that "Petalskin Cream Pastelle" works its way into the pores of the skin and refines it, and that the hand cream counteracts aging and will penetrate the skin.

The complaint alleges that there is no recognized vitamin now designated as Vitamin F, and that use of the respondent's preparations will not supply vitamins by absorption through the skin, nourish the skin, refine the pores or counteract aging of skin. (4128)

**J. R. Pharmacal Company**—J. R. Olney, Sr., and J. R. Olney, Jr., trading as J. R. Pharmacal Company, 2011 Edgmont Ave., Chester, Pa., are charged, in a complaint with misrepresentation in connection with the sale and distribution of a medicinal preparation designated "J. R."

In advertisements in newspapers and periodicals the respondents have represented, the complaint charges, that their preparation assures a cure for all cases of athlete's foot; that it gives immediate relief from athlete's foot, itching toes, ringworm, and raw, inflamed feet, and that it is endorsed by leading health institutions.

The complaint alleges that these representations are misleading and untrue, except that the product may be of value in alleviating symptomatic itching associated with such conditions. (4127)

**Post Institute, Inc.**, a corporation, 105 East 16th St.; Post Institute, a corporation, 9 East 40th St., both of New York; Louis J. Stern, individually trading as Post Institute and as officer of Post Institute, Inc., and Post Institute, corporations, and Helmuth M. Kiesewetter, individually and as officer of Post Institute, corporation, are charged, in a complaint with misrepresentation in the sale and distribution of preparations for hair and scalp treatment.

The complaint alleges that in advertisements in newspapers and periodicals, by radio continuities and by circulars, pamphlets and other advertising literature, the respondents, who are engaged in the sale and distribution of preparations known as "Ultrasol Hair Bath," "Ultrasol Pituitary Fluid," and "Ultrasol .33," recommended for use in combination as "Ultrasol Scalp Treatment," have represented that the preparations, used either singly or in combination, will revive the growth of hair and are cures for baldness; will stop abnormal loss of hair; cause fuzz to develop into mature hair; cause dull, faded hair to become brilliant; check premature graying, and restore the natural color to the hair, and that they are effective in removing and curing dandruff.

These claims, the complaint alleges, are exaggerated, misleading and untrue.

The respondents have further represented, the complaint continues, that formation of keratinized epidermal wastes obstructs the hair follicle and restricts growth of hair; that other causes of loss of hair and hair troubles are insufficiency of pituitary secretion at the hair roots, and that their preparations have therapeutic value in correcting such conditions.

The complaint alleges that these representations are misleading; that these products have no effect in the process of keratinization, and that there is no scientific basis for the assumption that pituitary or other substances applied to the scalp will penetrate to the hair roots and stimulate hair growth.

Through use of the word "Institute" in their trade or corporate names, the complaint alleges, the respondents represent that they are a scientific organization formed for the purpose of promoting research and learning. It is further alleged that they have represented, among other things, "The ethics of the Institute preclude exaggerated claims," and "By a costly process, Post Institute isolates from whole gland pituitary body a special extract." As an additional means of furthering such representations, the complaint declares, the respondents place on their various advertising a replica of a seal, by means of which they represent that their products have been certified, tested or approved by some scientific organization or some State, city of federal board of health. In truth, the complaint continues, Post Institute is not a scientific organization formed for the purpose of promoting learning and research, and its products have not been certified, tested or approved by any scientific organizations, boards of health, or any department of the federal government. (4129)

**Stanley Laboratories, Inc.**, Portland, Ore., and Edward A. Bachman, trading as Stillman Products Company and as Stanley Laboratories, who is also president of the corporation Stanley Laboratories, Inc., are charged, in a complaint with misrepresentation in the sale and distribution of drug products for feminine hygiene.

The respondents designate their products as "M.D. Medicated Douche Powder", "Contra-Jel", "Femeze", and "M.D. Supercones".

In advertisements in newspapers and other printed matter, the complaint charges, the respondents have represented that "M.D. Medicated Douche Powder" is a recent development of scientific research, endorsed by leading physicians and surgeons, and is a competent and effective contraceptive; that it is an antiseptic and germicide which will combat any form of bacteria, and that the preparation has competent remedial qualities for use on cuts, burns and sores; that "Contra-Jel" gives immunity from the pregnancy, protection from venereal diseases, and has germicidal and antiseptic properties; that "M.D. Supercones" constitute an effective contraceptive which has powerful antiseptic properties, and that "Femeze" is an effective treatment for functional pains and cramps accompanying menstruation.

In truth, the complaint alleges, none of the products distributed by the respondents constitute competent or effective contraceptives; none constitutes an adequate prophylactic; none will give protection from venereal diseases, and the product "Femeze" is not effective in treating the pains accompanying menstruation.

In addition, the complaint charges, the respondents make false and misleading representations to the effect that their products are prescribed or compounded by physicians and bear the endorsement or recommendation of the medical profession, by means of the use of the letters "M.D." in designating their products and by including in their advertising matter likenesses of nurses and doctors with the figure of a cross in simulation of the Red Cross emblem. The complaint alleges that in truth the products are not prescribed or compounded by physicians and have not received the endorsement or recommendation of the medical profession.

Use of the term "Laboratories" in their corporate and trade names and in advertising literature, the complaint continues, is also misleading, as the respondents neither own nor control any factory, plant or laboratory wherein their medicinal preparations are compounded or wherein any research activities are conducted, but are merely distributors of products compounded and manufactured by other concerns. (4130)

**Stillman Products Company**—See Stanley Laboratories, Inc.

**Western Confectioners Association, Inc.,** San Francisco, a trade association, its officers, directors and trustees, and 49 member manufacturers engaged in the sale and distribution of candies in Western States, have been served with a complaint alleging a combination to restrain price competition, establish uniform prices and to stabilize the discounts allowed.

The complaint alleges that the respondent company members constitute a large and influential position in the candy manufacturing business in California, Washington, Oregon, Montana, Nevada, Utah, Wyoming, Colorado, Arizona and New Mexico. They would be in free and active competition with one another, the complaint continues, except for the unlawful conspiracy, agreements and practices with which they are charged.

Pursuant to their agreements and understandings, the complaint alleges, the respondent manufacturers and the association and its officers and members cooperatively enforced their merchandising policy for eliminating price competition by the following means: (1) the respondent manufacturers adopted a minimum price, based on figures obtained by the association, for the association members' products, and (2) adopted arbitrary cost figures, while pretending to act under the California "Fair Trade Act" and "Unfair Practice Act"; (3) the respondent association made arbitrary classifications designating purchasers of respondents' products as "wholesalers", "jobbers", and as other dealers; specified standard and uniform discounts to be allowed purchasers in each classification, and the respondent manufacturers adopted such classifications and allowed the discounts; (4) the respondent manufacturers, upon demand by the association, revised price lists to make them uniform, and (5) filed with the association advance notices of price changes; (6) the respondent association, through its officers and the respondent manufacturers, made threats to institute, and aided and abetted in instituting, court proceedings against manufacturers selling at prices below the costs arbitrarily fixed, and (7) disseminated threats among association members and other mainufacturers that any manufacturer who sold below the cost figures adopted would be prosecuted under the California "Fair Trade Act" or "Unfair Practice Act."

The respondents' practices are alleged to have placed in them the power to control and enhance prices and to have increased the prices paid by the purchasers and by the public for their products, thereby unreasonably restraining trade in violation of the Federal Trade Commission Act. (4132)

**A. W. Wilson Company**—Alfred W. Wilson, trading as A. W. Wilson Company, North Hollywood, California, engaged in the sale and distribution of coin-operated vending machines and candy, is charged in complaint with misrepresentation.

In advertisements in newspapers and periodicals, the complaint alleges, the respondent represented that purchasers of his machines would be given exclusive rights to operate within certain designated territories; that locations for the machines would be obtained by the respondent prior to delivery of the machine to the purchaser; that the machines would be personally installed by the respondent's salesmen or agents; that a certain quantity of candy to be dispensed by the machines would be supplied free by the respondent; that the respondent's business is nation-wide in scope; that net profits of not less than $30 per week are usually and customarily derived by purchasers; and that the machines would be repurchased by the respondent at the original price, less the net earnings, if at the end of 90 days operation the machines had not earned for the purchaser profits equal in amount to the original price of the machine.

The complaint charges that these representations are false and misleading. (4131)

## CEASE AND DESIST ORDERS

Following cease and desist orders have been issued during the past week:

**Dermagell, Inc.**—See Research Associates, Inc.

**Research Associates, Inc.**—Two Washington, D. C. corporations, Research Associates, Inc., and Dermagell, Inc., have been ordered to cease and desist from certain misrepresentations.

Commission findings are that Dermagell, Inc., 52 O St., N. W., Washington, D. C., prior to 1938, was engaged in the sale and distribution of an organic soap compound designated "Dermagell". Research Associates, Inc., 3400 Nebraska Ave., N. W., Washington, D. C., until May 1938, controlled the activities of Dermagell, Inc. On May 11, 1938, it divested itself of a large part of the stock of Dermagell, Inc., by sale to parties not named as respondents in this proceeding. At the present time it owns no stock of Dermagell, Inc., and does not control or direct its business policies, practices and activities.

While its activities were under the control of Research Associates, Inc., Dermagell, Inc., the Commission finds, caused false advertisements containing representations and claims with respect to the properties of the compound "Dermagell" to be disseminated. The Commission finds that in newspapers and by other means, the respondents represented, among other things, that "DERMAGELL is a 3-purpose Cleansing Cream and Shampoo—so efficient—so utterly different from anything heretofore obtainable that authorities proclaim it 'the discovery of the century'"; that "DERMAGELL soothes and heals as it penetrates the innermost recesses of the tender pores without unpleasant reaction", and that "it actually protects your skin. Dermagell prevents and cures many skin disorders."

The Commission finds that the product is not substantially different from any other products or soaps designed for a similar use, and that its ingredients are well known and have been known and used for many years in the preparation of soaps and similar products. The Commission further finds that "Dermagell" possesses no special soothing or healing properties, and that other claims made for it are false and misleading.

The respondents are ordered to cease and desist from representing that the compound formerly known as "Dermagell" is the discovery of the century; that it soothes and heals or penetrates the innermost recesses of the pores of the skin; that its use will leave the skin and scalp youthfully fresh and invigorated; that its use will give any woman a soft, clear, smooth complexion or beautiful hair; that the benefits obtained from its use are distinct and lasting; that it actually protects the skin, or that it prevents or cures skin disorders. (3651)

**F. B. Washburn Candy Corporation,** Brockton, Mass., stipulates that it will desist from representing that its candy bars are equal in food value to either two eggs, two baked potatoes, two lamb chops or a glass of milk. The stipulation points out that the respondent's candy bars, although they contain a source of energy and a small amount of protein and mineral salts, do not also contain the other minerals, vitamins and the quality and quantity of protein to be found in the foods with which such candy is compared. (2803)

**Howard Woodward & Company**—Howard Woodward, trading as Howard Woodward & Co., 277 East Long St., Columbus, Ohio, in the sale of luggage and leather goods, agrees to cease using in his wholesale catalogs or in any other way, list prices which are not the prices at which the products are actually sold to retail dealers. (2792)

**F & K Yarn Company**—Joseph A. Keller, trading as F. & K. Yarn Company, stipulates that he will desist from representing that his knitting yarns are composed of fibers or materials other than those which they actually contain; from using the words "Cashmere" or "Cashiere" or any other word simulating "Cashmere" to designate a product not composed wholly of the hair of the Cashmere goat, and from using the words "Silk" or "Crepe" as descriptive of a product not composed of silk.

The respondent also agrees to cease employing the word "Tweed" as descriptive of a product not composed of wool; provided that, if the product is composed in substantial part of either Cashmere, Silk or Tweed, and the words "Cashmere", "Silk" or "Tweed" are used properly to describe the contents designated by those names, then such names shall be immediately accompanied by other words in equally conspicuous type accurately describing each other constituent fiber or material of which the product is composed, in the order of its predominance by weight, beginning with the largest single constituent.

The respondent also agrees to discontinue employing the phrase "Pure Boucle" as descriptive of a product composed of rayon, or otherwise to advertise or sell an article composed wholly or partly of rayon without clearly disclosing such rayon content. The respondent also stipulated that when a product is composed partly of rayon, it will not fail to disclose each constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent.

The respondent, not a manufacturer, also agrees to cease using the word "Factory" as descriptive of his business. (2802)

**S. C. Sales Company**—Samuel Cohen, doing business as S. C. Sales Company, 126 West Baltimore St., Baltimore, engaged in selling a medicinal preparation designated "Mag-Net-O Balm", agrees to cease representing that the preparation is a remedy or competent treatment for varicose veins or leg swellings; that, alone or used in connection with the application of heat, rubbing or exercise, it is a remedy or competent treatment for sciatica pain, rheumatic pain, lumbago pain, lame back, stiff neck, headache, chest colds, earache, or simple sprains, or that the preparation has any therapeutic value in their treatment in excess of a rubefacient and counterirritant; that the preparation penetrates to congested or otherwise affected parts or is an aid in the treatment of deep-seated congestion, and that the preparation, alone or used in connection with the application of heat, rubbing or exercise, is a new method of treatment for varicose veins or leg swellings. (02557)

**Textile Laboratories**—Harry Teichlauf, trading as Textile Laboratories, 264 West 40th St., New York, in the sale of "Textilene" cleaning fluid, agrees to desist from use of the statement "Removes all stains", or any representation of similar implication, when in fact the use of the product will not return to their original appearance all kinds of fabric materials, regardless of the nature of the stain or marking to which the materials have been subjected.

The respondent also stipulates that he will cease employing the statement "It will not leave spots, rings or discoloration" or any similar representation the effect of which is to convey the impression that this preparation, when applied only to the spot sought to be removed from certain fabrics, as weighted silks, will leave no ring or will not cause a resultant discoloration. The stipulation points out that application of the fluid only to the spot to be removed will not prevent formation of a ring.

The respondent also agrees to cease employing the word "Laboratories" as part of his trade name or in any way, when in fact he does not own or control a laboratory in which his product is made. (2796)

**Van Sant, Dugdale & Co., Inc.,** Court Square Building, Baltimore, in connection with advertisements disseminated by it concerning "Bliss Native Herbs Tablets", sold by Alonzo O. Bliss Medical Company, Washington, D. C., agrees to desist from representing that these tablets give immediate relief for, or relieve all cases of, upset stomach, gas bloating pains, acid risings, lost appetite, sour stomach and headaches, due to constipation or other causes; that the product will flush the bowels or kidneys, stimulate the liver, cause faster elimination of kidney wastes, or that the product is a treatment for the stomach, unless the representation is limited to such influence as it might have as a stomachic. (02558)

**Volume Sales Promotion Company**—R. Thomas Lincoln and Henry Thompson, trading as Volume Sales Promotion Company, Denver, Colo., engaged in the sale and distribution of a sales promotion plan known as "Swap for Cash", agree to cease and desist from selling or distributing sales promotion cards or any other device so designed that their use by retail dealers may constitute the operation of a game of chance, gift enterprise or lottery scheme; supplying or placing in the hands of others cards, plans or schemes which may be used without alteration or rearrangement to conduct a lottery, game of chance or gift enterprise when distributed to the consuming public; or representing that prospective agents, salesmen or other representatives can make profits or earnings in excess of the average net profits which have been consistently made in like periods of time by its active, full-time agents, salesmen, distributors, dealers or other representatives in the ordinary and usual course of business and under normal conditions and circumstances. (2804)

**Noble Refining Company**—Carl L. Ficken, trading as Noble Refining Company, 12910 Taft Ave., Cleveland, in the sale of paint and oil products, agrees to cease using (1) the word "linseed," alone or in connection with the word "blended" or with other words, as descriptive of a product not composed of pure linseed oil or a blend of pure linseed oils; or (2) the word "turpentine," alone or with the word "blended" as descriptive of a product not consisting of pure turpentine or a blend of pure turpentines. The respondent also agrees to cease employing the word "Refining" as part of his trade name and to cease use of the words "Refining" or "Producers" or words of similar implication, when in fact the respondent does not own or control the refinery or factory in which the products he sells are produced or refined. (2801)

**B. Ontra Company, Inc.,** trading as Reggie's Hosiery Mills, agrees to cease using the word "Mills" as part of its trade name and to discontinue using that word or any word of similar implication in a manner conveying the impression that the corporation owns and operates the factory in which its products are made, when such is not a fact. (2800)

**Charles Dallas Reach Company**—Charles Dallas Reach, trading as Chas. Dallas Reach Company, 58 Park Place, Newark, N. J., conducting an advertising agency which disseminated advertisements for a hand lotion designated "Frostilla Fragrant Lotion," on behalf of The Frostilla Company, Inc., Elmira, N. Y., has agreed to discontinue disseminating or causing to be disseminated any advertisements representing that the ingredients in "Frostilla Fragrant Lotion" are more costly than those employed in competitive lotions generally, when that fact is not definitely known, and that competitive lotions in general leave a sticky or gummy residue. The respondent also agrees to cease advertising that "Frostilla Fragrant Lotion" accomplishes certain results where other lotions fail; prevents the nail cuticle from becoming rough or ragged; is "the" perfect hand lotion; keeps hands young looking, or is most always preferred where hand lotions are tested side by side. (02554)

**Ribbon Seam Binding Company**—See Arrow Seam Binding Company.

**Roth, Saltzman & Co., Inc.,** 147 West 29th St., New York, in the sale of furs, furriers' supplies and silk goods, stipulates that it will discontinue employing on letterheads, invoices or in other ways the phrase "Importers and Manufacturers," alone or in connection with other words as descriptive of its business activities, and that it will cease representing, through use of the word "Importers," that it imports products it sells, or through use of the word "Manufacturers," that it actually owns or controls the plant in which its merchandise is made, when such are not the facts. (2794)

**Louisville Novelty House**—Charles Barash, trading as Louisville Novelty House, 1860 Alfresco Place, Louisville, Ky., in the sale of Indian pattern blankets, cedar chests, electric clocks, wrist watches, floor lamps, and women's wearing apparel, stipulates that he will desist from selling or distributing such articles so packed and assembled that sales to the public are to be or may be made by means of a lottery scheme; from supplying to or placing in the hands of others such merchandise together with push or pull cards, punch boards or other lottery devices, or such devices with the merchandise or separately, the devices to be used in selling the articles to ultimate consumers.

The respondent also agrees to desist from use of the phrase "Pure Dye" or the term "Satin" as applied to any fiber or fabric unless composed exclusively of pure silk without other fiber, weighting, excess finishing or dyeing materials, or loading or adulterating materials. If according to the stipulation, the phrase "Pure Dye" is truthfully used as descriptive of the silk content of a mixed fabric, it shall be accurately disclosed in connection therewith that such term or phrase is used as applying only to the silk content of such mixed fabric; for example, "Rayon and Pure Dye Silk."

Also, the respondent stipulates that he will desist from branding, labeling or selling any products composed of rayon and other kinds of fiber or substances without full and nondeceptive disclosure of the rayon and other content by accurately designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent and giving the percentage of any fiber present in less than a substantial proportion. (2795)

**Louisville Novelty Manufacturing Company**—Agreeing to discontinue supplying devices the use of which may result in the sale of merchandise to ultimate consumers by means of lottery methods, six dealers have entered into stipulations.

Respondents are: Archie and Bessie Jacobstein, trading as Louisville Novelty Manufacturing Company, 330 East Breckenridge St., Louisville, Ky., distributors of novelty merchandise, including lottery devices; Briarcraft, Inc., 347 Fifth Ave., New York, pipe manufacturer; Leo Pevsner, 5 South Wabash Ave., Chicago, dealer in jewelry, novelty goods and premium merchandise; Nashville Roller Mills, Nashville, Tenn., engaged in the blending, sale and distribution of flour and feedstuffs; Morton J. Friedman, Merchandise Mart Building, Chicago, engaged, under the name of Traders Syndicate, in the sale of distressed or close-out stocks of merchandise, and Dainty Foods Manufacturers, Inc., 666 West Randolph St., Chicago, distributor of a concentrated compound or powder designated "North Pole Ade" for the making of summer beverages.

According to their stipulation, Archie and Bessie Jacobstein, trading as Louisville Novelty Manufacturing Company, sold to retail merchants certain trade stimulators called "jar deals" consisting of glass jars containing a large number of tickets with concealed numbers. The stipulation recites that the plan involved a lottery in the sale of cigarettes by a jar deal designated "Pick-A-Pack."

The respondents agreed to cease supplying to or placing in the hands of others, jar deals or other lottery devices either with assortments of cigarettes or other merchandise, or separately, such devices to be used in selling such cigarettes or other merchandise to the public.

Nashville Roller Mills agreed to cease supplying to or placing in the hands of others premium flour, or other merchandise, to be used to conduct a lottery in the sale of flour or other products, and to discontinue supplying lottery devices, either with assortments of flour or other merchandise, or separately, such devices to be used in selling such flour or other merchandise to the public.

The various other respondents agreed to cease supplying to or placing in the hands of others their commodities, together with lottery devices, or lottery devices with such merchandise or separately, such devices to be used in the sale of such merchandise to the public.

Except for the jar deals and premium flour used by the above mentioned Louisville and Nashville respondents, and prize drawing cards in two instances, the lottery devices commonly employed were push or pull cards and punch boards.

Morton J. Friedman, dealer under the name Traders Syndicate in distressed or close-out stocks of merchandise, also agrees to discontinue use of the word "Syndicate" as descriptive of his business, or of any similar term implying that the respondent's individual proprietorship is an association or group of persons combining in a financial, industrial or commercial enterprise. He also agrees to cease quoting a fictitious price of any article or quoting a figure purporting to be its actual value which is in excess of the customary price at which it can be obtained. (2779-2781-2783-2786-2787-2788)

**Hollander, Inc.,** Brockton, Mass., agrees to cease selling or distributing candies, confections or other merchandise so packed and assembled that its sale to the public is to be or may be made by means of a lottery or gift enterprise; to discontinue supplying to others confections, candies or other merchandise, together with push or pull cards, punch boards or other lottery devices, or such devices with the candy or merchandise, or separately, the devices to be used in the sale of such products to the public. (2798)

**Mrs. Greta J. Leskovar,** 507 East 73d St., New York, engaged in selling a medicinal preparation designated "Lesko Herbs Tea," has agreed to cease representing that the preparation is a competent treatment or effective remedy for retarded, suppressed, irregular or sick monthly periods, is an aid for the relief of the pain or discomfort attending irregular menstruation, or will relieve the cramps or colic of troublesome or irregular menstruation due to exposure or cold or any other cause. (02556)

**New England Products, Inc.,** 1601 Payne St., Evanston, Ill., engaged in selling a medicinal preparation designated "Peacock's Garlic Capsules," agrees to discontinue representing that the preparation is rich in calcium, potassium or phosphorus, or provides alkaline properties for the human system; that it is of value in the treatment of colon irritation or indigestion, except through any value it may have as a carminative, or in treating high or low blood pressure, except for certain temporary benefits; that it is of value in treating rheumatism, bronchitis, or other respiratory infections, or is antiseptic or has germ-killing powers when taken internally. (02555)

**Carolina Hosiery Mills**—Trading as Carolina Hosiery Mills, Max Kaufman, 120 West 42nd St., New York, has entered into a stipulation in which he agrees to discontinue certain representations in the jobbing and the retail sale of hosiery.

Among the representations which the respondent agrees to discontinue are use of the word "Mills" as part of his trade name and the word "Manufacturer" as descriptive of his business, when in fact he is not a manufacturer; use of fictitious designations to indicate that his place of business is at Hickory, N. C., or that his New York office is a sales branch thereof, when in fact his New York office is his only place of business, and representations that he sells men's hosiery "at mill prices" or "Direct from Mill to Consumer," thereby eliminating middlemen's profits, or that he distributes "our" mills' production to "the many large organizations throughout the entire United States."

Further representations which the respondent agrees to discontinue are use of the word "Silk" to describe products not made wholly of that substance; branding of products composed of rayon and other fibers without full disclosure of the rayon and other content, and certain representations as to prices. (2789)

**O. R. Chemical Company**—See L. B. Allen Company, Inc.

**E. E. Forbes & Sons Piano Company, Inc.,** 403 North 20th St., Birmingham, Ala., engaged in the retail sale of pianos and other musical instruments, in connection with the sale and distribution of its products, agrees to cease and desist from the use in its advertisements and advertising matter of whatever kind or description of the statement "No Money Down," when in fact a down payment generally is required and insisted upon in the sale of such instruments, and from the use of such words or other words of similar implication which tend to convey the belief to prospective purchasers that the instruments offered for sale under such representations may be purchased without the making of any down payment. (2797)

**Ted Brooks Clothing Company, Inc.,** 91 Fifth Ave., New York, N. Y. stipulates that it will cease representing any garments which it sells as being "custom tailored," when in fact they are not made to order for the persons buying them, and that it will discontinue representing any garment only partially finished by hand as being "hand tailored throughout." The respondent also agrees to discontinue selling any product made of rayon without clear disclosure in all advertising literature, invoices and other forms of the rayon composition. The stipulation provides that if the word "Celanese" is used to designate a product composed of rayon, such word shall be immediately accompanied by the word "Rayon" in equally conspicuous type to indicate clearly that the article is rayon. If the word "Satin" is properly employed as descriptive of the construction of a fabric composed of rayon, such word shall be accurately and non-deceptively qualified by the word "Rayon" in equally conspicuous type; for example, "Celanese Rayon Satin." (2799)

**Buhach Producing & Manufacturing Co.**, 37 East Channel St., Stockton, Calif., in selling an insecticide designated "Buhach", stipulates that it will cease advertising that the preparation is effective in killing all species of moths or all insect pests, and that it will discontinue representing, by use of the words "get rid of", "banish", or other words of similar meaning, that Buhach, when spread across the trails of ants or roaches, kills or repels all of such pests. (02559)

**Carnegie-Illinois Steel Corporation**, Pittsburgh, has entered into a stipulation in which it agrees to discontinue certain practices in the sale of copper-steel sheets used in the manufacture of articles such a grave vaults and caskets.

The respondent corporation agrees to cease using in its advertising matter or in the advertising supplied to others for their use, statements representing or implying (1) that its copper-steel sheets retain the same degree of resistance to deterioration which is caused by rust, corrosion, or pitting, resulting from their burial in soils generally, as they possess when subjected only to atmospheric conditions above ground; (2) that burial vaults or caskets made of copper-steel sheets are more durable or more resistant to rust, corrosion or pitting (when submerged in the soils), than vaults or caskets made of plain steel sheets of like weight and thickness buried in soils of similar chemical nature or action.

Other representations which the respondent corporation agrees to discontinue are that it has on file records of numerous disinterments which show copper-steel vaults to have been in excellent condition after many years underground; that copper-steel vaults have been completely proved by performances of hundreds of vaults now in use, and that the records show that "U. S. S. Copper Steel Vaults" were still in good condition when disinterred after from 17 to 21 years interment. (2790)

## STIPULATIONS

During the week the Commission has entered the following stipulations:

**L. B. Allen Company, Inc.**, trading as O. R. Chemical Company, 6719-6733 Bryn Mawr Ave., Chicago, in the sale of casein glue, agreed to desist from the use on its labels or in any other way of the word "waterproof" or of any other words of similar import as descriptive of a glue which is not, in fact, waterproof, and from use of this word in any way which tends to convey the impression that the product is impervious to water or its effects. (2805)

**American Television & Radio Company**, 300 East 4th St., St. Paul, Minn., engaged in manufacturing a specialized line of electrical goods consisting of vibrators, vibrator-operated and rectifier power supplies, agrees to discontinue, in connection with the sale of its products, stating or representing in its advertisements and advertising matter that it is the "World's Largest Manufacturer" of the most complete line of electrical goods and supplies above-named, and to desist from the use of the words "World's Largest Manufacturer" or of any words of similar implication which may tend to convey the belief that there are no other manufacturers who make or who are now equipped to make as complete a line of such merchandise as that manufactured by the American Television & Radio Company. (2793)

**Arrow Seam Binding Company**—Reuben Berman, trading as Arrow Seam Binding Company and Ribbon Seam Binding Company, 590 Eighth Ave., New York, is in the business of cutting fabric materials into binding ribbons which, after they have been carded or wound on spools or bolts, are sold in interstate commerce. The respondent agrees to cease representing that any of his products is composed of fibers or materials other than those of which it actually is made, and to discontinue employing the word "Taffeta" to designate a product not composed of silk. The stipulation provides that if the article is composed in substantial part of silk, the word "Taffeta", if used to designate the silk content, shall be immediately accompanied by other words in equally conspicuous type which indicate clearly that the product is not composed wholly of taffeta or silk, and which also accurately describe each other constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent.

The respondent also agrees to desist from invoicing, labeling, branding or advertising those of its products composed in part of rayon without clear disclosure of such rayon content, and, when such products are made in part of rayon, from failing to disclose each constituent fiber or material, including rayon, by name, in the order of its predominance by weight, beginning with the largest single constituent. (2791)

**I. S. Assin & Company**—Isaiah S. Assin and Mac Ancona, trading as I. S. Assin & Co., 9 East 38th St., New York, N. Y., agree to desist from use of the word "Manufacturers" as descriptive of their business. They also agree to desist from use of any other word or words of similar implication the effect of which is to convey the impression that they manufacture the handkerchiefs they sell or own or control the plant in which they are made, when such are not the facts. (2806)

The NATIONAL ASSOCIATION OF BROADCASTERS Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 21, May 24, 1940

# FCC Approves Commercial FM Broadcasting

The FCC gave the green light this week to commercialized FM broadcasting. The television report is still in the mill, but Chairman James Lawrence Fly said he hoped it would be out within a week or ten days.

By three orders (67, 68 and 69) issued May 22, the Commission set aside forty channels in the band 42,000-50,000 kc. for FM broadcasting; dismissed without prejudice existing FM applications; and cancelled existing FM experimental licenses as of January 1, 1941.

Applications for regular (commercial) FM licenses are to be received as soon as the rules, regulations and forms are ready. Meantime, according to Nathan David, assistant to the FCC chairman, FM stations now operating with an experimental license cannot "go commercial" until they receive regular licenses.

Here are the texts of the Commission's FM report (unanimously adopted) and the memorandum on frequency reallocation in connection with FM:

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

May 20, 1940.

### Docket No. 5805

In the Matter of Aural Broadcasting on Frequencies Above 25,000 Kilocycles Particularly Relating to Frequency Modulation

### Report on Frequency Modulation

By the Commission:

Frequency modulation is highly developed. It is ready to move forward on a broad scale and on a full commercial basis. On this point there is complete agreement amongst the engineers of both the manufacturing and the broadcasting industries. A substantial demand for FM transmitting stations for full operation exists today. A comparable public demand for receiving sets is predicted. It can be expected, therefore, that this advancement in the broadcast art will create employment for thousands of persons in the manufacturing, installation and maintenance of transmitting and receiving equipment and the programming of such stations.

Experimental stations have been operating over a number of years on frequencies above 25,000 kilocycles for the development of such frequencies for rendering a regular broadcast service. A number of these stations employed frequency modulation and others employed amplitude modulation. After extensive hearings and investigations, the Commission has concluded that frequency modulation has advanced to the stage where broadcasting on a commercial basis is desirable in the public interest. The Commission believes that this is one of the most significant advances that has been made in aural broadcasting in recent years.

Briefly the basic differences between amplitude and frequency modulation are as follows: Modulation is a process of imparting sound or other signal (intelligence) to a transmitted radio wave. The radio wave has two defining characteristics—amplitude and frequency. With amplitude modulation the sound controls the amplitude of the radio wave transmitted, while the frequency remains constant. In contrast, frequency modulation varies the frequency of the radio wave while the amplitude remains constant.

Up to the present, amplitude modulation has been used exclusively for regular as distinguished from experimental radio communication. The principle of frequency modulation has long been known but its practical use was not demonstrated until recently.

The hearing yielded a vast amount of information as to the use of frequency modulation in broadcasting on high frequencies. Each interested party agreed that frequency modulation is superior to amplitude modulation for broadcasting on frequencies above 25,000 kilocycles. The record leaves no doubt of the fact that a regular broadcast service can safely be initiated on high frequencies using frequency modulation.

The use of a wide band of frequencies makes possible a reduction of noise to a greater extent than attained with amplitude modulation. Man-made electrical and atmospheric noises consist primarily of amplitude variations and therefore frequency modulated signals have an inherent advantage in discriminating against noise. Experimental operations assured another advantage for frequency modulation, namely, that broadcasting stations could be operated on the same channel without objectionable interference with much less mileage separation than is possible with amplitude modulation. FM has the ability completely to exclude all except the strongest signal.

The opening of the new band for commercial broadcast will help to correct numerous defects and inequalities now existing in the standard broadcast band. These inequalities result from the scarcity of frequencies, their technical characteristics and the early growth of broadcasting without technical regulation. There is today a lack of stations in some communities and other communities do not have sufficient choice of program service. The establishment of the new broadcast band in the higher frequencies will enable many such communities to have their own broadcast stations. The licensing of classes of stations in the same area with different frequencies and different power has resulted in a wide disparity in the extent of service to the public. The system of classification now employed in the standard broadcast band will not be used for licensing FM stations. In the rules and regulations and engineering standards to be issued in the near future information will be provided whereby applicants may apply for facilities to serve a specified area. Stations will be rated on the basis of coverage rather than power. Competitive broadcast stations in the same center of population will in so far as possible be licensed to serve the same area.

The service range of the new stations while limited will, in many cases, be greater than that obtained from the primary service area of comparable standard broadcast stations. Stations a relatively short distance apart will not create mutual interference of a type that has rendered allocation problems both national and international so difficult in the standard broadcast band.

The coverage will be substantially the same day and night. The present situation of certain stations in the standard broadcast band having large daytime coverage and restricted nighttime coverage

*(Continued on page 4270)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## FCC APPROVES COMMERCIAL FM BROADCASTING

*(Continued from page 4269)*

on duplicated channels will be avoided. However, FM stations have not demonstrated the long distance coverage properties such as obtain with present high powered clear channel stations. Accordingly, amplitude modulation stations in the standard broadcast band may be required indefinitely for the purpose of giving widespread rural coverage. For coverages of centers of population and trade areas, the new class of station offers a distinct improvement.

Experimental FM stations rendering program service have employed a channel of 200 kilocycles. There is testimony to the effect that a band width of less than 200 kilocycles can be used, but this entails a reduction of the noise-discriminating quality which has been established by experimental operations utilizing a channel width of 200 kilocycles. Testimony advocating a narrower band width was not supported by experience in program service. Moreover, the narrower band width would make less feasible multiplexing of facsimile and binaural transmissions on the same channel. In addition, the Commission believes that a regular program service should begin on a 200 kilocycle band basis which can be conveniently reduced if technical developments warrant.

A further question at the hearing was the possible future effect on the service rendered by standard broadcast stations should an additional broadcast band in the high frequencies employing frequency modulation be established. There was agreement that the new and additional service would not supplant the service of standard broadcast stations generally and that, therefore, this service will not make obsolete the receivers now in use. Standard broadcasting is on an entirely different frequency band from that to be occupied by frequency modulation. FM will not interfere with it. Present standard broadcasting will continue, and certainly for a number of years will render full service. The extent to which in future years the listeners will be attracted away from the standard band cannot be predicted. Testimony at the hearing indicated that the manufacturers will provide receiving sets capable of receiving both standard and the FM broadcasts.

The record is clear that the frequency space heretofore allocated to high frequency broadcasting is not sufficient to establish a widespread service employing wide band frequency modulation. The testimony indicates that advantages are to be had by the use of a continuous band for high frequency broadcast stations which includes non-commercial educational stations. Therefore, the Commission deems it in the public interest to allocate a continuous band that will suffice for both commercial and educational stations.

The frequency band of 41,000 to 42,000 kilocycles is now allocated to educational stations on a regular broadcast basis, and most of the activity of experimental stations using frequency modulation has been in the band between 42,000 and 44,000 kilocycles.

There is testimony to the effect that commercial broadcast stations employing frequency modulation should be permitted to operate in the frequency band between 42,000 and 50,000 kilocycles principally for the reason that this band is particularly suited for rendering an FM broadcast service. The effect of sky wave interference will not be known until additional stations are placed in operation in various parts of the country. If later developments should favor the use of higher frequencies, the Commission will consider the facts at that time. In any event, the record of the hearing clearly indicates that this particular band offers the best solution of the allocation problem at this time.

Therefore, the Commission is making available for regular high frequency broadcast stations and educational stations the frequency band 42,000 to 50,000 kilocycles, in which band forty 200-kilocycle channels are available. Adequate provision will be made for television service as pointed out in our statement on allocations accompanying Commission Order 67.

The channels made available by Order 67 to FM broadcast stations, including the multiplexing of facsimile transmission simultaneously with aural broadcasting, are assigned to services as follows:

*Non-Commercial Educational Broadcast Stations*

42,100
42,300
42,500
42,700
42,900

*High Frequency Broadcast Stations*

43,100
43,300
43,500
43,700
43,900
44,100
44,300
44,500
44,700
44,900
45,100
45,300
45,500
45,700
45,900
46,100
46,300
46,500
46,700
46,900
47,100
47,300
47,500
47,700
47,900
48,100
48,300
48,500
48,700
48,900
49,100
49,300
49,500
49,700
49,900

Under the foregoing allocation for FM broadcast stations, the same number of frequencies previously allocated to educational stations has been retained, the only change being that the band for such stations has been placed 1,000 kilocycles higher in the spectrum. This arrangement provides for educational channels in the regular high frequency broadcast band and thus permits the same receiver to be used for the two services. The 1,000 kilocycles set aside in the lower part of the band allocated to commercial broadcast stations for educational stations not only places the educational stations on an entirely independent basis but also gives them the benefit of the developments in the service rendered by the commercial stations.

The few existing non-commercial educational broadcast stations employ amplitude modulation. It is contemplated that they may continue so to operate with the same equipment in the new frequency band 42,000-43,000 kilocycles. It is not contemplated, however, that applications for new educational broadcast stations proposing amplitude modulation will meet the Commission's requirements in the absence of a showing of special necessity for the use of amplitude modulation.

The bands 25,000-27,000 kilocycles and 116,000-118,000 kilocycles will not hereafter be assigned to FM domestic broadcasting.

There are pending a number of applications for high frequency broadcast stations on an experimental basis, which were filed pursuant to existing rules and regulations. None of these applications is sufficient for the authorization of a regular broadcast station on a full commercial basis nor are any of them sufficient for the limited experimental service to be authorized. Therefore, these applications will be dismissed, but without prejudice to the filing of new applications for either experimental or regular FM broadcast stations. Rules and regulations for both regular and experimental service will be promulgated by the Commission in the near future.

It also follows that authorizations for existing high frequency experimental broadcast stations which contemplate service to the public should be terminated not later than January 1, 1941, without prejudice to the filing of new applications for either type of service.

Applications for FM broadcast stations will be accepted by the Commission when the new rules and regulations for FM broadcast stations, including standards of good engineering practice, and application forms are issued. This will be done promptly.

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

May 20, 1940.

In re Frequency Allocations Contained in Order 67

By the Commission:

As a result of the recent hearings on television, Docket No. 5806, and Aural Broadcasting on Frequencies above 25,000 kc., Docket No. 5805, it became apparent that adequate frequencies for high frequency broadcasting and television could be provided only by instituting a thoroughgoing study of the use of all frequencies between 25 and 300 Mc. In making the study the Commission has been greatly assisted by the Interdepartment Radio Advisory Committee. This Committee, which is composed of representatives of thirteen Federal agencies, advises the President under the provisions of Section 305 of the Communications Act of 1934, as amended, regarding frequencies for Federal Government operations.

To those who are familiar with the existing allocations, the problem of selecting suitable frequency bands to accommodate frequency modulation and television is immediately apparent. It will be recalled that lengthy hearings were held in June, 1936, and June, 1938, to consider the allocation to services of frequencies in the bands above 25,000 kc. The hearings were widely publicized and were attended by representatives of the various departments of the Federal government, state and municipal government representatives, and persons and organizations representing all classes of radio services and the radio industry generally. As a result of these earlier hearings the Commission amended its Rules and Regulations so as to provide specific channels for each of the recognized services. The exact allocations heretofore in effect appear in Appendix B to the General Rules and Regulations of the Commission.

The frequencies which are assigned to the Government departments appear in the Commission's list for information purposes only. These frequencies are assigned for the use of government stations by executive order of the President.

In considering the needs of high frequency broadcasting and also the needs of television, the Commission decided that 40 channels should be allocated to the broadcasting service between 40 and 50 Mc, and 7 channels for television service below 108 Mc. A continuous band is provided for frequency modulation thus assuring a degree of uniformity in the quality of the different frequency modulation channels and tending toward simplicity and economy of frequency modulation receiving sets. It was further decided that wide band frequency modulation channels of 200 kc. in width should be adopted as standard. This will achieve a high standard of high fidelity aural broadcasting and incidentally accommodate the simultaneous multiplexing of facsimile transmissions. On this basis, a total band of 8 Mc is required for FM broadcasting which includes 1 Mc (5 FM channels), for non-commercial educational broadcast stations and 7 Mc (35 channels), for commercial FM broadcast stations. An extensive study has been made by the Commission's engineering staff and by the Interdepartment Radio Advisory Committee—numerous conferences and meetings were held.

The foregoing allocation plan was finally arrived at after thorough consideration of more than a score of allocation possibilities. The following arrangement between the Commission and the Interdepartment Radio Advisory Committee is a part of the plan of allocation as a whole:

> (1) Non-federal services are to have priority rights between 60 and 66 Mc and 118-119 Mc instead of the Federal government services. A reasonable length of time will be required for the Government to vacate these frequencies; consequently, January 1, 1941 has been set as the date for unlimited operation in these bands by Non-federal services.
>
> (2) The Federal Communications Commission agreed to the relinquishment to the Federal government services of the frequency bands 41-42 Mc and 132-140 Mc. It was further agreed that unlimited operation in these bands by Federal government stations will not be authorized prior to January 1, 1941.

In addition, the Commission decided to discontinue television service in the present television channels Nos. 1 and 8; i.e., 44-50 Mc, and 156-162 Mc. Accordingly, since old television channel No. 1 is discontinued, television channel No. 2 will be renumbered television channel No. 1; and a new channel to be known as television channel No. 2, will be assigned from 60 to 66 Mc. There is thus no loss of total space assigned to television below 66 Mc., and there will remain a total of 7 television channels below 108 Mc. Former television channel No. 8, 156-162 Mc, together with frequencies between 116 and 119 Mc, will be used to replace the assignments in the band 132-140 Mc.

Under these arrangements, the new allocations will become effective immediately on a limited basis. After January 1, 1941, the Commission may authorize unlimited time operation for all stations affected by Order No. 67. The new allocations are as follows:

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| *Frequencies (Mc)* | *Service (Appendix B, General Rules & Regulations)* |
|---|---|
| 25–41 | No change.* |
| 41–42 | Government. |
| 42–43 | Non - commercial Educational Broadcasting Stations. Frequencies: 42,100, 42,300, 42,500, 42,700, and 42,900 kc. New stations will be expected to use wide band frequency modulation which may include multiplex transmission of facsimile programs simultaneously with aural broadcasting. Existing stations will be authorized to continue their operation without change except as to frequency which will be approximately 1 Mc higher than at present. |
| 43–50 | Broadcasting.<br>Regular commercial service will be authorized employing wide band FM which may include the multiplexing of facsimile transmissions simultaneously with aural broadcasting. The following are the exact frequencies to be assigned:<br>43,100<br>300<br>500<br>700<br>900<br>44,100<br>300<br>500<br>700<br>900<br>45,100<br>300<br>500<br>700<br>900<br>46,100<br>300<br>500<br>700<br>900<br>47,100<br>300<br>500<br>700<br>900<br>48,100<br>300<br>500<br>700<br>900<br>49,100<br>300<br>500<br>700<br>900 |
| 50–56 | Television channel No. 1. |
| 56–60 | Amateur. (No change.) |
| 60–66 | Television channel No. 2. |
| 66–72 | Television channel No. 3. (No change.) |
| 72–116 | No change. |

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* The bands 25000 to 27000 kc. and 116000 to 118000 kc. will not hereafter be assigned to FM domestic broadcasting.

| *Frequencies (Mc)* | *Service (Appendix B, General Rules & Regulations)* |
|---|---|
| 116–119 | See Note 1.* |
| 119–132 | No change. |
| 132–140 | Government.[1] |
| 140–156 | No change. |
| 156–162 | See Note 1. |
| 162–300 | No change, except for renumbering of the television channels. This is due to the discontinuance of former television channel No. 8, 156-162 Mc, for television service. The new numbering of television channels in this range of frequencies is as follows:<br>162–168 Mc Tel. Chan'l No. 8<br>180–186 " " " " 9<br>186–192 " " " " 10<br>204–210 " " " " 11<br>210–216 " " " " 12<br>234–240 " " " " 13<br>240–246 " " " " 14<br>258–264 " " " " 15<br>264–270 " " " " 16<br>282–288 " " " " 17<br>288–294 " " " " 18 |

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[1] The frequency bands 116-119 Mc. and 156-162 Mc. will be used as replacement frequencies for the services now operating in the band 132-140 Mc. No commercial licenses as distinguished from experimental, will be authorized within the band 116-119 Mc. prior to January 1, 1942.

Under the foregoing arrangement the Commission has been able to maintain seven television channels below 108 Mc and at the same time provide an adequate number of channels for frequency modulation. In addition, these and other services will benefit by the changes.

Sky wave interference on frequencies immediately below 50 Mc is known to be greater than on the higher frequencies. While it is likewise recognized that the effects of shadows and fading become more pronounced as the frequency increases, it is, nevertheless, believed that such factors are not substantially different on frequencies in the vicinity of 60 Mc. Furthermore, it is generally conceded that the problem of diathermy interference is now most acute on frequencies immediately below 50 Mc. Thus by allocating 60 to 66 Mc instead of 44-50 Mc to the television service, a good balance has been achieved between the effects of sky wave and diathermy interference on the lower frequencies and the effects of shadows and fading on the higher bands.

Considerable testimony was adduced at the hearing regarding the relative merits of wide band as against narrow band frequency modulation. Additional data were also filed in the briefs submitted by the various parties to the hearing. In weighing the claims and counter-claims regarding the relative value of the two methods of modulation, the Commission decided that the public interest will best be served at this particular stage of development of the art by the assignment of wide channels, thereby affording full opportunity to use the 200 kc band for multiplexing both aural and facsimile transmissions. Should it later appear that channels of lesser width will provide superior service, the Commission can then reopen the matter. By adopting wide band FM channels at this particular time, it will be possible for the public to continue the use of receivers designed for wide band reception even though narrower channels may later be authorized.

The miscellaneous radio services now assigned frequencies between 132 and 140 Mc will benefit by the changes in that 9 Mc are allocated where formerly only 8 Mc were available. Assuming that a 100 kc channeling system is adopted between 116 and 119 Mc and a 150 kc system between 156 and 162 Mc, the miscellaneous services will receive 70 channels as compared with 57 channels in the past. The change has the further advantage of providing frequencies for experimentation with different propagation characteristics in two large blocks.

In considering these changes it was necessary to weigh the particular needs and problems of the various non-federal services as well as the Government's requirements, analyzed above, and to determine the permissibility of the allocations under our international undertakings; also to have regard for the future of radio operation in the services involved, from an international standpoint, so far as could be foreseen. The changes should result in improved service for all stations which are affected by the Commission's order and will fully meet the varied situations presented of a national and international character. Rules and regulations and standards of good engineering practice will be promulgated at an early date. Meanwhile, all stations will be continued as at present.

Finally, the Commission wishes to express its appreciation to the Government departments and agencies concerned and to the members of the Interdepartment Radio Advisory Committee and to the Chairman of that Committee, its own Chief Engineer, for the splendid cooperation and assistance rendered in helping to solve this difficult problem. This task required the shifting of assignments for many thousands of Government stations. Without such assistance and the thoroughgoing studies made of every conceivable factor affecting both government and non-government operation, the final plan could not have been worked out with such satisfactory results and uniform concurrence.

## MEMBERSHIP CAMPAIGN

NAB is launching—starting Monday next—May 27—an intensive pre-Convention membership campaign. Every broadcaster in every district is going to be propositioned to join up. Each Director is going to do his part by sending out a personally signed invitation. Forty-three of our members in 48 states have been appointed by the Directors and have agreed to serve as State or area Membership Chairmen. They will do their part. We have prepared what we believe to be an effective and appealing series of copy to go out to the non-member broadcasters. If—during the weeks immediately ahead every member of NAB, in every city and every state will make it a part of his every day duty to "put the bee" on some non-member broadcaster it will help a lot. The NAB needs the active support of every member in getting new members.

## AMENDMENT OF BY-LAWS

The attention of all NAB members is directed to the provision of the By-Laws respecting proposed changes. This reads as follows:

> "Article XIII—Amendments
>
> "Section 1. These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change."

Should any members desire to submit proposed amendments for consideration of the membership, they should be sent in immediately in order that the notice provided may be given the membership of the Association.

# BMI Developments

BMI has bought the Hinds, Hayden & Eldredge catalogue. The bill of sale is dated May 21, 1940. The catalogue contains a number of well known songs and a great wealth of material suitable for them, background, and mood music. Some of this material, in arrangements designed for such purposes, will be made available to stations in the near future.

Among the songs acquired by this purchase are *When Your Ship Comes In,* by Lily Strickland, and George Gartlan's *Land o' Romance* and *The Lilac Tree.* Dr. Gartlan is Director of Music in the New York City Public school system and a former president of the Music Educators National Conference.

The catalogue also includes numbers by Frank H. Grey, Victor Young, Robert Braine, and other prominent composers.

A new name which has been added to the BMI list of composers represents a great European reputation and is as new to the man who bears it as it is to BMI.

Bruno Grant, who has joined the BMI staff, spent his life as Bruno Granichstaedten until he changed his name legally after coming to this country in February. In Europe the name Granichstaedten ranks among those of the leading writers of musical comedies and operettas. His first show, *Bub oder Mädel* (*Boy or Girl*), opened the new Johann Strauss Theater in Vienna in 1910 and made such a success that it was brought to New York two years later under the name of *Rose Maid.* From that time to the present Mr. Grant's operettas have held a prominent place on the stages of Europe. The latest one, *Sonily,* opened in Luxembourg last October and went from there to Brussels. As far as Mr. Grant has been able to learn, it was still playing in Brussels at the time of the German invasion two weeks ago.

He wrote *Bachusnacht* for Richard Tauber, now of the Metropolitan Opera in New York, who introduced it in Vienna in 1922. It was produced at the Theater an der Wien, the classic operetta house of Vienna, where for years Mr. Grant's music was first presented to the public.

One of his greatest successes was *Orloff.* It ran for more than 700 performances in Vienna in 1925 and 1926, was produced in London in 1931, and also in Paris, where it was revived for the season of 1938-9. During that revival it reached its 500th Paris performance.

Mr. Grant came to America for the first time in 1931 and went to Hollywood to do the score for a musical picture produced by Samuel Goldwyn. At the end of a year in Hollywood he returned to Europe to do the musical scores for sound pictures being made on the Continent.

He continued also to work on musical shows for the stage. In addition to *Sonily* he did the music for a play based on the life of Mozart, which was scheduled for production in the fall of 1938 in the government-owned Akademie Theater in Vienna. After the occupation of Austria by Hitler troops in March of that year, this plan was cancelled. In September Mr. Grant left Austria, his very considerable fortune having been entirely confiscated by the Nazis. He arrived in America in February, 1940, and has already applied for citizenship papers.

Through BMI, new songs of this distinguished composer will soon be given to the American public. It is hoped that full-length stage productions with music by him may also be added to the list.

Frank Luther, BMI composer, whose song in memory of Will Rogers has already been mentioned in these columns, begins a new series of programs over the NBC Red Network on July 14th. The programs, which will be heard Mondays and Fridays at 7:15 p. m., Eastern Daylight Saving Time, will trace the history of America in song. Mr. Luther has made the American folk-songs a special field of his own, and he has had great success with them.

His career has been as characteristically American as the music he sings—and writes. It began on a Kansas cattle ranch on August 4, 1907. He exhibited cattle and horses at State Fairs, sang and played on Chautauqua circuits, conducted evangelistic campaigns, studied, boxed, and played football at four colleges, and at the age of twenty-one was minister of a church of a thousand members. He made a concert tour with the De Reszke Singers, a male quartette singing classical music, and another tour with Will Rogers. He has played in musical comedy in New York and London, made nine movies, 2000 phonograph records, and appeared on some 1800 commercial network programs. In the last two years he has written about thirty songs—and in his spare time he does some radio scripts.

This career is typically American, not because many Americans have similar careers, but because it could not happen anywhere except in America and because Mr. Luther seems to wrap up in himself about a dozen different people, all of them as American as corn pone or a dunked doughnut.

If Mr. Grant and Mr. Luther indicate the extent to which BMI is bringing together the best of widely different types of music, the mention of another composer will add still another color to the picture.

Franklin Delano Roosevelt, Jr., in collaboration with Kenrick Sparrow, wrote a song for the University of Virginia show which BMI will publish within about two weeks. The title is *The Rest of My Life.*

The importance of ending the ASCAP monopoly is being appreciated more clearly every week throughout the entire musical and industrial world. Composers and executives who pay the bills for radio advertising, tavern proprietors and advertising agencies, would ordinarily make strange bedfellows. ASCAP, however, has driven them all under the same blanket.

Now the union musicians are joining them. Recently one large union group sent out a circular letter which expressed the opinion that the ASCAP activities and its exorbitant fees have deprived musicians of employment. The letter asked those who employ musicians to give their cooperation in combating the ASCAP plague.

And that, of course, means more strength for BMI.

# Promotion

## RADIO FESTIVAL

From the Old Dominion, New York City and Philadelphia to California more cities and more stations report Radio Festival activities and successes.

In Rock Island, Illinois, and Davenport, Iowa, and neighboring cities the broadcasters are engaged in a Festival program dedicated to free speech.

Goldsboro, N. C., comes in. Louisiana's new fighting Governor proclaims National Radio Festival Week and New Orleans plans big things.

New York listeners will get a good going over as will those in Philadelphia. Sacramento, Calif., is all prepared to launch its Radio Festival on Sunday. Below are the details.

### *Davenport, Rock Island and Five Other Cities*

WHBF, Rock Island, Illinois, and WOC, across the Mississippi, in Davenport, Iowa, have arranged a National Radio Festival with the free speech theme uppermost. Radio Festival proclamations will be read by the mayors of Davenport and Bettendorf, Iowa, and by the mayors of Rock Island, Moline, East Moline, Silvis and Milan, Illinois, Monday, June 3, in the first of a series of seven joint broadcasts.

Arrangements were reported by Ivan Streed, WHBF production manager, who said that he and J. Buryl Lottridge, general manager, WOC, "expect to make the people in our listening area really conscious of one of the greatest gifts ever enjoyed by the American public . . . FREE RADIO AND FREE SPEECH ON THE RADIO."

Excerpts of the Constitution of the United States will be used in introducing each of the programs. In addition to the programs outlined below, WHBF and WOC will ask the Women's clubs to use Radio Festival as topic for their discussions. Posters will be placed in the windows of business establishments which have used radio. These will call attention to the fact that the management believes in and helps maintain the American System of Broadcasting. Appropriate stickers will be furnished all merchants to paste on delivered parcels.

"Freedom of Expression—Radio and Press" is the program set for Tuesday, June 4. The speaker will be selected by publishers of the four leading newspapers, *The Dispatch, The Argus, The Times* and *The Democrat*. This program is intended to impress the newspapers with the fact that "curbing free speech on the radio is only a step from restraining freedom of the press and (they) should accept this gesture from the stations as an opportunity to unite in a common cause."

On Wednesday comes "American Radio in Review." This is to be a fast moving show in the March of Time manner reviewing the services that radio stations have given the area.

"Free Speech and Free Press" is a round table discussion planned for Thursday. Panel members will be selected from among the cities' leading attorneys, "who value their birthright of free speech and who, at the same time, are capable of raising the points for discussion that are so often pointed to by propagandists, unfriendly to the American System of Broadcasting."

Students of Augustana College, Rock Island, and St. Ambrose College, Davenport, have the stage on Friday night. Dramatic staffs from the colleges will present "Contrasting American Radio to That of Foreign Countries." The drama will originate in the broadcasting studios of the respective schools. They will be prepared by the students under the direction of the two stations. This broadcast will also point out the close relationship existing between commercial broadcast stations and American educational institutions.

"Efficiency in American Radio" is the Saturday night program. Citations will be made of the progress of radio in America where keen competition stimulates development. Highlights in the last twenty years will be portrayed. The climax will be a "stunt" broadcast of two-way police radio which will include the actual dispatching of squad cars to various parts of the cities to "apprehend" criminals and prevent crimes.

"American Radio and the Churches" is the Sunday theme. In addition, all churches will be asked to observe the week in some way. The local ministerial alliance will select one of its members to deliver an appropriate sermon over the air.

### *Goldsboro*

Mrs. John R. Morris, program director, WGBR, will bring National Radio Festival to Goldsboro and environs the week of June 3-8. Talent is occupied rehearsing special programs for an outstanding Radio Festival week.

"We are sponsoring the essay contest suggested by NAB and there is very enthusiastic interest among the high school students in the contest," wrote Mrs. Morris.

### *Louisiana and New Orleans*

No more smoke in Louisiana as reported in this publication last week. The flame is burning brightly. On May 20, reports Henry Dupre, of WWL, came confirmation from newly elected Governor Jones, that National Radio Festival Week would officially cover June 3-10, inclusive. "With assurance of cooperation from all Louisiana stations, we are ready to ride," said Mr. Dupre.

New Orleans' Mayor Maestri has also proclaimed the date as National Radio Festival Week.

### *New York City*

From Halsey V. Barrett, promotion director, WNEW, on May 21:

"With regard to Radio Festival, we are going ahead in this New York area of 12,000,000 people to do our share in showing the value of radio as a public service and a major source of amusement and diversion for contemporary America. . . ."

### *Philadelphia*

Radio Festival in Philadelphia has the name "Radio Open House Week" and all of the transportation companies and department stores, Western Union, radio stores, etc., are helping publicize the week with literature, placards, signs, banners and so on, according to Joe Connolly, promotion director, WCAU.

"Each station is concocting its own particular brand of brew and keeping very quiet about plans, but they're all going to be good," he said.

### *Richmond*

Plans for Richmond's 4-station National Radio Festival celebration, to be begun on Sunday, June 2, are now perfected, according to D. S. Freeman, vice president, WRNL. In every sense of the word it looks like a big week throughout the "Old Dominion."

Stations involved in the Richmond promotion are: WMBG, WRNL, WRTD and WRVA. The essay contest will soon be under way as express shipments of "ABC of Radio" have already been made.

### *Sacramento*

KROY, the Royal Miller station, Sacramento Hotel, Sacramento, California, will begin National Radio Festival celebration, Sunday, May 26, according to a short note from Will Thompson, Jr., station manager. It will continue throughout the week.

### *Missoula OK's Festival*

National Radio Festival Week in Missoula and at KGVO was pronounced eminently successful by Manager Art Mosby of the station.

"With the theme 'A Salute to Youth,' some 200 young people ranging in age from 6th graders to university seniors appeared in special programs on the station during the week. Winning entrants in the NAB essay contest appeared on the air to read their essays and receive their awards.

"Jimmy Barber, program director of the station, conducted more than 100 interviews with young people during the special programs, 'Citizens of Tomorrow,' and 'Man on the Street,' during the week.

"Fifteen outstanding civic leaders and business men were heard in talks on various phases of radio in modern life.

"Merchandising tie-ups and special window displays in all downtown business houses contributed to the success of the event.

"Every department of the station was tied into the celebration, and cooperated in the production of the special events of the week."

---

Just in case the bulletin, "More Activity on the Radio Festival Front," dated May 18, escaped your notice, the following shortened reports will be interesting to members:

*Denver*

Governor Ralph L. Carr and Mayor Benjamin F. Stapleton declared May 19-25 National Radio Festival Week in Colorado. Whereupon KVOD, KFEL and KOA reallocated Pikes Peak. Essay contest, talks, special windows, stunts, cooperation of the radio jobbers, dealers and servicemen, displays of sets, etc., and visitations to the studios of the three NAB Denver members were all included in the week's activities.

*Huntington*

William J. Adams, program director, WSAZ, Huntington, is all set for the week of June 10-16.

*Louisville*

Col. Bob Kennett, WHAS, Col. George Patterson, WAVE and Col. S. A. Cisler, WGRC, all of Louisville, after winning the Derby, are giving their attention to National Radio Festival. Will be held the week of June 2.

*Miami*

Martin S. Wales, WIOD manager, got Radio Festival off to a flying start on May 25 with a breakfast broadcast from the roof garden of the Alcazar Hotel. Seven hundred attended, though demands for tickets were doubled a few days after the broadcast was announced.

*Roanoke*

Jack Weldon, program director, WDBJ, has the Roanoke youngsters, parents, teachers and citizens generally all steamed up with the essay contest, preliminary to the Radio Festival proper, June 3-8.

The Mayor, newspaper, merchants are cooperating. Window displays plans are completed. Studio is prepared to handle big crowds of visitors. Special programs for afternoons and evenings.

*Connecticut*

Participation of every Connecticut station in National Radio Festival establishes a new high record of industry cooperation. These stations are:

| | |
|---|---|
| WATERBURY | WATR |
| WATERBURY | WBRY |
| NEW LONDON | WNLC |
| NEW HAVEN | WELI |
| NEW BRITAIN | WNBC |
| HARTFORD | WDRC |
| HARTFORD | WTHT |
| HARTFORD | WTIC |
| BRIDGEPORT | WICC |

*Zanesville*

"Ohio's Biggest Little Radio Station," WHIZ, Zanesville, completed National Radio Festival celebration on May 12. Program Manager Allen Haid said:

"The week was truly a big success. In many different ways the Festival impressed our listening audiences with the important part radio plays in their daily lives. It also turned in a comprehensive selling job on the virtue of the American System of Broadcasting."

### "RADIO'S RICHES"

Five hundred copies of NAB's "Radio's Riches," supplied by Major Edney Ridge, director, WBIG, Greensboro, will be distributed at the dedication of the University's radio studio, which WBIG helped promote, at Chapel Hill, N. C., Sunday, May 26, at 5:30 p. m., EST.

FCC Chairman James Lawrence Fly is to dedicate the new radio facilities. The ceremonies will be broadcast over Mutual Broadcasting System and, by special arrangement, by WBIG.

### WLS PLUGS AUTO-RADIO

Listeners in the populous WLS territory are learning how to increase their radio pleasure by the use of auto-radio sets. According to Harold A. Safford, program manager, "WLS has been using the NAB Auto Radio Announcements regularly and will continue to use them throughout the summer season."

### "GOOD NEIGHBORS"

"When the late evening hours roll around, may we suggest you lower the volume of your radio? That's one way of being a good neighbor."

"Why risk disturbing the folks next door? Why not lower the volume of your radio a little during the late evening hours?"

These are two of the various announcements which F. O. Sharp, program manager, WFBM, Indianapolis, is now using to "educate" his listeners.

Each year when windows are raised to admit the cooling zephyrs, if any, there are always night owls in the neighborhood with their radios going full blast.

Stations frequently get the blame instead of the thoughtless individual and that is what Mr. Sharp is guarding against.

## Sales

### AFA CONVENTION PLANS

William R. Cline, commercial manager, WLS, Chicago, who is national chairman of the NAB Sales Managers' Division, has announced the committee of Chicago members to arrange final details for "Broadcasters' Night" Tuesday, June 25, at the thirty-sixth annual convention of the Advertising Federation of America. An elaborate radio cabaret entertainment is planned as NAB's contribution to the AFA Convention, scheduled for the Hotel Sherman, Chicago, June 23-27.

The program committee is as follows:

Jules Herbeveaux, NBC, Chairman
Stuart Dawson, CBS
Harold Safford, WLS
Bradley R. Eidmann, WAAF
*(WGN representative to be selected.)*

The program promotion committee is as follows:

Orrin Weaver, CBS, Chairman
E. C. Carlson, NBC

Arthur F. Harre, WAAF
Don Kelley, WLS
*(WGN representative to be selected.)*

The committee met May 21, when Mr. Cline outlined preliminary plans for NAB Night. In addition to several actual broadcasts to originate from the convention, all Chicago members and the networks will contribute talent, variety acts and special features.

Radio departments, under the auspices of the NAB Sales Managers' Committee, will be held as usual the mornings of June 24 and 25, starting at 9:15 a. m.. One session will be open to AFA members. The proposed agenda includes discussion of the Unit Plan for measuring radio advertising volume, dealer-cooperative advertising, and other activities of the Bureau of Radio Advertising.

### DEPARTMENT STORE ACTIVITY

The National Retail Dry Goods Association has tentatively set Thursday morning, June 20, as the date for its "Radio for Retailers" panel discussion, when prominent representatives of both the radio and retailing industries will again discuss department store radio advertising in a frank, "heart-to-heart" forum. The occasion is the semi-annual convention of NRDGA, scheduled for June 17-20 at the Palmer House, Chicago.

The NAB Bureau of Radio Advertising is cooperating with the NRDGA in arranging an entertaining and effective meeting, to which broadcasters will be welcome. The theme of the radio forum will be "More broadcaster-retailer cooperation for better radio results".

The complete printed transcript of last January's "Radio-Retailer" session is now available to radio stations at $1.50 a copy. Members should write to Joseph E. Hanson, Manager, Sales Promotion Division, National Retail Dry Goods Ass'n., 101 West 31st, New York City, for this interesting and informative discussion of department store radio advertising.

Member stations who have not yet returned the completed questionnaire on department stores sent out May 15th are requested to do so at once, in order that the information may be tabulated and published as early as possible. In this connection, the NRDGA has recently questioned its several thousand store members on radio, and reports excellent returns. These will be coordinated with the NAB data in a complete report which should be highly effective in further developing this important field of local advertising. Fill out your form and return it *now* to the NAB Research Department.

### AAAA OFFICERS

The following new officers and members of the Executive Board were elected (for one-year terms except where noted otherwise) at the Twenty-third Annual Meeting of the American Association of Advertising Agencies, held at the Waldorf-Astoria, New York, May 16:

Chairman of the Board—Atherton W. Hobler, President, Benton & Bowles, Inc., New York.
President—John Benson (reelected for 4 years).
Vice-President—Guy C. Smith, Executive Vice-President, Brooke, Smith & French, Inc., Detroit.
Secretary—David M. Botsford, President, Botsford, Constantine & Gardner, San Francisco.
Treasurer—E. DeWitt Hill (reelected), Vice-President, McCann-Erickson, Inc., New York.
Frederic R. Gamble continues as Executive Secretary.

## Distinguished Service Awards For Radio Stations

Designed to give educational recognition for public service by radio, and honoring a distinguished American, the George Foster Peabody Awards were last week established by the Board of Regents of the University System of Georgia. The Awards were set up with the approval and active cooperation of the National Association of Broadcasters.

These awards are designed to provide the field of radio with the same stimulus and incentive to public service that the Pulitzer Awards give to newspapers and literature. They will be administered by the Henry W. Grady School of Journalism of the University of Georgia in Athens, in the same way that the Pulitzer awards are handled by the School of Journalism at Columbia University.

The plans are an outgrowth of a series of conferences participated in by Dr. S. V. Sanford, Chancellor of the University System, Marion Smith, chairman of the Board of Regents; Dr. Harmon W. Caldwell, president of the University; Mrs. Marjorie Peabody Waite, Saratoga Springs, N. Y., daughter of Peabody; John E. Drewry, director of the Henry W. Grady School of Journalism; Lambdin Kay, director of public service for WSB, Atlanta, and Harry Hodgson, Athens, personal friend of the late Peabody.

Several years ago Mr. Kay was appointed to head a committee for the NAB to investigate possibilities of providing national educational recognition for public service in radio. At a meeting early this spring in Atlanta, with Ed Kirby, NAB Director of Public Relations; Dr. John E. Drewry, Director of the Henry Grade School of Journalism of the University of Georgia, and Mr. Kay, plans for the Peabody Awards received the wholehearted cooperation of the industry.

The first awards will be made in 1941, probably at the annual Georgia Press Institute.

The resolution providing for these Peabody Awards reads as follows:

A PLAN WHEREBY THE OLDEST CHARTERED STATE UNIVERSITY WOULD RECOGNIZE AND ENCOURAGE THE SOCIAL RESPONSIBILITIES OF THE YOUNGEST OF THE MEDIA OF COMMUNICATION—AND ALSO HONOR A DISTINGUISHED AMERICAN:

Recognizing that the radio is an important medium of information, entertainment and public service, comparable to the press, the University of Georgia (chartered 1785), through the Henry W. Grady School of Journalism and a Board of Advisers, will confer annually, beginning in 1940, THE GEORGE FOSTER PEABODY RADIO AWARDS for the most distinguished and meritorious service rendered by each of three American radio stations, representing the three major types of stations (local, regional and clear channel), and also by a national broadcasting chain, said awards to be given to perpetuate the memory of George Foster Peabody, benefactor and life trustee of the University of Georgia and friend of educational progress everywhere.

These awards will be announced and bestowed publicly by the Regents of the University System of Georgia, upon recommendation of the Advisory Board set up and maintained jointly by the University of Georgia, through the Henry W. Grady School of Journalism, and the National Association of Broadcasters.

The membership of this Advisory Board shall consist of the Chancellor of the University System of Georgia, and eleven other outstanding American citizens who have demonstrated in a notable degree their interest in public affairs, and who also by position and achievement are prepared to evaluate in an impartial and detached manner the contributions of radio stations and chains in connection with this award. The Board is to be self-perpetuating, subject to the approval of the Board of Regents. Nominations for membership are to be made through the office of the Director of the Henry W. Grady School of Journalism. (The initial personnel of the Advisory Board will be submitted for approval by the Board of Regents in a separate resolution, this month.)

Nominations of candidates for these awards shall be made in writing to the Director of the Henry W. Grady School of Journalism, the University of Georgia, Athens, Georgia. Each nomination must be accompanied by complete and self-evident data setting forth clearly the claim to consideration for one of these awards. Program subjects, program outlines, program transcripts, recordings, letters and other pertinent data should be so presented as to comprise an exhibit which will be a faithful record of the station's particular contribution to public service offered for consideration in this connection.

Competition for one of these awards will be limited to work done during the calendar year ending December 31 next preceding. The first award will be made in 1941, based on public service programs of 1940.

The closing date for entries will be January 15.

In commenting upon the announcement of the Peabody Award, Lambdin Kay, veteran broadcaster and now Director of Public Service of WSB, Atlanta, Georgia, said:

Broadcasting has been too busy growing up to acquaint the world with its indispensability in preserving democracy through true public service.

Evolving the technology, economy, sociology and destiny of mankind's mightest power for human betterment in two turbulent decades has preoccupied the builders of the industry.

Its typically American way of private, independent competitive operation for profit has overshadowed its incalculably greater significance and potentialities in fostering the lives, liberties and happiness of a free people.

Broadcasting stands alone today as the personification of the real meaning of free speech. It is impartial because sovereignty of the air remains with the people. It is all-powerful because it reaches more people more directly than any other mode of expression.

May the George Foster Peabody Radio Awards hasten public acceptance of broadcasting's status as America's basic bulwark and safeguard to Democracy.

When informed of these awards, Neville Miller, president of the NAB, made the following statement:

"American broadcasters are honored that under such distinguished and impartial auspices, annual awards will be bestowed for the most outstanding contributions rendered in the public interest which they are dedicated to serve.

"Without question, the George Foster Peabody Radio Awards to be selected by a group of outstanding Americans representing a cross section of the religious, cultural and economic life of the nation, will become a new and noteworthy standard by which the public service contributions of the broadcasters will be gauged and measured.

"We welcome this new and wholesome influence in broadcasting. Our thanks go out to those individuals and to the University of Georgia whose public spiritedness has combined to bring about this worthy means through which to further perpetuate the noble memory of a great American, George Foster Peabody."

## Labor

Broadcasters who have carefully cooperated with the NAB Labor Relations Department in building up the labor contract service are amazed when they find that all members have not filed all their contracts.

Every broadcaster who has dealt with a labor union appreciates the importance of having at his command the information from other contracts with the same union. Only if he has this information can the broadcaster deal with the union on equal terms, for the union has it.

For many years, the American Newspaper Publishers Association has maintained a complete contract pool for its members. Newspaper publishers think this is one of the ANPA's most valuable services. The NAB wants to give just as complete and valuable service in this respect. To do that, however, the Labor Relations Department must have the cooperation of every member.

Members should talk this over at the coming district meetings.

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The June meeting of the International Labour Organization has been postponed indefinitely, owing to the war. One of the items on the program was a proposal to define performers' rights in broadcasting and recording.

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The Labor Relations Board has ordered a hearing June 3 on charges that Station WCOV, Montgomery, Ala., had engaged in unfair labor practices. The charges were brought by the International Brotherhood of Electrical Workers (A. F. of L.). The hearing will be held in Montgomery.

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Samuel R. Rosenbaum, WFIL, has another union problem on his hands—nothing new to Mr. R.

The Robin Hood Dell summer concert series, which Mr. Rosenbaum manages, will open June 18 with a 90-piece symphony orchestra playing Tchaikovsky's "1812 Overture" with the incidental cannon firings included by the composer in his score.

The orchestra association arranged for the loan of three anti-tank cannon from the Pennsylvania National Guard for the performance, whereupon A. Rex Riccardi, secretary of A. F. of M. Local 77 informed Mr. Rosenbaum that "we will require that the cannon be played by a member of Local 77."

Mr. Rosenbaum replied: "Under the circumstances we shall arrange to hold auditions among members of the local who may apply for the position, in order to select a performer who can play the cannon with due regard for its musical value. Applications should be addressed to us for the position of Symphony Bombardier."

## EXTENDING LICENSES

The reallocation under the Havana Treaty was scheduled for August 1, however, it appears now as if this date cannot be met. If the date is extended to December 1 (the date now being considered) or some other time, then the FCC will automatically extend broadcast station licenses until that date without requiring that renewal applications be filed.

## FROM THE FCC MAIL BAG

A letter from Waterloo, Iowa, asks the Commission to order the discontinuance of war dramas on the radio. A New Yorker wants the Commission to impose restrictions on the amount of advertising talk on the air. A Portsmouth, Va., woman would confine Sunday broadcasts to programs "appropriate to the Sabbath".

Under the law, the Commission is without authority in such matters, being expressly denied the power of censorship over program material. On the other hand, the Commission advises an Ellet, Ohio, resident that there is no provision in the Communications Act or the Commission's own rules and regulations to prohibit a church-sponsored program from soliciting gifts and contributions from the listening public.

The Commission is without jurisdiction to handle complaint of a Mineola, N. Y., man that his radio receiving set is unable to operate in accordance with the representations made for it, so it has transmitted his communication to the Federal Trade Commission. Likewise, the Commission cannot itself help a Waterbury, Conn., man protect the contents of a broadcast program, but suggests procedure through the Copyright Division of the Library of Congress. It also notifies a New York music publisher that it has no say in the relations existing between the radio and music industries.

An enterprising Beverly, Mass., man is told that his plan to organize and sell a radio program service via amateur stations would violate the prohibition against amateur stations being used to broadcast any form of entertainment.

## BROADCAST MEASUREMENTS

During the month of April, FCC officials measured 723 broadcast stations leaving 95 not measured.

Six hundred and fifty-eight stations showed a maximum deviation within 0-10 cycles; 53 stations within 11-25 cycles; 12 stations within 26-50 cycles; no stations showed a deviation of over 20 or 50 cycles.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases for the week beginning Monday, May 27. They are subject to change.

### Monday, May 27

Further Hearing

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of license, **810 kc.**, 1 KW, specified hours (6 a. m. to 11 p. m., EST), DA daytime. Present assignment: **810 kc.**, 1 KW, daytime-WCCO, directional antenna.

### Tuesday, May 28

WRTD—Times Dispatch Radio Corp., Richmond, Va.—C. P., **590 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1500 kc.**, 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Birney Imes, Columbus, Miss.—Granted construction permit for new station to operate on **1370 kc.**, with 250 watts, unlimited time. Exact transmitter site and antenna system to be determined subject to Commission approval.

Middle Georgia Broadcasting Co., Macon, Ga.—Granted construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time. Exact transmitter and studio sites and antenna system to be determined subject to Commission's approval.

WSPA—Virgil V. Evans, trading as The Voice of South Carolina, Spartanburg, S. C.—Granted voluntary assignment of license and construction permit (for auxiliary transmitter) from Virgil V. Evans, d/b as the Voice of South Carolina, to the Spartanburg Advertising Company, for a consideration of $30,300. Station operates on **920 kc.**, with 1 KW, daytime only.

KGEI—General Electric Co., San Francisco, Calif.—Granted modification of international broadcast station license to add frequency **9670 kc.** to the present licensed frequencies—**6190, 9530** and **15330 kc.**, 20 KW, sharing time on **6190** and **9530 kc.** with WGEO and **15330 kc.** with WGEA.

KSRO—The Press Democrat Publishing Co., Santa Rosa, Calif.—Granted consent to assignment of license of station KSRO from The Press Democrat Publishing Co. to Ernest L. Finley, for a consideration of $30,399. Station operates on **1310 kc.**, 250 watts, unlimited time.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Granted consent to voluntary assignment of license of station WFOY from Fountain of Youth Properties, Inc., to Fountain of Youth Broadcasting Company. Station operates on **1210 kc.**, 250 watts, unlimited time.

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Granted modification of construction permit extending commencement date to June 8, authorizing move of transmitter site locally, installation of vertical radiator, and increase in night power from 500 watts to 1 KW; the completion date remains September 8, 1940.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period ending August 1, 1940:

WDBJ and auxiliary, Roanoke, Va.; WDAY, Fargo, N. Dak.; WDEL, Wilmington, Del.; WEBC, Duluth, Minn.; WEBC, auxiliary; WELI, New Haven; WFBM, Indianapolis; WFVA, Fredericksburg, Va.; WGNY, Newburg, N. Y.; WHBF, Rock Island, Ill.; WHBI, Newark, N. J.; WHIO, Dayton, Ohio; WHN and auxiliary, New York City; WIBA, Madison, Wis.; WISN and auxiliary, Milwaukee, Wis.; WJAS, Pittsburgh, Pa.; WJBO, Baton Rouge, La.; WJDX, Jackson, Miss.; WKAQ, San Juan, P. R.; WKST, New Castle, Pa.; WMRO, Aurora, Ill.; WNOX, Knoxville, Tenn.; WOOD, Grand Rapids, Mich.; WTOC, Savannah, Ga.; KFJZ, Fort Worth, Tex.; KTRH, Houston, Tex.; WASH, Grand Rapids, Mich.; WFBR, Baltimore; WFBR, auxiliary; WORC, Worcester, Mass.; KUSD, Vermillion, S. Dak.; WREC auxiliary, Memphis, Tenn.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted renewal of license on a temporary basis only, for the period ending August 1, 1940, subject to whatever action may be taken upon pending application for renewal of licenses of KGCA and KWLC, and the pending application of KGLO.

KWLC—Luther College, Decorah, Iowa.—Granted renewal of license on a temporary basis only, for the period ending August 1, 1940, subject to whatever action may be taken upon pending application for renewal of licenses of KGCA and KWLC, and the pending application of KGLO.

WCAM—City of Camden, Camden, N. J.—Granted renewal of license on a temporary basis only for the period ending August 1, 1940, subject to whatever action may be taken upon pending application for renewal of license.

## DESIGNATED FOR HEARING

God's Bible School and College, Cincinnati, Ohio.—Application for construction permit for a new International Broadcast station to operate on frequency **11710** and **21610 kc.**, 60 KW, A-3 emission, three hours per day on **11710 kc.**, unlimited on **21610 kc.**

## MISCELLANEOUS

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 a. m. to 10 a. m. EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period May 18, 1940, to not later than June 16, 1940, or until the Saginaw Broadcasting Co. is in a position to use said time, in order to broadcast special non-commercial educational programs; authority to terminate upon commencement of program tests by station WSAM.

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to operate from 2 p. m. to 4:15 p. m. CST on May 18, 1940, in order to broadcast the South Dakota Collegiate Track Meet and on May 25, 1940 in order to broadcast the N. Conference Track Meet; to operate from 7:15 p. m. to 9:15 p. m. CST on June 3, 1940, in order to broadcast State College Graduation Exercises.

WLAW—Hildreth and Rogers Co., Lawrence, Mass.—Granted special temporary authority to rebroadcast a program to be received from High Frequency (Experimental) Broadcast Station W1XOJ from 1:15 p. m. to 1:30 p. m. EST on May 17, 1940, in connection with a special frequency modulation talk and demonstration for the Lion's Club of Lawrence, Mass.

WLBJ—The Bowling Green Broadcasting Co., near Bowling Green, Ky.—Granted modification of construction permit as modified which authorized construction of new broadcast station, for extension of commencement date from December 31, 1939 to February 29, 1940, and completion date from July 1, 1940 to September 1, 1940; assignment, **1310 kc.**, 250 watts, unlimited time. (B2-MP-978)

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Denied special temporary authority to operate from 7:15 p. m. to 9:30 p. m. EST, May 18, 1940, in order to broadcast a Music Festival in the City Hall.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period May 18, 1940, to not later than June 16, 1940, pending the filing of modification of license and completion of arrangements with station KWLC.

KTRB—Thomas R. McTammany and Wm. H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 9 p. m. PST, May 17, 1940, to the completion of opening soft ball game at Modesto and program in connection therewith, only, instead of on May 16, 1940, as authorized by grant of May 11, 1940.

KGDM—E. F. Peffer, Stockton, Cal.—Granted motion to dismiss application for modification of license to change frequency from **1100 kc.** to **1530 kc.**, and hours of operation from daytime only to unlimited, using 1 KW.

Grant Union High School District, North Sacramento, Calif.—Dismissed petition to intervene and consolidate hearing in re application of KGDM for modification of license.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8:30 p. m. EST on May 20, 1940, in order to broadcast WPA program featuring Mrs. Roosevelt, Administrator Carmody, and Col. Harrington.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 3:30 p. m. to 4:30 p. m. and from 5:30 p. m. to 6:30 p. m. CST or until the conclusion of baseball games on May 20, 25, and 27, 1940, and from 1:45 p. m. to 2:30 p. m. and from 3:30 p. m. to 4:30 p. m. CST on May 30, 1940, in order to broadcast baseball games only (provided KGCA remains silent).

WTAW—Agricultural and Mech. College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 10:30 p. m. to 11:30 p. m. CST on May 31, 1940, in order to broadcast program in connection with the Final Ball of the A. & M. Cadet Corps.

W10XEL—RCA Manufacturing Co., Inc., Chicago, Ill.—Granted special temporary authority to portable mobile Class I experimental station W10XEL to operate in the frequency band **112-116 mc.** for the purpose of displaying newly developed television viewing tubes, camera pick-up unit, receivers, transmitters and associated gear designed for **600 kc.** band spread television emission developed especially for the amateur trade, to set up a complete system and operate it as a part of the RCA Exhibit at the "Board of Trade Show" in Chicago, Ill., for the period June 6, 1940 to not later than June 16, 1940.

WJMC—Walter H. McGenty, Rice Lake, Wisc.—Granted special temporary authority to operate from 7:30 p. m. to 12 midnight CST on May 29, 1940, in order to broadcast the annual Military Ball of the Rice Lake unit of the National Guard.

WSPR—WSPR, Inc., Springfield, Mass.—Denied special temporary authority to operate from 8:45 p. m. EDST, until conclusion of games on May 14, 15, 16, 17, 21, 22, 23, 24, 27, 28, 29, and 31, 1940, and from 9 p. m. EDST until conclusion of games on June 3, 4, 5, 6, 7, 11, and 12, 1940, in order to broadcast the baseball games of the Springfield team of the East League when they are played at night. (B1-S-886)

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Granted construction permit to move transmitter from WCMI Bldg., Ashland, Ky., to 53rd and Ohio River, Ashland, Ky., and install new antenna; **1310 kc.**, 250 watts, unlimited time (B2-P-2742).

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to remain silent on May 30, 1940, in order to observe Memorial Day.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate with power of 250 watts from 7:45 p. m. CST to the conclusion of a Junior Chamber of Commerce lecture on May 27, 1940, in order to broadcast said lecture only.

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wisc.—Granted special temporary authority to operate specified time 8:00 a. m. to 4:15 p. m. CST daily for a period not to exceed thirty days, pending completion of plans being made for additional station personnel to permit full daytime operation.

KAXZ—United Air Lines Transport Corp.—Granted special temporary authority to operate already licensed aircraft radio transmitter, aboard plane owned by United Air Lines Transport Corp., call letters KHAZT as a relay broadcast station, on the frequency **2790 kc.**, to relay broadcast program in connection with the official opening of the San Francisco World's Fair to Radio Station KGO and an NBC network, from 8 p. m. to 9 p. m. PST on May 25, 1940.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 9 p. m. to 9:15 p. m. EST on May 20, 1940, in order to broadcast a special WPA program in celebration of National WPA Achievement Week.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted modification of license to use old licensed composite transmitter as an auxiliary transmitter; **770 kc.**, 50 KW, auxiliary purposes only (B4-ML-991).

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Granted modification of license to change name of licensee from Voice of Brooklyn, Inc., to WLTH-New York, Inc. (B1-ML-990.)

WPAB—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Granted modification of construction permit for a new station for approval of antenna, approval of transmitter site, and approval of studio site; **1340 kc.**, 1 KW, unlimited time (B-MP-956).

WATW—WJMS, Inc., Ashland, Wisc.—Granted license to cover construction permit as modified for new station; frequency **1370 kc.**, power 100 watts, unlimited time (B4-L-1145). Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-392).

Chester A. Thompson, Transferor, and The Brush-Moore Newspaper, Inc., Transferee.—Set for Oral Argument before a quorum of the Commission, the petition requesting oral argument in re application for consent to transfer voluntary control of Vee Bee Corporation, licensee of Station WPAY, Portsmouth, Ohio, the argument to be held at 10 a. m., Thursday, June 6, 1940.

WMVD—Delmarva Broadcast Co., Salisbury, Md.—Granted request for cancellation of construction permit authorized on April 13, 1940, for a new station to operate on **1200 kc.,** 250 watts power, unlimited time, call letters WMVD. Application will be retired to closed files and call letters deleted.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Discharged Order to show cause why the license of WLTH should not be revoked, which was issued by the Commission on July 26, 1939. It appears that the interference conditions existing at the time the order was issued have now been eliminated.

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Granted license to cover construction permit as modified for new broadcast station; frequency **1500 kc.,** 100 watts, 250 watts local sunset, unlimited time (B-L-1149).

WNEW—Wodaam Corp., New York, N. Y.—Granted construction permit to install auxiliary transmitter for emergency use only, using 1 KW power; **1250 kc.**

Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26300 kc.,** using maximum power of 1000 watts, special emission (frequency modulation), in cooperation with the licensee of high frequency broadcast station W2XJI, for a period not to exceed 30 days, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.,** employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted license to cover construction permit for increase in power and installation of new transmitter; **890 kc.,** 1 KW, 5 KW local sunset, unlimited time, directional antenna night (B3-L-1146).

WMVA—Wm. C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Granted modification of construction permit for new station for approval of antenna and change in type of transmitter and approval of studio site and transmitter site; **1420 kc.,** 100 watts night, 250 watts day, unlimited (B2-MP-976).

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-394).

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted license to cover construction permit for installation of new transmitter; **920 kc.,** power 500 watts, daytime (B1-L-1148).

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted renewal of license on a temporary basis only for the period ending August 1, 1940, subject to whatever action may be taken upon pending application for renewal of license.

W3XP—Philco Radio & Tel. Corp., Philadelphia, Pa.—Granted special temporary authority to operate relay television (experimental) station W3XP on frequencies **234-246 mc.** (Group 14 and 15) with double side band transmission and as a portable relay rather than a fixed station, for the period May 21, 1940, to not later than June 18, 1940, in order to conduct experiments pending action on application for modification of license.

W2XBU—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate the equipment described in construction permit (File No. B1-PVB-54) on **288 mc.** (channels 18 and 19), in order to conduct a series of transmission tests from May 21, 1940, to not later than June 20, 1940, pending the filing and consideration by the Commission of appropriate construction permit modification application to permit said construction permit to conform with a revised program of research and experimentation.

WRTD—Times Dispatch Radio Corp., Richmond, Va.—Continued without date the hearing now scheduled for May 28, 1940, on the application for construction permit to change operating assignment of the station from **1500 kc.,** 100 watts power, unlimited time, to **590 kc.,** 1 KW power, unlimited, using directional antenna at night.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted modification of construction permit for change in frequency from **1310** to **880 kc.;** increase in power from 250 watts to 1 KW; change in hours from daytime to unlimited; install new transmitting equipment and directional antenna for both day and night use; and move of transmitter, for authority to install new type transmitter and make changes in directional antenna system and extend commencement date to 30 days after grant and completion date 180 days thereafter (B3-MP-951).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Construction permit to make changes in directional antenna system and increase power from 1 KW night, 5 KW day to 5 KW day and night.

### 570 Kilocycles

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Authority to transfer control of corporation from Laura M. Doernbecher, Executrix of Estate of Edward M. Doernbecher, deceased, to Laura M. Doernbecher, 966 shares common stock.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 860 Kilocycles

WHB—WHB Broadcasting Co., Kansas City, Mo.—Construction permit to install new transmitter, directional antenna for day and night use; move transmitter from N. Kansas City, Mo., to 1.75 miles east U. S. 71 on County 10S, Hickman Mills, Mo.; change frequency from **860** to **710 kc.;** increase power from 1 to 5 KW and hours of operation from daytime to unlimited time. Class II.

### 880 Kilocycles

KLX—Tribune Building Co., Oakland, Calif.—Modification of license to request classification of station as III-A.

### 890 Kilocycles

WJAR—The Outlet Co., Providence, R. I.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night and make changes in directional antenna (DA day and night). Amended: to move transmitter from junction Newport and Ferris Aves. to Wamapnoag Trail, E. Providence, R. I.

### 970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit to install new transmitter, increase power from 100 watts to 1 KW, change hours from day to limited, transmitter site to be determined, Hill Crest, Pa. Amended: to request limited time to WCFL, Chicago, and 1 KW power day and night.

### 990 Kilocycles

WBZ—Westinghouse Elec. & Mfg. Co., Boston, Mass.—Modification of construction permit (B1-P-2161) as modified for new transmitter, directional antenna for day and night use, and move of transmitter, requesting extension of completion date from 6-30-40 to 9-30-40.

### 1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Authority to determine operating power by direct measurement of antenna power, for main and auxiliary transmitters.

### 1200 Kilocycles

NEW—West Virginia Radio Corp., Morgantown, W. Va.—Construction permit for a new broadcast station to be operated on **1200 kc.,** 250 watts, unlimited time, Class IV, site to be determined, Morgantown, W. Va.

WMOB—S. B. Quigley, Mobile, Ala.—Modification of license to increase power from 100 to 250 watts.

### 1210 Kilocycles

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Modification of construction permit (B2-P-1809) as modified, for a new station to install new transmitter, change in type of antenna, and extend commencement and completion dates from 12-2-39 and 6-2-40 to 2 days after grant and 60 days thereafter respectively.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

### 1220 Kilocycles

WDAE—Tampa Times Co., Tampa, Fla.—License to cover construction permit (B3-P-2554) for changes in equipment, install directional antenna for day and night use, and increase power.

WDAE—Tampa Times Co., Tampa, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1230 Kilocycles

NEW—Trent Broadcast Corp., Trenton, N. J.—Construction permit for a new broadcast station to be operated on **1230 kc.,** 1 KW, unlimited time, Class III-B, directional antenna day and night use. Studio: Hotel Stacy Trent, State St., Trenton transmitter: W. side of U. S. 206, N. side of Crosswicks, White Horse, N. J.

### 1250 Kilocycles

WHBI—May Radio Broadcast Corp., Newark, N. J.—Authority to determine operating power by direct measurement of antenna power.

### 1260 Kilocycles

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—License to cover construction permit (B1-P-2210) as modified for a new broadcast station.

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1270 Kilocycles

KWLC—Luther College, Decorah, Iowa.—Modification of license to change hours from daytime, shares KGCA to daytime. Requests facilities of KGCA.

KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—Authority to determine operating power by direct measurement of antenna power.

### 1310 Kilocycles

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to determine operating power by direct measurement of antenna power.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Construction permit to make changes in equipment and increase in power from 100 to 250 watts.

### 1320 Kilocycles

WADC—Allen T. Simmons, village of Tallmadge, Ohio.—Modification of construction permit (B2-P-2495) as modified, for installation of directional antenna, increase in power and move studio and transmitter, further requesting authority to install new transmitter and change studio from State Road No. 8, RFD, N. of Akron, Ohio to Cuyahoga Falls Road, Village of Tallmadge, Ohio (present licensed site of studio).

### 1340 Kilocycles

WFNC—W. C. Ewing and Harry Laymon, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Modification of construction permit (B3-P-1926) as modified, for a new station, requesting authority to install new type equipment and approval of studio site at 216 N. Water St., Fayetteville, N. C., and extend completion date from 5-20-40 to 6-20-40.

### 1370 Kilocycles

NEW—Harbenito Broadcasting Co., Cameron County, Texas.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time, transmitter and studio sites to be determined, Cameron County, Texas. Amended: To specify studio site as 104 East Van Buren St., Harlingen, Texas.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Modification of construction permit (5-P-2278) to change frequency, increase power, install new transmitter and antenna, and move studio and transmitter, requesting approval of antenna and transmitter site at Oak at Ming, Bakersfield, Calif., and studio location at present site. Amended: To install new transmitter.

### 1420 Kilocycles

NEW—W. Montgomery Harison, Augusta, Ga.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Site to be determined, Augusta, Ga. Class IV station.

KLBM—Harold M. Finlay & Mrs. Eloise Finlay, LaGrande, Ore.—License to cover construction permit (B5-P-2662 for changes in equipment.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Authority to transfer control of corporation from Mrs. Marcia Arrington to Charles Barham, Jr., 2448 shares common stock.

### 1430 Kilocycles

KGNF—Great Plains Broadcasting Co. (a Corp.), North Platte, Nebr.—License to cover construction permit (B4-P-2684) for changes in equipment.

### 1450 Kilocycles

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Voluntary assignment of license from Doughty & Welch Electric Co., Inc., to The Fall River Broadcasting Co., Inc.

### 1500 Kilocycles

KVWC—R. H. Nichols, W. H. Wright, & Stewart Hatch, d/b as The Northwestern Broadcasting Co., Vernon, Texas.—Voluntary assignment of license from R. H. Nichols, W. H. Wright & Stewart Hatch, d/b as The Northwestern Broadcasting Co. to The Northwestern Broadcasting Co.

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—License to cover construction permit (B-P-1970) as modified for a new station.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Modification of license to increase power from 100 watts to 250 watts.

### MISCELLANEOUS

NEW—WSMB, Inc., New Orleans, La.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.,** 1000 watts, special emission for frequency modulation, location: to be determined, in or near New Orleans, La.

NEW—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.,** 1000 watts, special emission for frequency modulation (to be operated on regular commercial basis), location 600 Biscayne Blvd., Miami, Fla.

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.,** 1000 watts, special emission for frequency modulation, location: On top Mt. Lee, Hollywood Hills, Los Angeles, Calif. Amended: Change power to 50 KW and type of equipment.

NEW—Don Lee Broadcasting System, San Diego, Calif.—Construction permit for a new high frequency broadcast station to be operated on **42800 kc.,** 1000 watts, special emission for frequency modulation, location: To be determined, San Diego, Calif.

NEW—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.,** 1000 watts special emission for frequency modulation, location: To be determined, Santa Barbara, Calif.

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.**, 50000 watts, special emission for frequency modulation, location: To be determined, San Francisco, Calif.

NEW—Rock Island Broadcasting Co., Moline, Ill.—Construction permit for a new high frequency broadcast station to be operated on **436 kc.**, 1000 watts, special mission for frequency modulation, location: E½ of W½ Sec. 2 Twp. 17N, Range 1W of the 4th PM, Moline, Ill.

NEW—Westinghouse Radio Stations, Inc., Washington Twp., Ft. Wayne, Ind.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.**, 1 KW, special emission for frequency modulation, location: Junction Routes 33 and 30, Washington Twp., Ft. Wayne, Ind.

NEW—McNary & Chambers, Portable-Mobile.—Construction permit for a new developmental broadcast station to be operated on **550** to **1600 kc.**, 100 watts, Emission A-O.

NEW—McNary & Chambers, Portable-Mobile.—License to cover construction permit (B-PEX-33) for a new developmental broadcast station.

NEW—Rene Canizares, Havana, Cuba.—Authority to transmit programs to CMCK, Havana, Cuba, from 64 Broad St., New York, N. Y., 15 minutes daily, except Sundays.

NEW—Monumental Radio Co., Baltimore, Md.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation, location: 811 W. Lanvale St., Baltimore, Md.

W3XPY—Bell Telephone Laboratories, Inc., Whippany, N. J.—License to cover construction permit (B1-PEX-29) for new developmental broadcast station. Amended: corrected geographical figures.

NEW—Adirondack Broadcasting Co., Inc., New Scotland, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation, location: Stovepipe Rd., New Scotland, N. Y.

NEW—Hagerstown Broadcasting Co., Portable-Mobile (area of Hagerstown, Md.).—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 100 watts, Emission A3.

KAQY—The Farmers and Bankers Broadcasting Corp., Portable-Mobile (area of Wichita, Kans.).—License to cover construction permit (B4-PRY-215) for new relay broadcast station.

NEW—WHP, Inc., near Paxtang, Pa.—Construction permit for a new high frequency broadcast station to be operated on **43000 kc.**, 1000 watts, special emission for frequency modulation, location: Swatara Twp., near Paxtang, Pa.

WLWJ—The Crosley Corp., Portable-Mobile (area of Cincinnati, Ohio).—License to cover construction permit (B2-PRY-213) for a new relay broadcast station.

NEW—Dalton Broadcasting Corp., Dalton, Ga.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time, site to be determined, Dalton, Ga. Amended: transmitter location as River Bend Rd., Dalton, Ga.

NEW—WIBM, Inc., Ann Arbor, Mich.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.**, 1000 watts, special emission for frequency modulation, location site to be determined. Amended: site to be determined, Ann Arbor, Mich.

NEW—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.**, 1000 watts, special emission for frequency modulation, location: Teel Road, 1.5 miles northwest of Beckley, W. Va.

NEW—Courier-Journal and Louisville Times Co., Louisville, Ky.—Construction permit for a new relay broadcast station to be operated on **133030, 134850, 136810, 138630 kc.**, 50 watts, special emission for frequency modulation, location: 300 W. Liberty St., Louisville, Ky.

NEW—Philco Radio & Television Corp., Philadelphia, Pa.—Modification of license to change frequency from **204000-210000 kc.** to **234000-246000 kc.**, and change from a fixed location to a portable relay television station to be used with Television Station W3XE.

WEHH—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of construction permit (B1-PRE-281) as modified, which authorized changes in equipment and reduction in power to 15 watts, requesting increase in power to 30 watts and equipment changes.

NEW—The Hartford Times, Inc., Hartford, Conn.—Construction permit for a new high frequency broadcast station to be operated on **43100 kc.**, 1000 watts, special emission for frequency modulation, location: 983 Main St., Hartford, Conn.

NEW—Long Island Broadcasting Corp., Woodside, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **42100 kc.**, 1000 watts, special emission for frequency modulation, location: Woodside, N. Y.

NEW—The Cincinnati Times-Star Co., Cincinnati, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.**, 1000 watts. special emission for frequency modulation, location: between Highland Ave. and Reading Rd. and Dorchester St., Cincinnati, Ohio. Amended to request 50000 watts and equipment changes.

KEGE—A. H. Belo Corp., Portable-Mobile.—Construction permit to install new transmitter and decrease power from 3 watts to 2 watts.

NEW—The Metropolis Co., Portable-Mobile, area Jacksonville, Fla.—Construction permit for new relay broadcast station to be operated on **2150, 2758, 2830, 2790 kc.**, 40 watts, emission A3. Amended to request **1622, 2058, 2150, 2790 kc.**

WEKT—St. Petersburg Chamber of Commerce, Portable-Mobile.—Consent to assignment of license from St. Petersburg Chamber of Commerce to City of St. Petersburg, Fla.

NEW—Carter Publications, Inc., Fort Worth, Tex.— Construction permit for a new high frequency broadcast station to be operated on **42600 kc.**, 1000 watts, special emission for frequency modulation, location: 307 W. 7th St., Fort Worth, Tex.

KSFQ—The Associated Broadcasters, Inc., Portable-Mobile, area San Francisco, Calif.—License to cover construction permit (B5-PRY-214) for new relay broadcast station.

W1XEQ—E. Anthony & Sons, Inc., New Bedford, Mass.—Construction permit to move transmitter from Atlas Tack Corp., Fairhaven, to Crow Island, Fairhaven, Mass.

NEW—WDZ Broadcasting Co., Portable-Mobile, area of Tuscola, Ill.—License for a new relay broadcast station using equipment licensed to relay station WELQ, **1622, 2058, 2150, 2790 kc.**, 2 watts, A3 emission.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Ball Company**—See Champion Battery Company.

**Champion Battery Company**—D. J. Bortz and Edith Bortz, trading as Champion Battery Company and as The Ball Company, are charged, in a complaint, with misrepresentation. The respondents, with their principal office and place of business in the Morgan Building, Detroit, are engaged in the sale and distribution to retail dealers of so-called sales promotional plans, including the sale and distribution of "advertising gift checks", "gift certificates", and various articles of merchandise, novelty gifts and premiums.

The complaint alleges that the respondents, under the respective trade names Champion Battery Company and The Ball Company, through their salesmen and agents, in connection with their sales promotional plans, represent that Champion Battery Company is a representative of or is putting on an advertising campaign for the Champion Spark Plug Company, Toledo, Ohio, and similarly represent that The Ball Company is connected with Ball Brothers Company, Muncie, Ind., manufacturers of glass fruit preserving jars. In truth, the complaint continues, the respondents are not representatives of or connected in any way with the Champion Spark Plug Company or Ball Brothers Company.

The respondents allegedly represent that gift checks purchased by dealers for distribution to their customers as they purchase the respondents' merchandise may be redeemed in "free" premiums by such customers after they have bought a specified amount of merchandise and that upon such redemption of gift checks by their customers dealers will be reimbursed for the amounts they paid for such checks. However, it is alleged that dealers are not so reimbursed; customers do not receive "free" merchandise; purchasers of flash light bulbs and batteries pay a sum which not only covers the value of the batteries and bulbs but that of the premiums received, and purchasers of dinnerware pay 39 cents with each gift certificate returned to the respondents for redemption, such amount covering not only the value of the ware but representing a substantial profit to the respondents.

In selling dinnerware under the name of The Ball Company, the respondents allegedly represent that they are introducing a new line of colored chinaware of high grade and celebrated type known as "Fiesta," when in fact it is not genuine "Fiesta" ware, but only cheap milk-white glassware of a type found in five and ten cent stores.

Batteries sold by the respondents, the complaint alleges, are not manufactured by Champion Spark Plug Company, although the word "Champion" is placed upon the labels of the batteries, and dinnerware products sold in connection with use of the word "Ball" are not manufactured by Ball Brothers Company. (4134)

**Standard Distributing Company**—Philip Harry Koolish and Sarah Allen Koolish, trading as Standard Distributing Company, are charged, in a complaint with use of lottery methods in the sale of merchandise to ultimate consumers. The respondents, whose place of business is at 2222 Diversey St., Chicago, and who formerly were located at 6227 Broadway, Chicago, are engaged in the sale and distribution of flashlights, electric mixers and other merchandise.

The complaint charges that the respondents, in connection with the sale of their merchandise, have furnished various devices and plans of merchandising involving the operation of games of chance, gift enterprises or lottery schemes, and have distributed to the purchasing public literature and instructions, including push cards, order blanks and circulars explaining their plan of selling merchandise and allotting it as premiums or prizes. The complaint alleges that the respondents thus supply to and place in the hands of others the means of conducting lotteries. (4135)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Academy of Hawaiian Music**—Eleanor Moore, trading as Academy of Hawaiian Music, 18 South 17th Ave., Maywood, Ill., has entered into a stipulation in which she agrees to discontinue certain representations in the sale of a "Home Study Course for the Hawaiian Guitar."

The respondent agrees to desist from the representation that her course is a new method of instruction for learning to play the Hawaiian guitar; that no talent, or special talent, is required to learn to play this instrument, or that all pupils can, through the respondent's instruction, learn to play the Hawaiian guitar.

A further representation which the respondent agrees to discontinue is that a pupil can learn to play the Hawaiian guitar from regular piano music or any other kind of sheet music, unless such representation is qualified to explain that such music must include a separate score upon which the melody notes are written and upon which a chord designation is printed above each bar.

The respondent also stipulates that she will cease advertising that a pupil can learn to play regular songs after receiving and studying the first lesson of the course and that she will desist from using the word "Academy" or any other term of like import as part of her trade name or to describe the business of selling a correspondence course in music. (02560)

**American Landscape School**—The stipulation of American Landscape School, whose offices are in the Plymouth Building, Des Moines, is supplemental to one accepted by the Commission in March, 1939, in which the respondent agreed to discontinue various representations concerning its courses. In the supplemental stipulation American Landscape School agrees to cease representing that the number of positions open in landscape architecture and gardening greatly exceed the number of persons qualified and available to fill them; that the respondent daily receives letters from prospective employers offering its students and graduates opportunities for employment in landscape architecture and gardening, or that opportunities for employment are greater than is actually the case. (02349)

**Battle Creek Dietetic Supply Co.,** 16 Court St., Battle Creek, Mich., engaged in selling cosmetics, food supplements and medicinal preparations designated "Health House Brand Hormone Cream," "Health House Brand Vitamin F Cream," "Health House Brand Yeast Vitamin Tablets," "Health House Brand Vegetable Mineral Broth," "Health House Brand Vegetable Tablets," "Health House Brand Wheat Germ," "Health House Brand Vitamin E Capsules," and "Health House Brand Cough Syrup with Vitamins A, B, D, and G," agrees among other things to desist from representing that vitamins tend to normalize weight or that vitamins will help reduce obese persons to normal weight; or that vitamins will help underweight persons to attain normal weight, except where such condition is due to vitamin deficiency. The Battle Creek Dietetic Supply Co. also agrees that where any of its products contain any fatty acids. it will cease and desist from designating such acids as "Vitamin F." (02564)

**Chief Two Moon Herb Company, Inc.,** Waterbury, Conn., engaged in selling "Chief Two Moon Bitter Oil," "Chief Two Moon Cough Elixir," "Chief Two Moon Skin Cream," "Chief Two Moon All-Herb Stomach Relief," "Chief Two Moon All-Herb Kidney Relief," "Chief Two Moon All-Herb Nerve Remedy," "Chief Two Moon All-Herb Female Tonic," "Chief Two Moon All-Herb Rheumatism Relief," "Chief Two Moon All-Herb Tonic Relief," "Chief Two Moon All-Herb Asthma Relief," and "Chief Two Moon All-Herb Liver Relief," has agreed to discontinue representing that Chief Two Moon was the "world's greatest herbist"; that the remedies are "Indian remedies" or are "herb remedies," except where the major portion of the active ingredients are herbs; that they have brought relief and restored health and happiness to thousands of sufferers, or that they are effective treatments for stomach trouble, tumors, rheumatism, kidney and liver ailments, nervousness and asthma.

In addition to discontinuing claims for each of the remedies, the corporation also agrees to cease use of the words "Nervine," "Nervine Tea," "Nerve Remedy," "Asthma Tea" or "Asthma Relief" to designate any of its products, and further agrees to cease and desist from the circulation and dissemination of a booklet entitled "Chief Two Moon Herbs for Health," containing many claims, representations and testimonials concerning the alleged benefits which have been and are to be derived from use of the preparations. (02563)

**V. G. Fernandez,** trading as Wonder Laboratory, Chicago, Ill., stipulates that he will desist from advertising his preparation "Anticalvez" as being a new discovery and as being capable of eliminating dandruff, stopping falling hair, giving to the hair the vigor and luster of youth, improving the hair or scalp, preventing baldness or gray hair and causing one to have an abundant growth of hair. The respondent agrees to cease representing, by use of the word "Laboratory" or any abbreviation thereof as a part of his trade name, or by any other means, that he maintains a laboratory, unless he owns, operates or controls, under direct supervision of a qualified scientist, a properly equipped laboratory where scientific analysis, tests and experiments are conducted. (02562)

**C. G. Ives,** trading as Ives Drug Company, Glenwood Drug Company and Ives Druggist, Minneapolis, Minn, agrees to cease representing that "Ives Wonder Pile Remedy" is an effective remedy or a competent treatment for hemorrhoids or piles; that its use will avoid an operation, or that it has any therapeutic value in the treatment of piles in excess of a mild, temporary palliative for the itching, burning, and similar irritations that are usually due to, or associated with, the superficial symptoms of some types of piles. The respondent further agrees to cease employing the word "Remedy" or any term of like import as part of a trade name used to describe the preparation. (02561)

**Morco By-Products Company**—Sigvart Sivertson, doing business as The Morco By-Products Company, 1758 Lunt Ave., Chicago, engaged in selling an anti-freeze solution designated "Security Anti-Freeze," agrees to desist from representing that the demand for "Security Anti-Freeze" is in any definite amount not in accordance with the facts; that its sales exceed those of any other automobile anti-freeze; that tests upon objects in a container represent the tests which would be performed in a laboratory; that the product has a freezing point not in accordance with the facts, or that a constant anti-freeze strength or freezing point is maintained by it. The respondent also agrees to cease representing that the product will not foam in the automobile radiator; that it is harmless to the radiator or motor of an automobile and will not corrode the parts with which it comes in contact; that it is the only type of anti-freeze known as "non-evaporating" or as "requiring only one filling a season," or has the same qualities as anti-freeze containing ethylene glycol. (02567)

**National Social Club**—The stipulation of Belmont Lindsey, trading as The National Social Club, 3453 Brooklyn St., Kansas City, Mo., recites that in the sale of lists of names of purported members of the club, the respondent made various representations in advertising matter, among which were: "Win a Wealthy Sweetheart, helpful friends, or ideal mate! Confidential! FREE information and descriptions."—"Successful business man, . . . college education; . . . Does not drink or smoke. Owns considerable real estate, and is proprietor of a successful drug business . . ."

In his stipulation, the respondent agrees to cease advertising that The National Social Club or its plan or service are unique; that results are guaranteed to members, and that free information or free descriptions can be obtained by persons answering advertisements.

The respondent also agrees that, in the absence of some reasonable investigation to determine the truth or falsity of statements made by persons named in the lists, he will cease advertising that his representations as to the financial or other standing, education, character, age, occupation or profession of those so named are other than the mere statements of the persons themselves. He also stipulates that he will desist from representing that any offer is special unless it is actually less in price than the usual or regular price and is limited in time. (02565)

**Nestle-LeMur Company,** 111 Eighth Ave., New York, engaged in selling a hair dye designated "Nestle Colorinse," and a hair shampoo designated "Nestle Shampoo," agrees to cease representing that "Nestle Colorinse" is not a dye; that it improves the natural color of the hair or in any manner imparts youth to the hair or recaptures the youthfulness of the hair, or that it is a vegetable compound. It also agrees to cease representing that "Nestle Shampoo" adds a natural sheen to the hair or that its use helps overcome or is a corrective or cure for dandruff, aids in stopping or checking falling hair, or that the use of "Nestle Shampoo" alone will minimize excessive hair loss due to scurfed or sluggish scalp. (02566)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Anheuser-Busch, Inc.,** St. Louis, has been ordered to discontinue certain price discriminations in violation of the Robinson-Patman Act in the sale of bakers' yeast.

Commission findings are that:

The respondent corporation sold bakers' yeast to its customers under a schedule of prices ranging from 25 cents a pound for monthly requirements up to 150 pounds, to 14 cents a pound for monthly requirements of 50,000 pounds or more. These prices did not necessarily depend upon the quantities actually purchased from the respondent but upon the monthly requirements of yeast of the respective customers. For example, a customer whose monthly requirements might be 1,400 pounds and who purchased all of it from the respondent, would pay, according to scale, 20 cents a pound. However, if the customer bought only part of his requirements from the respondent he would still pay 20 cents a pound, regardless of what portion of his requirements he so purchased.

Discriminations in price were made between different purchasers by deviating from this schedule, as follows:

(1) Discrimination in price between customers who purchased all of their requirements and those who bought part of their requirements from the respondent. For example, a customer whose monthly requirement was 4,500 pounds and who bought this entire amount from the respondent, paid, according to scale, 18 cents a pound, but another customer, whose monthly requirements was 7,500 pounds and who purchased 4,500 pounds from the respondent, paid only 16 cents a pound for the 4,500 pounds so bought.

(2) Discrimination between different customers who purchased some but not all of their requirements from the respondent. For example, a customer whose requirements were 4,500 pounds a month and who bought 500 pounds of this from the respondent, paid, according to scale, 18 cents a pound for the 500 pounds, while another customer, whose requirements were 1,000 pounds a month and who bought from the respondent only 500 pounds, paid the respondent 20 cents a pound for the 500 pounds because his requirements were only 1,000 pounds a month.

(3) Discrimination between certain customers within a definite quantity bracket by selling to some customers at so-called "off-scale" prices. For example, if the customer took all of his requirements of yeast from the respondent and should pay, according to the scale, a certain price, the respondent would sell him that quantity at a lower price.

(4) Discrimination brought about by the respondent through selling its customers on the basis of total consumption or purchases irrespective of the number or quantity of the individual deliveries. By this method of selling yeast, independent dealers operating a single plant were obliged to pay a great deal more for yeast than large chains operating several bakeries and who, with a plant in the same area as an independent, might have received the same quantity of yeast at that particular branch as the independent dealer received. Different prices for the same quantities of yeast were paid by the respective customers in this instance because the price was not based upon the quantity delivered to the particular branch of the large customer but upon the total quantity delivered to all branches of the large customer.

By selling bakers' yeast in accordance with its price scale and by deviating from prices in the manner set forth, large bakeries and chains have been enabled to make substantial savings which may be reflected in many different ways in lessening or injuring competition. Inasmuch as these savings can be used for periodic reductions in price in the sale of bread and allied products, sales effort and sales appeal are increased, all of which operate to the disadvantage of the customers against whom these discriminations are employed.

The effect of the respondents' discriminations is and may be to substantially lessen competition and tend to create monopoly in the sale and distribution of bread and allied products in the respective lines of commerce in which the respondent and its customers, receiving the benefit of such discriminatory prices, are engaged, and to injure, destroy or prevent competition with customers receiving the benefit of such discrimination, in violation of Section 2 (a) of the Robinson-Patman Act.

The Commission order directs the respondent to cease and desist from the various types of price discrimination above described. (2987)

**B & T Sales Company**—See S. M. Laboratories Company.

**Globe Rummage Mart**—Louis Goldman, trading as Globe Rummage Mart, 3238 South State St., Chicago, engaged in the sale and distribution of second-hand clothing and other merchandise, has been ordered to cease and desist from certain misrepresentations.

In catalogs distributed throughout the various States by the respondent, and through other advertising matter, the Commission finds the respondent has represented that the merchandise sold by him is only slightly used; that all articles listed in his catalog are reclaimed or slightly used, but are in good saleable condition; that such articles are seasonable merchandise and are the most popular styles and latest creations; that complete assortments are available, and that any merchandise not entirely satisfactory may be returned for replacement.

The findings are that the respondent buys his merchandise in the open market from other second-hand dealers, from junk dealers and at rummage sales, and that when an order is shipped to a customer the package frequently contains merchandise that is old, out of style, dirty, worn out, unsaleable, valueless and of different size, color, age, quality, style and condition from the merchandise ordered by the respondent's customers.

The respondent is ordered to cease and desist from representing, directly or indirectly, (1) that wearing apparel purchased from junk or other second-hand dealers, which is old and out of style, is seasonable and saleable merchandise of the latest or currently popular style; (2) that wearing apparel purchased from junk or other second-hand dealers, which is old, dirty, badly worn or generally unsaleable, is saleable merchandise in good condition, or is only slightly used merchandise; (3) that the respondent has complete assortments of wearing apparel available, and (4) that he will make replacements or refunds when merchandise is not satisfactory, when such is not the fact. (4016)

**Jobbers Produce Company, Inc.**—See Mississippi Sales Company, Inc.

**Mississippi Sales Company, Inc.**—Prohibiting unlawful payment and acceptances of brokerage fees, in violation of the Robinson-Patman Act, an order has been issued against Mississippi Sales Company, Inc., a general merchandise brokerage house, and Jobbers Produce Company, Inc., a produce jobber, both of Meridian, Miss., and against three sellers.

Commission findings are that:

Through the medium of Mississippi Sales Company, Inc., orders were placed for a substantial quantity of foodstuffs by Jobbers Produce Company, Inc., of the same Meridian address as Mississippi Sales Company, Inc. Such orders were placed with American Fruit Growers, Inc., Pittsburgh; Dow Fruit Company, Wenatchee, Wash., and E. O. Muir Company, Salt Lake City, Utah, and other sellers. These firms and other sellers transmitted to the Mississippi Sales Company, Inc., substantial brokerage fees on the basis of an agreed percentage (usually 3 to 5 per cent) of the amount of each purchase by Jobbers Produce Company, Inc.

During all these transactions, S. O. Scott was president and director of both the Mississippi Sales Company, Inc., and Jobbers Produce Company, Inc., owning 98 per cent of the capital stock of each corporation, and the business of each company was conducted from the same offices by the identical personnel under the direct and active supervision of the respondent Scott.

The Commission concluded that in connection with these purchases, Mississippi Sales Company, Inc., was subject to the control of and acted in fact for Jobbers Produce Company, Inc.

The Commission further concluded that the payment of brokerage fees or commissions to, and the receipt thereof by, the Mississippi Sales Company, Inc., upon purchases of the Jobbers Produce Company, Inc., when the principal party at interest in each of the two corporate respondents was S. O. Scott, principal officer and stockholder of each company, was in fact a payment of brokerage fees or commissions to, and receipt thereof by, the respondent Jobbers Product Company, Inc., in violation of the brokerage paragraph of the Robinson-Patman Act. The Commission also concluded that no selling services were or could have been in law rendered to sellers in connection with the purchases of Jobbers Product Company, Inc.

The Commission order directs the respondents American Fruit Growers, Inc., Dow Fruit Company, and E. O. Muir Company, in connection with the sale of commodities to Jobbers Produce Company, Inc., to cease and desist from paying or granting to Mississippi Sales Company, Inc., Jobbers Produce Company, Inc., or S. O. Scott, any brokerage fee or commissions, or any allowance or discount in lieu thereof.

The order directs Mississippi Sales Company, Inc., and Jobbers Produce Company, Inc., in connection with the purchase of commodities by Jobbers Produce Company, to cease receiving or accepting from sellers any brokerage fees or commissions or allowances or discount in lieu thereof.

The order further directs S. O. Scott to desist from receiving or accepting brokerage fees or commissions, or any allowance or discount in lieu thereof, either directly or indirectly as stock dividends or distribution of profits, or otherwise, in connection with the purchase of commodities in interstate commerce by Jobbers Produce Company, Inc. (3511)

**Theodore Radin, Inc.**, 18-20 East 41st St., New York, engaged in the sale and distribution of certain medicinal preparations designated "Glycirenan," "Glycirenan-Forte," "Jodirenan," "Inhalerin-Compositum" and "Aerizon," recommended as treatments for asthma, hay fever, sinus discomfort and bronchial irritations, in connection with a device designated "Atmozon Aerifier" for administering the preparations, has been ordered to cease and desist from misrepresentations.

The Commission finds that advertisements in newspapers and periodicals, and in other statements, all of which purport to be descriptive of the remedial, curative or therapeutic properties of the preparations, the respondent has represented they are cures or remedies for the ailments enumerated and that the preparations are absolutely harmless, no matter how often used.

The Commission finds that these representations are misleading and untrue, that the preparations do not constitute competent and effective treatments for the ailments, in excess of furnishing certain temporary relief, and that by reason of the existence of epinephrine and ephedrine in the preparations, their use over a long period of time may produce such prolonged vasoconstriction as to cause tissue damage from anoxemia, with secondary inflammatory reactions.

The respondent is ordered to cease and desist from causing to be disseminated any advertisements likely to induce the purchase of the preparations or of preparations composed of substantially similar ingredients, or which advertisements represent directly or through implication that such medicinal preparations are cures or remedies for asthma, hay fever, sinus discomfort, bronchial asthma and other bronchial ailments, or that they constitute competent and effective treatments therefor in excess of furnishing temporary symptomatic relief from the paroxysms of asthma, attacks of hay fever, bronchial irritations and sinus discomforts. The order also prohibits the representation that the respondent's preparations are absolutely harmless no matter how often used, or that use of the preparations will prevent attacks of asthma and hay fever or the recurrence thereof. (3992)

**Rayson Service Bureau**—Prohibiting misrepresentations in the sale of correspondent courses in forestry and of other courses preparatory for Civil Service examinations, a cease and desist order has been issued against Ray Rennison, Denver, Colo., who sells such correspondence courses under the name Rayson Service Bureau. The order also names as a respondent Martha A. Rennison, who formerly was associated with Rennison in the business.

Commission findings are that representations of these respondents implied that they were an agency of or connected with the United States Government, when such was not the fact. Among such representations according to findings, were use of the word "Bureau" in their trade name and description of the building in Denver where they conduct their business as the "United States National Building," when in fact it is the "United States National Bank Building."

The respondent Ray Rennison, according to findings, was represented as "Director" of the "Bureau," as having "personally worked in the mail service" or Government service, and as having "forestry experience and a vast knowledge of wild life." However, findings are that his employment by the United States Government had consisted of temporary appointment for a brief period in a post office sub-station in a Denver department store, which was not sufficient to qualify him as a Civil Service expert. It was further found that he is not a graduate of any school of forestry or of any college and that he is not an expert in forestry.

Commission findings are that the respondents advertised "Forest jobs available $125-$175 month"; that "The Rayson Service Bureau welcomes the opportunity to analyze forestry and conservation problems," and that "* * * The demand for qualified workers in this larger field has steadily increased and it is to assist men in qualifying for such positions that our course in forestry has been especially designed."

The respondents' advertising matter was found to create the impression that their course in forestry was intended for and adapted to preparing students for examinations and positions in State and Federal forestry services, when in fact only graduates with degrees in forestry from recognized institutions having full four-year courses in that subject are eligible for such positions, a fact which the respondents did not reveal to applicants. Certain minor positions in such service also have requirements as do education or experience that are not fulfilled by the training offered by the respondents.

The Commission order directs discontinuance of the respondents' representations implying connection or association with the Federal Government. The order further prohibits the use of representations that the respondent, Ray Rennison, is a Civil Service or forestry expert, and that the respondents' forestry course affords adequate preparation for State and Federal forestry examinations and positions. It also prohibits the representation, through use of a money-back agreement, or otherwise, that United States Civil Service positions or examinations therefor are available immediately or within a reasonable time. (3452)

**S. M. Laboratories Company,** Seattle, and B & T Sales Company, Indianapolis, have been ordered to discontinue misleading representations in the sale of medicinal preparations advertised as treatments for delayed menstruation.

Under the Commission order, S. M. Laboratories Company is prohibited from disseminating advertisements which represent that "Neofem Liquid," "Neofem Capsules" and "Cerene" are cures or remedies for painful or delayed menstruation; that they constitute safe, competent or effective treatments therefor, or that use of these products will provide safe or sane ways of self-medication in obtaining relief from this ailment.

Failure to reveal in advertisements that use of the respondent's preparations may result in serious and irreparable injury to health, also is forbidden. The Commission's findings are that these products contain the drugs ergot, oil of savin and aloin in quantities sufficient to cause serious and irreparable injury if used under conditions prescribed in the advertisements or under customary or usual conditions.

Findings are that the practices prohibited under the order occurred prior to March 28, 1940. (4062)

The order against the Indianapolis firm, which is composed of Howard L. Brewer and Albert L. Tribbett, trading as B & T Sales Company, prohibits advertisements representing that their preparation "Menstru-Eze" is a cure or remedy for delayed, difficult, painful or irregular menstruation or that it has therapeutic value in the treatment of such conditions or in relieving incidental pain. (4057)

**Dr. Van Vleck Company,** Jackson, Mich., engaged in the sale and distribution of medicinal preparations known as "Dr. Van Vleck's Ointment," "Dr. Van Vleck's Muco Cones," and "Dr. Van Vleck's Pills," represented as remedies for piles, has been ordered to cease and desist from misrepresentations concerning the preparations.

The Commission finds that in advertisements in newspapers, periodicals and other printed matter, the respondent has represented, among other things, that: "There is no doubt that Dr. Van Vleck's Ointment and Muco Cones will usually relieve the acute pain of piles without any further treatment, but Dr. Van Vleck was not satisfied with what many would call real relief. He believed it was his duty to bring about a substantial relief and for that purpose included in his Treatment his pills. These are taken internally. The result is that Dr. Van Vleck has indeed brought immeasurable happiness into a suffering world."

Through the use of these statements and other representations, the respondent has represented, the Commission finds, that the preparations, used conjointly, are an effective and scientific cure and remedy for, and an effective treatment of, piles; that application of the preparations conjointly constitutes an "Absorption Treatment" which removes piles without surgical aid; that their use insures immediate and lasting relief with no return of suffering, and will remove or correct the cause of piles.

In truth, the findings continue, the preparations are not cures or remedies for piles, nor do they constitute a competent or effective treatment therefor, other than to give some small degree of relief by means of the analgesic properties thereof and the prevention of constipation.

The respondent is ordered to cease and desist from further representations that the preparations, whether used separately or conjointly, are cures or remedies for piles or constitute competent or effective treatments therefor; that they have any therapeutic value in the treatment of piles in excess of the relief obtained through the prevention of constipation and the use of a mild analgesic; that they will bring immediate or lasting relief, or will correct or remove the cause of piles, or will absorb, remove or eradicate protruding external or internal hemorrhoidal protuberances without surgical aid. (3988)

## FTC DISMISSES COMPLAINTS

Federal Trade Commission has dismissed its complaint charging The Penny Stores, Inc., Meridian, Miss., the Buckley-Young Company, York, Ala., Pacific Fruit & Produce Company, Seattle, and William and Hunt Henderson and Christ and Fred Gamble, trading as William Henderson Sugar Refinery, New Orleans, with violation of the brokerage section of the Robinson-Patman Act.

The Commission found that with respect to the allegations of the complaint concerning the payment of brokerage to, and the receipt thereof by, the Mississippi Sales Company, Inc., of Meridian, Miss., upon the purchases of the Penny and the Buckley-Young companies, the Mississippi Sales Company, Inc., had not acted for or in behalf or subject to the control of either of these companies.

It also did not appear that the four individuals trading as William Henderson Sugar Refinery had made brokerage payments to Mississippi Sales Company, Inc. The Pacific Fruit & Produce Company had neither filed answer to the Commission's complaint nor entered any appearance, and the record contained no evidence of its corporate identity.

In a press release issued for morning newspapers of Monday, May 20, concerning an order to cease and desist issued against the Mississippi Sales Company, Inc., and other companies and the Mississippi company's principal officer, there was an omission of the names of the Penny, Buckley-Young, Pacific Fruit and William Henderson Sugar Refinery firms, concerning all of whom the complaint in the proceeding had been dismissed.

The Commission has also ordered that a complaint issued against Goldblatt Bros., Inc., 3932 South Lincoln St., Chicago, sports goods distributor, charged with unfair methods of competition, be dismissed.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 22, May 31, 1940

# FCC Bans Commercial Television Operation

No commercial television until "the engineering opinion of the industry is prepared to approve any one of the present competing television systems."

That was the heart of the FCC report this week on television. It was unanimous. The text follows:

The Commission's report:

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

May 28, 1940.

In the Matter of:

Order No. 65 Setting Television Rules and Regulations for Further Hearing } Docket No. 5806

Report

By the Commission:

On April 8, 1940, a hearing was begun by the Commission to obtain information relative to certain problems connected with television broadcasting which had arisen subsequent to the promulgation by the Commission on February 29, 1940, of its revised rules and regulations governing television broadcast stations. The issues which are at this time presented for Commission determination are those involved in that hearing. In the main they involve questions as to the wisdom (1) of selecting and setting at this time a single uniform system of standards for television transmitting equipment and (2) of continuing television broadcast licenses on an experimental as distinguished from a commercial basis. These issues can be adequately considered only against the broader background of the Commission's functions in relation to the development of television.

The Commission, in addition to being charged with the duty of licensing radio transmission stations, has the obligation to promote experimentation in radio, encourage its wider use and "regulate the kind of apparatus to be used" by sound and television stations. These powers are set forth in Section 303 of the Communications Act which provides:

> "The Commission, from time to time as public interest requires, *shall*
>
> "Study new uses for radio, *provide for experimental uses of frequencies,* and generally *encourage the larger and more effective use of radio* in the public interest; . . .
>
> *"Regulate the kind of apparatus* to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein; . . .
>
> "Make such regulations not inconsistent with law as it may deem necessary to carry out the provisions of this Act."

No party to the proceeding has challenged the Commission's jurisdiction in this matter. On the contrary, Manton Davis, General Counsel of the Radio Corporation of America, the chief protestant of the action of the Commission, conceded its jurisdiction by the following statement at the April hearing:

> "Most certainly we do not challenge the jurisdiction of the Commission to fix any standards with respect to transmission of broadcasting, television, or any other transmission signals. Moreover, we do not challenge the jurisdiction of the Commission to make any investigations or to collect or correlate any facts that might be helpful to them in that endeavor."

From the duty to regulate the kind of apparatus to be used by broadcasting stations stems the duty to fix transmission standards of such stations. Transmission standards may be simply defined as engineering rules governing the characteristics of the radio signal transmitted by the operation of radio apparatus. Such standards as a practical matter must require a fair degree of efficiency and assure to the public in basic outline a single uniform system of broadcasting which will enable every transmitting station to serve every receiver within its range.

In its regulation of television in the public interest, the Commission, in the light of the evidence before it, has set as its goal unfettered technical development and engineering advance. In dealing with the problem of setting television transmission standards the Commission has, therefore, sought to avoid action which would freeze the state of the art at an unsatisfactory level of performance. As a necessary corollary it has sought to avoid action which might result in the freezing of standards by the industry itself. Hence, as evidence bearing on the issues at the hearing, the Commission has considered the effect which a widespread distribution to the public of television receiving equipment currently available will have on the future improvement of television transmitting systems.

### *Previous Commission Action with Regard to Television*

The art of television has been under development for more than a decade. During this time the Commission has issued a number of licenses for experimental purposes looking toward the development of the science to the point where the Commission could be reasonably assured of television's readiness for a competitive public service upon a sound technical basis and upon a single uniform system.

Throughout this period the Commission has carefully observed and studied television's technical advancement and problems and has kept abreast of engineering developments in the field. On September 10, 1938, there was submitted for the Commission's consideration a proposed set of television transmission engineering standards which had been adopted by the Radio Manufacturers' Association, a trade association of radio manufacturers.

On January 3, 1939, the Commission appointed a committee, consisting of Commissioners Craven, Brown and Case, known as the Television Committee, which was charged with the duty of investigating and submitting recommendations with regard to the fixing of television broadcasting standards by the Commission and the disposition of a number of pending applications for television experimental licenses.

In order to secure information as to the nature of the proposed standards, and the effect of such standards upon the future development of television as a service in the interest of the public, the Television Committee met with representatives of the industry, visited various television laboratories, and conferred with several organizations concerned with the development of television from both the manufacturing and operating standpoint. The results of the Committee's studies were embodied in a public report dated May 22, 1939, in which particular emphasis was laid upon the

(Continued on page 4288)

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Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## FCC BANS COMMERCIAL TELEVISION OPERATION

*(Continued from page 4287)*

vital questions of public interest which were inherently connected with the Commission's duty to prescribe uniform transmission standards in the television broadcasting field. The bearing of the peculiar "lock and key" relationship between television transmitter and receiver upon the Commission's duty to set uniform transmission standards was sharply manifested in these words:

> "However, a serious question of public interest would arise in the future if the Commission should specify external transmitter performance capabilities differing from the operating capabilities of receivers in the hands of the public. This is because of the resultant possibility that the public's receivers would be incapable of receiving programs emanating from transmitters licensed by the Commission."

The Committee's studies disclosed that technical advancement of the art had not progressed to the point where it would be in the public interest to adopt any transmission standards for television broadcasting. In the light of the demonstrated fluidity of the art and its current movement toward a higher level of efficiency, it was recognized that the acceptance of any fixed set of standards would entail the undesirable consequences of checking or retarding meritorious research. It was, therefore, the Committee's recommendation that pending further studies upon the progress of television experimentation and research, no standards be adopted by the Commission.

On November 15, 1939, a second report submitted to the Commission by its Television Committee was made public. In this report, the Committee noted that certain progress had been achieved in television experimentation since the date of its previous report. It was felt by the Committee that although the television industry had not advanced beyond the experimental stage, it had arrived at the point where more rapid progress could be expected by the licensing of a class of station to render sponsored programs to the public on a limited basis. A revision of the Commission's rules to make this proposal effective was recommended. It was the conviction of Commissioners Craven, Brown and Case, in making this recommendation, however, that the development of television was still in a rapid state of flux and the Committee asserted that, therefore,

> "No interests should be permitted to raise public hopes falsely, nor to encourage public investments where the state of scientific or economic development leaves any doubt that such hopes and expenditures are justified for the use of the public property in the radio spectrum."

On December 22, 1939, the entire Commission tentatively adopted the rules recommended in this second report of the Television Committee, with minor modifications, and on the same date, all interested parties desiring to be heard with respect to these proposed rules were invited to participate in a public hearing on January 15, 1940, before the Commission.

Pursuant to the Commission's invitation, leading concerns engaged in experimentation and research in the television field appeared and gave evidence upon the matters under investigation. Included among the parties who submitted evidence at this hearing were the Radio Corporation of America, a company engaged in the development, production and sale of radio and television transmitting and receiving apparatus and the licensing of such production pursuant to its patents, and in conducting sound and television broadcasting through its wholly owned subsidiary, the National Broadcasting Company; Philco Radio and Television Corporation, a company engaged in the development and production of radio and television receiving apparatus and in the operation of an experimental television broadcast station in Philadelphia, Pennsylvania; Allen B. DuMont Laboratories, Inc., a company engaged in the development and production of television apparatus, and in television broadcasting; Farnsworth Television and Radio Corporation, a radio and television manufacturing organization; Zenith Radio Corporation, a manufacturer of radio and television apparatus; Columbia Broadcasting System, Inc., and Don Lee Broadcasting System, broadcasting concerns in the radio and television fields; and numerous other manufacturers and broadcasters in the radio and television fields.

The January hearing extended over a period of eight days. The voluminous evidence presented by the parties included an expression of the views of different members of the industry with respect to the Commission's proposed rules, and extensive testimony of the industry's leading television engineers concerning the technical status of the television art, and the desirability of the adoption of television transmission standards by the Commission.

### *Differences of Engineering Opinion Within the Industry*

The hearing revealed a serious conflict of engineering opinion upon the question of standards among the representatives of various responsible elements in the industry engaged in important research and experimental work in the television field. Dissatisfaction with standards which had been submitted by the RMA on September 10, 1938, was expressed by Zenith Radio Corporation, and also by the Allen B. DuMont Laboratories and the Philco Radio and Television Corporation who were engaged in research on alternative proposals for which marked advantages were claimed. Defense of the RMA standards was assumed chiefly by the Radio Corporation of America and the Farnsworth Television and Radio Corporation, who claimed superiorities for the RMA system over other known alternatives. It is important to note that both DuMont and RCA hold patents covering the proposals which they respectively supported.

In order to make clear the nature of the controversy within the industry, a brief explanation of the basic television methods employed and of the terms used is necessary. A complete scene cannot be transmitted instantaneously by presently developed television methods. Therefore, it is necessary to transmit the picture by small successive elements, in a manner comparable to the eye reading the printed page of a book. This procedure of breaking the scene down is begun at the television camera by a process known as scanning. The picture at the receiver is made up of a single dot, caused by a stream of electrons, moving very quickly and continuously across the screen to form lines. The entire process is so rapid that the resultant mosaic is perceived as a complete picture because the eye retains or carries over the original impression caused by each position of the dot.

Increasing the number of elements and scanning lines on the television picture increases the detail and distinctness. The detail capability of the television system is therefore in part dependent upon the number of lines transmitted.

The "memory" of the human eye is, however, limited and therefore it is necessary to scan each scene completely in a fractional part of a second and in rapid repetition in order that the eye may perceive the series of individual pictures as a single continuous flickerless picture with continuous motion. The rate at which the complete scanning of a scene is accomplished is called the "frame frequency", and means merely the number of times the complete scene is scanned per second. If the frame frequency is too low, the reproduced picture will have flicker and the motion will be jerky; if the number of lines is too small, the picture lacks clarity and detail. In general, it may be said that an increase in the number of lines can be made within a given band width of frequencies only by reducing the frame frequency.

Two of the important television problems outstanding are to develop (a) a better picture with more detail and greater clarity and (b) a larger picture. If the screen is enlarged with a given frame and line frequency, the quality of detail and clarity diminishes. An increase in the number of scanning lines is the only known method of satisfactorily accomplishing either of the desired ends. This could be most easily accomplished by increasing the band width of frequencies employed by each station. Each of such stations, however, already requires a large segment of the radio spectrum, a band of 6000 kilocycles which is 600 times the width of that necessary for a standard broadcast station. The number of radio frequencies being severely limited, it is regarded as essential to explore all possibilities of improving performance within the present 6000 kilocycle band assigned. Since within any given channel an increase in the number of lines entails a lower frame frequency—fewer pictures per second—the problem of flicker and jerky motion is raised.

Considerable research has been carried on in recent years to accomplish a lowering of frame frequency without injury to the quality of the picture. Screens with "memory", or a chemically retentive quality, have been developed to a substantial but not to a satisfactory degree. Progress has been made but no one yet claims the answer.

In the transmission of the picture units it is essential that the receiver follow the scanning process at the transmitter so that the picture elements reproduced will have the same relative position. In order to keep the receiver locked to the transmitter, it is necessary for the transmitter to transmit keying or synchronizing radio signals in order to maintain the relationship of the transmitted picture units. These signals are known as synchronizing pulses and enable the receiver to be synchronized with the transmitter. In the development of television a number of different pulses have been under study. It is the synchronizing pulse which is the foundation of the lock and key relationship between television transmitter and receiver.

The dispute brought into light at the January hearing centered mainly around proposals regarding frame frequencies, numbers of lines and the character of the synchronizing pulse of transmission. A further difference of opinion involves polarization and is related to the type of antenna to be used.

Upon the question of frame and line frequencies, the RMA proposal of a frequency of a fixed system of 30 frames per second and 441 lines per frame was attacked upon the grounds that it does not permit of sufficient picture detail, that pictures so produced are unsatisfactory for public use, that the development of larger pictures is precluded by such a standard and that the scheme lacks flexibility. Alternate proposals suggested by the critics of this proposed standard involved (1) a flexible frame frequency range of from 15 frames to 30 frames and a range of between 441 lines and 800 lines per frame, and (2) a frequency of 24 frames per second with 500 lines or more per frame. Proponents of the RMA proposals on this question characterized the foregoing alternatives as unsatisfactory for the reason that low frame frequencies create the problem of flicker and smear in reproduction. It was admitted, however, that an increased number of lines produces more desirable picture detail but that an increase in the number of lines to as much as 625 lines necessarily requires reduction in the number of frames to 15 per second with its concomitant problem of flicker and smear. The admitted advantages of increased number of lines and testimony to the effect that further research was in progress towards the development of retentive screens designed to eliminate objectionable flicker and smear, indicated the desirability that the fixing of standards should await the results of such research.

Upon the question of synchronizing pulses DuMont contended that the RMA pulse would not permit automatic reception by receivers of increases or decreases in frame frequencies, which might be found desirable for varying types of programs. He urged as the fundamental essential of flexibility a synchronizing pulse having characteristics enabling automatic adjustment by receivers to various frame frequencies being transmitted. The evidence on this question indicated to the Commission that research directed towards the achievement of such flexibility should go forward.

Philco Radio and Television Corporation opposed the RMA recommendation of horizontal polarization. Many advantages were claimed by Philco for the system of vertical polarization on which research and experimentation were still being conducted. Enough was said in evidence to convince the Commission that further research upon the matter of polarization was necessary.

Although a divergence of engineering opinion existed with respect to the merits and demerits of the various systems in question, the members of the industry appearing before the Commission were in substantial unanimity on the need for the possibilities of improvement in these basic aspects of the television art.

### *Report of February 29, 1940*

On February 29, 1940, the Commission issued a report embodying its conclusions upon the problems raised during the January hearings. In making this report, the Commission adopted with few changes the rules which it had previously approved tentatively. Sponsored program service for one class of stations (Class II) on a limited basis was to begin on September 1, 1940.

The keynote of the Commission's report and the policy underlying the Commission's rules was that television broadcasting was still in an experimental stage and that in view of evidence revealing a substantial possibility of significant improvements in the art, "research should not halt" and "scientific methods should not be frozen in the present state of the art." The Commission expressed the belief that the crystallization of standards at the current level of the art, by whatever means accomplished, would inevitably stifle research in basic phases of the art in which improvement appeared promising.

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Recognizing the danger that research in television might be unduly retarded by immediate promotional activities for a single fixed system prior to the Commission's establishment of standards for this new art, the Commission's unanimous report of February 29, 1940, urged restraint in such activities in order to avoid consequences inimical to the public interest. The report stated:

> "The issuance or acceptance of transmission standards by the Commission, especially in combination with the more extensive experimental program service which will in all probability develop under these rules, would have a tendency to stimulate activity on the part both of manufacturers and the public in the sale and purchase of receivers for home use. It is inescapable that this commercial activity inspired and then reinforced by the existence of Commission standards would cause an abatement of research. To a greater or less extent the art would tend to be frozen at that point. . . .
>
> "The same considerations which demonstrate the unwisdom of the Commission's promulgating standards at this time dictate the undesirability of the industry itself attempting to impose such a code on all points. The Commission therefore recommends that no attempt be made by the industry or its members to issue standards in this field for the time being. In view of the possibilities for research, the objectives to be attained, and the dangers involved, it is the judgment of the Commission that the effects of such an industry agreement should be scrupulously avoided for the time being. Agreement upon standards is presently less important than the scientific development of the highest standards within reach of the industry's experts."

### *The Position of the Industry on Setting Standards*

The objectives outlined in the February 29 report were a reflection of the almost unanimous opinion of the industry as expressed at the January hearing that standards should not be fixed if research was to go forward and the science developed in the public interest.

The Radio Corporation of America appeared to be in accord with these objectives as is demonstrated by the testimony of E. W. Engstrom, its chief engineering witness and the statements of its counsel, F. W. Wozencraft. Engstrom testified as follows:

> "I, as an engineer, *am not recommending that standards be frozen* in the term that I believe has been discussed at this hearing. I think that everyone should have an opportunity to work through the systems in which they are operating."

Wozencraft stated,

> "I am advocating only that the Commission permit applicants to proceed experimentally using certain standards which the Commission will permit the applicant to use. I think the

Commission's position should be kept entirely flexible and I . . . *As far as RCA is concerned, we don't ask that the standards be frozen or* that the Commission approve the standards in a way which will make it more difficult for anyone else who has other standards at any time", and added

"We have no desire to recommend to the Commission that everybody have to conform to the RMA standards, or have to show that everybody who is operating under RMA standards should have to change to another set of standards because a new applicant wants to use a new set of standards. * * * I don't see why an applicant should have to bear the burden and we do not suggest anything which makes it hard for anybody who thinks he can promote television and render service in that field and serve public interest." * * *

From the foregoing the Commission felt assured that no attempt would be made to freeze the standards by any means. The statements to the Commission, the record shows, were with the knowledge and approval of the RCA president, David Sarnoff.

Yet, on February 29th a letter carefully drafted and reviewed by the Radio Corporation's officials including its president, was signed by Engstrom and delivered to a meeting of the RMA Subcommittee on Television Standards at the Hotel New Yorker, New York City. That letter stated:

> "Since television transmission service and the sale of television receivers to the public have already begun on the basis of RMA approved standards, proposals involving changes in transmission standards must necessarily be considered from the point of view of their superiority, if any, over existing standards. *The proponents of changes in these approved standards must, of necessity, bear the burden of proof that such changes would effect a substantial improvement in the service to the public and that a change under the circumstances above referred to is warranted.*"

In April, Engstrom testified as to RCA's meaning in the use of the phrase "burden of proof" as follows:

> "*Chairman Fly:* Well, tell me just what you mean by 'burden of proof?'
>
> "*The Witness:* I mean by that, the kind of activity in the RMA group where one man or one organization brings to that group the experience that he has in a particular line, it is usually up to him—and it always was up to us when we brought such information—to demonstrate to the other members that there was merit in his suggestion. That is what I mean.
>
> "*Chairman Fly:* Yes. But, now, wait a minute. Now, wait a minute. The notion that one member would come in with such a single proposition, and then, would take the burden of demonstrating to your satisfaction——
>
> "*The Witness:* Not to mine, sir.
>
> "*Chairman Fly:* Well, to the satisfaction of the association.
>
> "*The Witness:* Yes, sir.
>
> "*Chairman Fly:* ——carries the implication that there is a status quo there, does it not?
>
> "*The Witness:* That is correct, but there is an established procedure for changing any standard at any time.
>
> "*Chairman Fly:* And, of course, there would be no need for changing any standard that was not, in effect, fixed?
>
> "*The Witness:* Yes, that is right."

Meanwhile, on February 8, 1940, at a highly controversial meeting of the RMA Board of Directors, Sarnoff had opposed a proposal by Philco that before any commercialization were undertaken, the RMA standards should be reopened for consideration in the light of pending research and development on other alternatives. Sarnoff stated:

> "If that is the point of view, I am sure the *Radio Corporation does not belong around this table, and the quicker it resigns* from membership and the quicker it gets out of the RMA and runs its own business in the best way that it thinks it can run it, the greater freedom we shall all have to follow whatever course we wish to follow without any arguments or contentions or oppositions."

Following Sarnoff's announcement at this meeting of RCA's proposed commercial activities the following colloquy occurred between W. H. Grimditch of Philco and Sarnoff on the subject of the possible effect of such activities:

> "Mr. Grimditch: I am afraid if you would sell 25,000 sets in a year within a short time that would mean there would be $10,000,000 worth of obsolete apparatus in the hands of the public.
>
> "Director Sarnoff: *We live on obsolescence, don't we, in this industry? I think it rather silly to argue about obsolete apparatus under those circumstances.* * * * So far as we are concerned, there is no use discussing with us, inside or outside of the RMA, any program the purpose of which is to delay the commercialization of television."

RCA did not carry out the threat to resign from the Association but at the meeting on February 29, when the Engstrom "burden of proof" letter was presented, Philco itself withdrew from the Television Standards Committee, announcing that the Committee could serve no further purpose since the widespread sale of equipment by RCA would make consideration of any standards other than those of RMA futile. At the same meeting, all the members except RCA and Farnsworth voted in favor of considering new proposals as against the suggestion that the RMA standards be reaffirmed, but there is no record of any further action being taken on any new proposals.

The persistent determination of RCA to move forward commercially is thus seen as independent of industry opinion and of the Commission's attitude on standards and commercialization. Announcement of RCA's plans had been made to the industry on February 8 and reiterated on February 29th both prior to the Commission's decision of the latter date. The determination was persisted in despite both industry opposition then and the Commission's decision later. The Commission's report was clear and no misunderstanding of it can be assumed. The record shows moreover that on the day following the announcement of the Commission's report, Bond Geddes, Executive Vice President of the RMA, addressed to Sarnoff and the other members of the RMA a telegram reading in part as follows:

> "Federal Communications Commission announced decision to permit limited commercial television operations September first authorizing advertising charges covering cost sponsored programs. *Commission did not fix standards but stated that television quote should not be frozen in the present state of the art unquote.*"

### *Further Hearing of the Commission*

Yet, on March 20, 1940, pursuant to RCA's earlier announced intentions to the industry, an intensive promotional campaign was launched by the Company the effect of which if continued and successful would in the opinion of the Commission tend toward the freezing of television broadcasting standards to the single system. Although regular program service by RCA's broadcasting subsidiary, NBC, was promoted and emphasized in extensive and varied public announcements, no mention was made of the experimental character of television broadcasting operations, or of the fact that *only* the NBC station was on the air in New York City, that such station operated a program service irregularly for two or three hours per day but not on all days of the week, or that future stations employing alternative systems of transmission might not be received by the sets offered for sale.[1]

All of the foregoing factors are of concern to this Commission not because of any question of fair trade practices, but because of the possible impact of RCA's whole course of conduct upon television broadcasting standards. It was apparent to the Commission that it was necessary to reinquire into the situation in order to ascertain whether the rules which it had adopted on February 29, 1940, were contributing toward a result contrary to their fundamental purpose of maintaining fluidity in the art in order to promote its advance and to avoid the premature crystallization of transmission standards, the result against which both the Commission and the industry had warned. Indeed, action in the light of these facts was compelled by the Congressional mandate under which the Commission serves. It would be a violation of its statutory obligations for the Commission to disregard any facts which might foreclose a proper exercise of its duty to fix transmission standards for a single uniform system of television broadcasting. Moreover, the Commission cannot ignore its duty to "encourage the larger and more effective use of radio" and close its eyes to activities impending technical progress in the television art.

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[1] Thomas F. Joyce, head of the RCA Sales Department, had testified as follows at the January hearing:

"Q. * * * You can't contemplate the type and character of a change that would make the set obsolete, and whether the cost incident to adjusting it would be greater or smaller, is a question of degree, but it might be rendered obsolete, I assume.

"A. That is correct.

"Q. You further feel that the public should be told about this contingency?

"A. Yes, I do."

Accordingly, on March 22, 1940, the Commission scheduled a further hearing to begin April 8, to determine whether any revisions of the rules adopted on February 29 should be made or other action taken by the Commission, and whether the effective date for the beginning of limited commercial operations should be postponed.

The hearing was begun before the full Commission on April 8, 1940, and extended over a period of five days. The parties who appeared and submitted evidence at these hearings were, with few exceptions, the same as those who participated in the Commission's January hearing. Upon request of the parties, opportunity was given for the filing of briefs. Briefs were filed between May 1, and May 7, 1940 by Radio Pictures, Inc., a licensee of a television experimental station, RCA, Don Lee Broadcasting System, DuMont, Philco, Farnsworth, and Columbia Broadcasting System.

### *Industry Views on Dangers Inherent in Widespread Distribution of Equipment*

The position taken by RCA in the RMA meetings in February was not disclosed to the Commission until its April hearing. Up to that point it had been assumed by the Commission from the testimony given at the January hearing that the position of the entire industry, including RCA, was to avoid a freezing of standards at this time, whether this be accomplished by Commission action or by the commercial activities of the industry itself. Nevertheless, it is difficult to avoid the conclusion that the "burden of proof" agreement which RCA urged upon the Association, combined with the reiteration of forcefully worded assertions of plans for sales promotion, the influence of those plans on the other manufacturers, and the promotional activities themselves, would have had the practical effect of crystallizing television transmission standards to the RMA proposals and of causing a curtailment of research on other proposals. Indeed, recognizing that "Certain companies presumably will proceed with receiver sales," W. R. G. Baker, Director of the RMA Engineering Department, remarked in a letter dated February 27, 1940, to Mr. A. S. Wells, President of the RMA, that "If enough sets are sold the standards may be formulated by reduction to practice."

This conclusion is regarded as inevitable by various other parties to the Commission's hearings. Philco has stated in its brief submitted after the second hearing:

> "The Commission's power to fix transmission standards for television broadcasting is clear under Sec. 303(e) of the Communications Act. It is equally clear that, if the Commission refrains from exercising this power and if commercialization (particularly the sale of receivers to the public) proceeds, transmission standards will be fixed by a portion of the industry . . . The public outcry that would result from any later change in standards rendering receivers obsolete will effectively deprive the Commission of its statutory power."

According to the testimony of a Philco witness at the April hearing, the Commission's decision to permit limited commercialization and the announced plans of RCA to engage in active sales of receivers caused it, after March 1, 1940, to abandon all of the research work upon which it was then engaged outside of the RMA standards and to confine such research within those standards. As a result of these circumstances, its research staff was reduced to two-thirds of its former size, and its efforts were directed to the production of receivers.

The testimony of David B. Smith of Philco was as follows:

> "*Q.* Beginning your account at that point, will you state the reasons for abandoning research in these fields other than vertical polarization?
>
> "*A.* Well, when we received the Commission's order we, naturally, studied it. There were numerous conferences between our employees and our executives. We were "pleased that the Commission seemed to agree with us that further improvement in the standards were necessary, but we were very much disappointed that they had, apparently, not understood or had not seen fit to take notice of our warning about commercialization. We felt that, while the Commission undoubtedly desired these improvements to be continued, there was a grave danger that the industry would go ahead with the commercialization that we anticipated that they would, and for that reason we felt that the standards we were considering, at least, could not be brought into the art, and, therefore, there was no point in trying to continue that line of research."
>
> "*The Witness:* Our position, sir, was that in order to do research that would be definitely outside of the present standards, the only condition under which that could be done would be with, let's say, a reasonable hope that these improvements could be brought into the standards. As we stated in January, and we would like to repeat right now, that if the standards are actually frozen by the commercial activity of the industry, you cannot reasonably expect one to go ahead and do research outside of those standards."

Witnesses of other companies engaged in research outside of the RMA standards testified that the same considerations would require a discontinuance or curtailment of such research if commercial activities continued on a wide scale.

DuMont Laboratories, Inc., for example, stated in its second brief that if commercial activities in the sale of receivers capable of receiving only 441 line—30 frame pictures continued, "it too would have been obliged to diminish or abandon its research program", and that "there would have been a burden upon any other manufacturer, including DuMont, to prove the superiority of existing and available tested transmission methods under most adverse circumstances."

U. A. Sanabria, an associate of Lee de Forest in American Television Laboratories, which is engaged in general television research and in particular upon a system of interlaced scanning designed to reduce flicker in pictures, testified that there would be no incentive for him to continue his researches in television if a large number of sets operating on present systems were distributed.

Dr. de Forest, long a leader in the radio field, who was unable to appear before the Commission at the second hearing, submitted a statement in writing on April 26, 1940, expressing the view that if commercial activities on the part of the industry continued, he had "no doubt that the present, indisputably half-baked 'standards' in Television would soon be so effectively deep-rooted in the American Television market that further evolution of this infant art would have been rendered economically and actually almost impossible."

It is obvious that the industry as a whole does not share the RCA view of forging ahead regardless of the untested possibilities of improvement on the horizon. It further appears that the industry was not prepared to accept Sarnoff's premise of "We live on obsolescence" as a basis for justifying a heavy public investment at current levels of efficiency.

Indeed, these conclusions reached by a preponderant portion of the industry interested in television's further improvement are inevitable in view of the very nature of television and its operation. In general, it may be said that television transmission will reach satisfactorily only sets designed to receive the number of lines and frames and the type of synchronizing pulse transmitted. Due to this lock and key relation of television transmitter and receiver, substantial changes in transmitters in respect to lines and frames, the retentive quality of screens, and synchronizing pulses, cannot be brought about after widespread distribution of receivers operating on a different combination of these factors. Thus widespread public distribution of sets of a system operating on present levels will undermine incentive for further advance in television broadcasting and the Commission will be confronted with the accomplished fact of frozen transmission standards.

It is this consideration that distinguishes the development of television from that of sound radio. At the time of the initial widespread distribution of sound radio receiving sets to the public, these sets were capable of receiving all types of radio transmission then being considered. General public use and improvement in radio transmission and reception could, therefore, go forward together without any substantial risk that the distribution of receiving sets would result in freezing transmission standards to the then levels. However, since television receiving equipment adequate to receive transmission on one system would often be incapable or inadequate to receive transmission by another system, the widespread distribution of such receiving equipment would tend to cause the particular system of transmission to which it is geared to become a firmly rooted and immobile standard.

### *Conclusions*

The rules adopted by the Commission on February 29, 1940, were intended to provide for a more rapid development of television by permitting programming experiments concurrently with necessary technical research leading to establishment of transmission standards by the Commission. Subsequent events, however, have demonstrated that commercial television broadcasting without the complete cooperation of the manufacturing industry, is irreconcilable with the necessary objectives of further technical research and experimentation.

The positions of the different companies on this whole problem cannot be viewed with total disregard of the patent interests of competing manufacturers which find expression in a desire to lock the scientific levels of the art down to a single uniform system based in whole or in part upon such patents. The functions of this Commission are not to be usurped and utilized as a means of monopolizing this important industry either through this or other devices.

It is essential to the program of television that there be not a mere semblance of competition, but that there be a genuine and healthy competition within an unfettered industry. The American system of broadcasting has been established by the Congress on a competitive basis. Television will be an important part of that system. Now, if ever, television is at the crossroad of monopoly or a healthy progressive competition. There can be no doubt as to the direction in which the Commission should, within its powers, attempt to guide it.

The fluid state of the television art and the desirability and need for further technical research before transmission standards are prescribed by the Commission were once again clearly manifested at the Commission's most recent hearing. Engineering opinion on many of the basic problems is still divided at this time. The industry now is no less anxious to continue further engineering improvements on basic aspects of the science than it was at the time of the Commission's earlier hearing. RCA's own engineering expert, for example, testified that his preference was for a system using 507 lines and 30 frames rather than the existing RMA standard of 441 lines and 30 frames. And in fact the very basic problem of what channel width or band of frequencies television shall employ must be regarded as a question not yet closed.

Contrary to the experience of other industries which have found that technical improvements were stimulated by large public use, in the television field a major portion of the industry takes the view that successful promotional activities at this time can act only as an anchor on experimental efforts to go forward. Premature crystallization of standards will, as has thus been pointedly illustrated to the Commission, remove the incentive for technical research toward higher levels of efficiency. If technical research having this goal is retarded or halted, the Commission's duty to fix transmission standards with due regard for considerations of public interest will have been, for all practical purposes, nullified.

It is, therefore, the conclusion of the Commission that in order to assure to the public a television system which is the product of comparative research on known possibilities, standards of transmission should not now be set. It has further been decided that there should be no commercial broadcasting with its deterring effects upon experimentation until such time as the probabilities of basic research have been fairly explored. The Commission agrees with the industry that the earlier plan for arriving at commercial operations by an intermediate half step of partial commercialization to be taken next September cannot be relied upon to serve a useful purpose. The provisions in the rules for Class II stations will be eliminated. As soon as the engineering opinion of the industry is prepared to approve any one of the competing systems of broadcasting as the standard system the Commission will consider the authorization of full commercialization. That a single uniform system of television broadcasting is essential—so far as basic standards are concerned—must also be amply clear. The public should not be inflicted with a hodge podge of different television broadcasting and receiving systems.

It may be expected that industry opinion will insist upon such standards as will give definite assurance of satisfactory performance and of continuity of service for the public comparable to the continuity of service displayed in the past history of the radio industry. At the same time these basic standards—the standard gauge they may be termed—should afford within their limits reasonable flexibility for future advances in the science of television broadcasting. With the view to encouraging research and experimentation on a wholly flexible basis, the Commission is prepared to authorize broader, experimental operations by existing stations and by a number of additional stations.

Action will be taken promptly upon a number of pending applications for television experimental stations. These will be apportioned among various parts of the country with the view of forestalling any concentration of facilities in particular centers of population to the exclusion of the rest of the country. At the same time this will serve to provide further experimentation on the different systems on a comparative basis. Among the additional cities under consideration for such facilities are San Francisco, Los Angeles, Chicago, Washington, Albany, Cincinnati, Boston, and others. Each station will be utilized for the predominant purpose of advancing the science of television broadcasting in its engineering aspects. The Commission invites other responsible individuals or companies who are prepared to carry on this work to apply for a license.

Certain basic policies in the licensing of these experimental operations will be followed. A substantial job of research must be done by each station. The channels available are strictly limited, and they must be utilized in the public interest. The radio spectrum is public domain—development in television must be undertaken and advanced in order that this domain be devoted to the best public use. There is no room for squatters and there can be no preemption in this field. Monopoly must be avoided. Free competition is to be promoted and preserved. Accordingly the Commission deems it to be in the best interests of the public that there be a strict limitation on the number of authorizations to any one licensee for television broadcast stations which as a part of the experimentation may take programs to the public. In addition, rules for the regulation of television stations engaged in chain broadcasting will be promulgated at an appropriate time.

No time limit can now be set for the adoption of standards. The progress of the industry itself will largely determine this matter. The Commission will continue its study and observation of television developments and plans to make a further inspection and survey in the early fall. Meanwhile the Commission stands ready to confer with the industry and to assist in working out any problems concerned with television broadcasting.

Revised rules designed to carry into effect the conclusions reached herein will be issued in the near future.

## DISTRICT MEETINGS

Final arrangements have been made for meetings in all of the Districts required under the By-Laws to meet this year for the bi-annual election of Directors. In addition, Sales Managers groups in at least two of the Districts have scheduled meetings in connection with the District meeting.

Following is the schedule with the name of the Director and the Sales Manager Chairman who will preside:

District 2—Director, Harry C. Wilder, WSYR, Rochester, New York, Sagamore Hotel, June 22. Sales Manager Chairman, Charles F. Phillips, WFBL, June 21 (Friday evening).

District 4—Director, John A. Kennedy, WBLK, Greensboro, N. C., Sedgfield, Country Club, June 1-2.

District 6—Director, Edwin W. Craig, WSM, Peabody Hotel, Memphis, Tenn., June 20.

District 8—Director, John E. Fetzer, WKZO, Election of Director held at District meeting, December 6, 1939.

District 10—Director, John J. Gillin, Jr., WOW, Chase Hotel, St. Louis, Mo., June 8.

District 12—Director, Herbert Hollister, KFBI, Farmers & Bankers Insurance Building, Wichita, Kans., June 9.

District 14—Director, Eugene P. O'Fallon, KFEL, Hotel Utah, Salt Lake City, Utah, June 12.

District 16—Director, Donald W. Thornburgh, KNX, June 17.

The NAB Executive Committee, meeting Tuesday in New York, adopted the following resolution about the Code:

"Resolved, that the Executive Committee believes the Code has created greater public confidence than ever before enjoyed by the industry, and that the Executive Committee approves the work and actions of the Code Committee and directs the Code Committee to continue to carry on educational work with the membership in District Meetings and at the annual meeting."

The BMI Board met in New York the same day.

## INSURANCE COMMITTEE

The NAB Insurance Committee will meet Wednesday, June 5, at the Ritz Tower, New York. Roger W. Clipp, WFIL, is chairman.

## IMPORTANT NOTICE!

All present broadcast station licenses expire on August 1 and it is necessary to file an application for renewal 60 days prior thereto. The article on page 4278 of last week's NAB REPORTS might be erroneously construed by the reader as meaning that renewal applications did not need to be filed for the August 1 expiration date.

## ALL-EXPENSE TOURS

Members planning to travel to and from the NAB Convention at San Francisco on the Official All-Expense Tours should note the following. The number of rooms with twin beds at the Biltmore Hotel in Los Angeles is limited. Twin bedded rooms will be assigned by the Biltmore in order of application as long as the supply lasts. It's necessarily a case of "first come, first served." Those booking early will get the preferred accommodations. Nuf ced!

Those taking the Three-Weeks Tour will leave San Francisco August 8 for Portland and Seattle, thence homeward by way of the Canadian Rockies or Glacier National Park or Yellowstone Park, as they choose. Because the equipment on the "Cascade Limited" out of San Francisco is somewhat limited, such members are urgently requested to send in their reservations at once. Those booking late cannot be assured accommodations on the "Cascade Limited."

Everything possible is being done by NAB and Raymond-Whitcomb to provide a grand and glorious trip to the Convention and return. To insure smooth operation and freedom from inconvenience, the cooperation of the NAB membership is vitally necessary. Time is getting short! Bookings should be made at once. All reservations and requests for information should be addressed to Raymond-Whitcomb, Inc., 414 North Charles St., Baltimore, Md.

# BMI Developments

All the BMI stations have received a letter dated May 22, 1940, from George M. Marlo, BMI's Professional Manager, asking their cooperation in giving special attention to two of the BMI songs during the period from May 27 to June 9 inclusive.

This is an important part of the work of selling BMI music. We are on a schedule of 30 songs a month. The greatest success for the catalogue will be achieved if plugging efforts are concentrated on only a few songs at a time. Cooperation of all member stations will make these plugs a genuine nationwide campaign that will produce results. It is planned to list the "plug songs" for each week in these notes. The same songs may be continued for several weeks, being moved from No. 1 and No. 2 down to lower places as new numbers are added to the list for each succeeding week. The length of time during which any particular song is held on the "plug" list will be determined in part by indications of the way it is being received by the listening public.

The naming of songs for special plugging should not, of course, be allowed to work to the detriment of the rest of the catalogue. It is intended only that the songs named should be "aired" with greater frequency and, if possible, with special emphasis and special program attention during the plugging period.

## BMI PLUG TUNES OF THE WEEK

### June 1—June 9

**HERE IN THE VELVET NIGHT**

**IN THE SILENCE OF THE DAWN**

BMI now has a representative on the Pacific coast. Richard S. Hartman of Hollywood, formerly business manager for the Society of Composers and Arrangers, resigned from that position to take up the work for BMI.

It was considered important that BMI should be directly represented on the west coast because of the large number of composers who are engaged in staff work for the motion picture companies. Mr. Hartman's experience has given him wide contacts with the creative musicians in that industry and throughout that section of the country.

The first consignment of manuscripts sent by him has just reached the New York office and is in the hands of the editorial staff.

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In the near future BMI will publish an album of songs written by Frank Luther—some twenty pieces in one volume. The songs are varied in type, but all of them, like the rest of Mr. Luther's numbers, are characteristically American. They include ballad numbers, novelties, one or two cowboy songs, and several pieces from the Barbary Coast. These latter are really discoveries made by the composer in person. He picked up the music in that famous lurid strip of old California, arranged it and wrote the words.

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M. E. Tompkins, BMI's General Manager, announces that by the first of July, BMI will have published more than sixty songs under its own imprint. That is approximately a song for each day of the working week since the first numbers appeared. As a record of production during the formative period of the working organization, it gives cause for genuine satisfaction.

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The BMI directors held a meeting at the New York office on Tuesday, May 28. It was announced that NBC and CBS will each appoint a coordinator whose work will be to arrange for more vigorous plugging of BMI music on the network programs. This is considered a step of major importance in building the popularity of the BMI catalogue. The names of the coordinators will be announced later.

The directors also decided on a formula for the compensation of composers for performance rights in their music. Terms of the formula will be given out after it has been put in definitive form by counsel.

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Carl Haverlin, BMI Station Relations Director, has received the following letter from one of the college radio stations:

> We are in complete sympathy with the problem of the commercial radio industry. We have felt for many years that ASCAP has been a monopoly,—and as such, should have some serious and aggressive competition. If we can aid in the formation and growth of this competition by becoming members of Broadcast Music, Inc., we shall apply for membership.

Several other non-commercial stations are already BMI subscribers.

## Promotion

### TWO FAIRS TO JOIN HANDS FOR FREE RADIO FETE

Plans for the celebration of America's freedom of radio to be celebrated at the World's Fair have been shifted from the July 4 date to the tentative dates of August 3 or August 7, to coincide with the NAB Convention in San Francisco.

The scope of the event has been considerably enlarged. According to present plans, both the New York and the San Francisco World's Fairs will join hands to convey to the industry the thanks of listeners for the public service rendered by American broadcasters. Exercises on the grounds of both Fairs, as now contemplated, will center around the unveiling of a plaque symbolic of the American system of free radio, which gives American listeners the right to hear as well as the right to be heard. Distinguished representatives of government, religion, education, labor, business, women's organizations, American youth, and the general public will join in the ceremony.

Outstanding radio personalities will take part in an elaborate radio program to be broadcast by the three major networks. The program will also be made available to all non-network stations who desire to participate in this public tribute to the entire industry. It is anticipated that this special broadcast will require at least a full hour.

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In connection with Broadcasting Day at the World's Fairs, NAB has called the attention of Paul Specht, organizer of the "Congress of Radio Events to Commemmorate the Twentieth Anniversary of Radio Broadcasting," to the fact that no individual may speak for the industry; that the broadcasters of the country have set up the NAB for that specific purpose.

According to the letterhead of Mr. Specht's committee, this celebration will take place from August 20 to September 15, 1940. According to a story in the May 21 *Christian Science Monitor,* in connection with the proposed ceremonies by this committee, "A bill has been presented to Congress at Washington asking the President to proclaim August 26 as National Radio Day in honor of Dr. De Forest." No request for such a proclamation has been made by NAB.

Last week Mr. Specht addressed a letter to NAB objecting to a story appearing in *The Trade Press* concerning Broadcasting Day at the New York World's Fair. In order to clear up any misunderstanding, we reprint our reply to Mr. Specht, made by Ed Kirby, in whom Mr. Miller has placed responsibility for the industry's institutional promotion.

Mr. Paul L. Specht, Chairman,
Congress of Radio Events,
551 Fifth Avenue—Room 1712,
New York City.

Dear Mr. Specht:

Your letter to Mr. Miller, asking the question "How come the announcement of 'Broadcast Day' at the N. Y. World's Fair in Monday's Radio Daily?" has been referred to me.

I would have answered your letter sooner, were it not for the fact that I was out of town most of last week.

Your letter requests that we look back over your correspondence and, if possible, "give me a credit line for the thought."

Without going into the fact that there was a broadcasting day at the World's Fair in 1939, immediately following the NAB Convention in Atlantic City, the New York World's Fair has, since the first of the year, been in contact with this office for the purpose of lining up a day set aside in honor of broadcasting. In fact, at one time, serious consideration was given the use of a large building for exhibition and promotional work throughout the entire Fair by the NAB. At no time, to my knowledge, was your name brought up, or any reference made to any plans you had developed.

I am sure you understand that the broadcasters of the country —stations as well as networks—have long since set up the NAB as its central trade body to further the industry-wide interests of broadcasting. If anyone is to speak or to plan for the industry as a whole, it is to be the NAB—not an individual, whether within or without the industry. I am certain you can appreciate the fact that if no such organization did exist, there would be no opportunity for the development of an orderly industry policy and radio would be left to whims of outside, individual exploiters and promoters, however worthy their schemes might be.

Ever since the reorganization of the NAB in 1937, the Public Relations Department which was then instituted has been charged with the duty of promoting radio on all fronts. To further implement the work, an additional man was added to the staff a year ago—Mr. Arthur Stringer. We are currently promoting National Radio Festival—essentially an individual station promotion—to be followed either on the 4th of July or in August on the eve of the NAB Convention, by a broadcast event emphasizing America's freedom of radio which parallels freedom of the press, freedom of religion, etc. During the active presidential campaign, radio's role will be emphasized by both political parties who will urge voters to "Listen Before You Vote." Not until late fall, until after the campaign is over, do our plans call for the celebration of radio's twentieth birthday.

These plans have been carefully formulated and follow a logical pattern laid down in 1938-39. They are geared industry-wide. Even should our policy permit, there is no opportunity for us to tie up with any other promotions in the current year. Nor can anyone be permitted to seek government participation, nor to make arrangements in the name of the broadcasting industry. This is the function of the NAB.

I hope this clears up some of the misunderstanding reflected in your letter.

Very truly yours,
Edward M. Kirby,
*Director of Public Relations.*

## RADIO FESTIVAL

All Oklahoma City stations, KTOK, KOMA, WKY and KOCY; all Pittsburgh stations, KDKA, WCAE, WJAS, KQV and WWSW are set for joint Radio Festival celebration.

Boston's WEEI has completed plans. KABR, Aberdeen, S. D., and WSYR, Syracuse, announce 100 per cent support with details to come. WCAU, Philadelphia, has prepared a veritable radio show. WTAD, Quincy, is completing a fine job. Here's the line up:

### Aberdeen—KABR

Through KABR, Aberdeen, South Dakota joins the long list of states which will observe National Radio Festival. Comes word from R. Thompson Mabie, production manager: "You may be sure that we will cooperate in Radio Festival in a big way. Details later."

### Boston—WEEI

A pair of Open Houses, two contests, a quiz series and an interview series are what WEEI will offer listeners during National Radio Festival week, June 3-8. Here's how L. G. Del Castillo, production manager, has planned it:

1—Open House at the studios and transmitter.
2—The NAB essay contest.
3—A WEEI contest. Prizes to be awarded for the longest list of advertising slogans heard over station.
4—An audience-participation studio quiz on the station's daily staff orchestra programs. Cash prize will be given for the correct answers to questions dealing with WEEI and radio history.
5—A series of daily interviews with members of staff.

Window displays and publicity will supplement the above program features.

### Oklahoma City—KOCY-KOMA-KTOK-WKY

"You can count Oklahoma City in on National Radio Festival Week ONE HUNDRED PER CENT! All four station here are together . . . the Governor has issued the proclamation as has the Mayor of Oklahoma City. The 'Week' is to be the one you suggested in the Bulletin and Oklahoma City is certainly going to be well aware of radio during that week."

W. S. Lukenbill, director of promotion, KOMA, is authority for the above quote. Here's the rest of the story:

1—Special 3-hour show at the Oklahoma City Municipal Auditorium, free to the public. One hour of the show will be broadcast by WKY-KTOK-KOMA-KOCY.
2—Special newspaper section—Sunday, before National Radio Festival.
3—Most prominent "island" window in town to be converted into a news room with AP and UP printers. Announcers from four stations will work in relays. Public address system to be set up for spectators' benefit. Also large displays in windows.
4—Special programs and announcements are planned by all stations individually during the week.

In signing off, Brother Lukenbill contributed something which goes to show the warm feeling "folks" have for radio. This feeling comes from the heart as well as the mind. It makes radio what it is today. The statement is: ". . . we are certainly getting fine cooperation from all concerned. . . ." That makes it possible for Mr. Lukenbill to add enthusiastically: "We expect a tremendous success from this promotion."

### Pittsburgh—WWSW-KQV-WJAS-WCAE-KDKA

On the last day of Pittsburgh's National Radio Festival, Saturday, June 8, the city's five stations will climax the festivities with a simultaneous broadcast, according to W. B. McGill, sales promotion manager, KDKA. At the concluding meeting of the Pittsburgh broadcasters, on Radio Festival plans, it was agreed that each of the five stations would also broadcast at least three special programs between June 3 and 8.

### Sacramento—KFBK-KROY

Letter of Howard Lane, business manager, KFBK, containing news of National Radio Festival, reached headquarters too late for inclusion in last week's NAB Reports though it was written and posted in ample time, normally, to make the headline.

"Radio Festival, May 27-June 1," says Mr. Lane, "promises to be the biggest promotion of this kind that we have ever put on and will cover practically the entire KFBK coverage area."

KFBK and KROY together will launch the opening broadcast for the week, 6:00-6:30 p. m., Monday, with state and city officials among the speakers. Included will be Governor Culbert L. Olsen and California State Superintendent of Public Education W. F. Dexter. The Sacramento Junior College a Capello Choir is scheduled to make an appearance.

KFBK will actually take radio programs to the schools. Special programs will be produced before assemblies of both the Sacramento Senior High School and the McClatchy Senior High School. The program which will be staged on Tuesday and on Friday will include George Breece and the KFBK studio orchestra; vocalist Ruth O'Kane; a talk on "News Used for Radio" by Hugh Gagos, Pacific Coast manager, radio division, United Press; a brief talk and a sample baseball re-creation by Tony Koester, sports announcer; a condensed musical skit, "A Typical Radio Day," to be performed by producer Larry Robertson; and several other acts as yet undetermined.

Personal calls were made on the principals of the five Sacramento Junior High Schools and groups of their students will visit KFBK studios. Through the cooperation of State Superintendent Dexter letters were mailed to every school in the Sacramento Valley, calling attention to the purposes of National Radio Festival and inviting classes to visit KFBK studios.

During the week KFBK news broadcasts will originate in the windows of the Eastern Outfitting Company; and baseball re-creation of the Sacramento Pacific Coast League games will be staged in Sears Roebuck Company's window.

Three and possibly more special school musical programs will be aired from KFBK studios during the week.

KROY's Manager, Will Thompson, Jr., whose participation in National Radio Festival was included in last week's Reports, has completed additional plans which include the entertainment of thousands of visitors at the studios. Members of the staff will be on hand to greet the visitors and explain what goes on backstage.

The staff also plans to do a job for the American System of Broadcasting during the week. How it works and why it must be continued will be made clear to students, teachers and the parents of the public and parochial school students.

### Syracuse—WSYR

WSYR is another station to announce ONE HUNDRED PER CENT SUPPORT for National Radio Festival. Arnold Schoen, service director, wrote: ". . . you can count on WSYR's supporting Radio Festival Week 100%. Just as soon as we finish our plans I will let you know."

### Philadelphia—WCAU

WCAU has announced ambitious plans for "Radio Open House." which is the Philadelphia version of Radio Festival. Here's what's on the docket for the customers of WCAU. (Philadelphia stations have prepared individual plans.)

1—Television. A complete RCA unit.
2—Facsimile.
3—Pennsylvania State Police Teletype Exhibit.
4—Aviation Radio Exhibit. Supplied by United Airlines.
5—Voice Mirror. From American Tel. & Tel.
6—Radio Set Exhibits.
7—Exhibits of tubes, early television models, microphones, etc.

8—CBS network programs. Several shows will be brought from New York to be broadcast from WCAU's auditorium during the week.

QUINCY—WTAD

In Quincy, Ill., WTAD began the celebration of Radio Festival on Sunday, May 26, with final programs on Thursday. Townspeople, both youngsters and parents, entered into the activities so enthusiastically that the week was an outstanding success from all points of view.

Twenty merchants donated prizes for essay contest winners, one for each school, with a grand prize of a big radio set to the "best" school. Dramatized versions of the basic essay (American system of broadcasting) material were aired by high school students. In addition entire grades listened to information on American radio during school hours.

The Mayor's Radio Festival proclamation was sent early to teachers, including high school and college; to radio dealers, servicemen and other business houses.

Radio dealers set up special displays during the week and reception of visitors at WTAD's studios began well in advance of the week, itself.

C. Arthur Fifer, general manager, accompanied by Francis Wentura, chief engineer, made a succession of talk-demonstrations before civic clubs.

### BEDTIME RADIO

> "Last year Memphis radio announcers won a lot of praise from a lot of folks by suggesting that volume be reduced after 9:30 or 10 in the evenings, and we hope they will give an encore on that kindly act this year. . . . Man's inhumanity to man found a new avenue of expression when radio came in, but the most of it comes from lack of thought rather than from definitely evil intent."

The above is part of a May 20 editorial in the *Memphis Commercial Appeal.* The campaign to control night time loudspeaker volume, instituted by individual stations, is striking a responsive cord.

## Sales

### FREE OFFERS

Comes the month of June and free offers blossom forth like the proverbial flowers in spring. As one member expresses it, "it seems that every association from hairdressers to hotels is having a National Week," and judging from the money and effort expended on the various free offers, it would also seem that the very life or death of these promotions depended on radio. If that is the case, the following organizations ought to be good prospects for regular radio advertising, and the Bureau has invited them to consider buying time:

The American Golf Institute (A. G. Spalding & Bros, Inc.)
The American Hotel Association
The Crowell-Collier Publishing Company
"Life With Father"—Press Department
Abbott Kimball Company (on behalf of Pamilla Silver Cloth)
Exercycle Corporation

The Abbott Kimball Agency in reply disclaims any intention of trying to chisel time, adhering to their original premise that Pamilla Silver Cloth has definite news value for radio listeners, but adding "I personally would like to see our client buy time on the air."

### COST-PER-INQUIRY

Member stations also report considerable activity among the percentage boys. The Bureau of Radio Advertising has written the usual admonition to the following, who have recently sought to place time on a contingent basis:

National Classified Advertising Agency, Akron, Ohio (on behalf of Air Conditioning Training Corp.)
John A. Smith & Staff, Boston, Mass.
Sam Houston's Life Story Office, Brownwood, Texas
Quick Meal Cereal Company, Minneapolis, Minn.

National Classified explain that their request was only in the nature of a guaranteed test campaign, since their client is a regular radio advertiser. In reply, the Bureau has pointed out that testing is a legitimate agency function, and that stations should not be asked to assume such risks, when program content, commercial copy and other factors entering into the success of a radio campaign are the agency's responsiblity and under its control.

John A. Smith has withdrawn its percentage request on behalf of Graphology, a course in palm-reading, after the Bureau pointed out that their offer was unacceptable on two counts. The agency agrees to make no other approach of this kind in the future. The Quick Meal Company wanted to buy time only to the extent to which stations could create distribution and wholesaler orders in their area. The Bureau has pointed out that broadcasters are not in the business of acting as salesmen for their advertisers, although willing to extend reasonable merchandising cooperation to regular accounts.

### COMING CONVENTIONS

June 6-8—National Federation of Sales Executives, Milwaukee.
June 13-15—Associated Grocery Manufacturers of America, The Homestead, Hot Springs, Virginia.
June 17-20—Mid-Summer conventon, National Retail Dry Goods Association, Palmer House, Chicago.
June 17-20—National Association of Retail Grocers, Hotel Pennsylvania, New York City.
June 23-27—Annual Convention, Advertising Federation of America, Hotel Sherman, Chicago.
June 24—Republican National Convention, Philadelphia, Pa.
July 7-10—Annual convention, Pacific Coast Advertising Clubs Association, Vancouver, B. C.
July 15—Democratic National Convention, Chicago, Illinois.
August 4-7—Annual convention, National Association of Broadcasters, San Francisco.

## Labor

### APEX DECISION

The Supreme Court said Monday that the Sherman Anti-trust Act could be applied to labor unions to prevent activities which resulted in "restraint upon commercial competition in the marketing of goods and services."

The decision was a blow to both A. F. of L. and C. I. O. Both organizations had contended that the Sherman Act could not be applied to labor unions at all.

In a smaller sense, labor won the case in point, because the court refused to award triple damages to the Apex Hosiery Company of Philadelphia, victim of a 1937 C. I. O. sit-down strike. The purpose of the strike, the court held, was to force union recognition, and not to restrain trade.

## STATE LEGISLATION

Louisiana:

S. 72 (Carbajal) COPYRIGHTED MUSIC—To repeal Act 137 of 1934, which imposes a license tax on copyrighted music, books and records.

New Jersey:

A. 459 (Palese) CHIROPODISTS-ADVERTISING—To prohibit chiropodists from advertising their products or prices for their work. Referred to Committee on Public Health.

# The Commission

## "RADIO IN A DEMOCRACY"

James Lawrence Fly, FCC Chairman, gave the following talk at the dedication of the Radio Studio of the University of North Carolina, Chapel Hill, N. C. It was carried over MBS from Station WRAL, Raleigh, N. C., and also by CBS Stations WBIG and WBT at Greensboro and Charlotte, N. C., respectively, at 5 p. m. EST, May 26, 1940:

Today it is our privilege to pause in the peace and security of Chapel Hill—to dedicate to the public service this studio of the University of North Carolina.

Seemingly we pause here in the shadow of a mighty conflict of greater import. Yet, on this quiet spot I cannot but feel the spell of an event of real significance to our own democracy.

Contrast of environment carries its own significance. For the peace and security of Chapel Hill are the peace and the security of America.

With the democracies of the Old World in peril, it is well to reflect upon our own democracy—and more particularly—to take stock of the institutions upon which our republic was founded and upon which its future will depend. Kings Mountain is of lasting importance only as an effort to project into the future principles that would endure as the bases of the life of a free people.

It is essential that government be responsive to public opinion—in the main government must *serve*—only as an *agent* does it rule.

President Washington observed that "In proportion as the structure of a government gives force to public opinion, it should be enlightened."

Washington realized that the democratic form of government, to function properly and achieve its ideals, must depend upon the intelligence and understanding of its peoples. One of his essential admonitions in the Farewell Address was to "promote—as an object of primary importance, institutions for the general diffusion of knowledge."

Public education and an intelligent, well informed public opinion are basic in our way of life and in our process of self government.

In sharp contrast, under other systems, mental and spiritual subjugation have preceded the subjugation of peoples generally and their eventual alignment with machines which rule by force.

In general it may be observed that rule by force has *not* been accomplished internally where there existed a free educational system and the unfettered means for the reception of information.

Seizure of the radio has been an early step in the process of subjugation.

Our system of public education has come down to us from the days of Washington and has continued to serve the basic purposes he enunciated.

The University of North Carolina is a great progressive public educational institution. In one of our parent states it has brought down to us the principles of our fathers and has equipped us to effectuate those principles as instruments of public welfare.

More importantly, Chapel Hill is symbolic—the symbol of the whole system of public education which we have inherited as a part of the American system.

The advent of radio presents us with another facility of great import. It has a tremendous influence upon the lives of the peoples, their customs, their pattern of thought.

Recently, the press carried a story concerning the death of a French physicist, Dr. Edouard Branly, who cooperated with Marconi in the development of radio. It is stated that he had frequently expressed his disgust with having had anything to do with the development of an instrument which is now being so frequently perverted for propaganda purposes.

But there is no question as to whether this powerful instrument exerts a great influence—the only question is whether that force is to be used to serve the ends of a few who would dominate or shall function as a servant of the people.

It is well to remember that radio is not an instrumentality for foisting upon the public the particular social, religious or political philosophy of any individual or group of individuals.

My predecessor, that distinguished North Carolinian, has reminded you that the radio serves primarily the millions of listeners and only secondarily the few who speak. I should be happy if it were possible for everyone to use the radio for purposes of free speech. That is impossible. From the very limited nature of the facility it is at once apparent that the paramount interest is not in the single speaker—but in the millions of listeners. A duty would seem to arise, therefore, to recognize and to serve that great public interest, among other ways, by a full and fair dissemination of facts.

But the conclusion rests not merely upon a contrast in the relative numbers of listeners and speakers. The radio spectrum is public domain—not private. A radio frequency is not subject to ownership. Therefore any occupancy of the air waves is charged with a public trust.

As education has long been essential to democracy, a radio system to serve the public interest has now become essential to education.

It should and it can rise to its responsibilities.

Radio is an advancing art. As new forms are developed, and more and better facilities are provided, radio will, if possible, exert a still greater force upon our lives. The Commission has recently authorized the full commercial operation of frequency modulation—which will give an improved radio service and open up a range of frequencies not heretofore in use by radio. Particular care was taken to set aside a number of the FM frequencies to be utilized exclusively by educational stations.

Research and experimentation in television are advancing and in a few years this combination of radio sight and sound may be expected in your homes.

But radio *today* is one of our mightiest forces—it has served and does serve important functions.

In passing, we ought to recognize the great work which the radio broadcasters are doing in the presentation of war news and commentaries, their balanced reporting of general information and their grants of time for the discussion of public issues. Editorial attitudes are seldom displayed by broadcasters. These services lead toward the goal of a well informed public—the best informed public in the world. Under these circumstances the legal right to form an independent judgment upon public issues takes on real substance.

Much time has been given to programs by educational institutions. And this makes possible the effective work of studios such as this of the University of North Carolina.

For a stronger reason this studio and those engaged here are not to serve a selfish end. By this act today, this studio is dedicated to the enduring service of the people. Here indeed is the grant of a privilege to reach into the homes of the millions. But of far greater significance is the attendant responsibility upon you to meet the needs of a free people. The freedom involved is not yours in any peculiar sense—the freedom is that of the people to be served.

One of your problems is to devise programs and methods of presentation which will reach actual listeners. A possible listening public is not sufficient. But, into these questions as to particular programs and techniques, I shall not intrude. It is of greatest importance as a matter of principle that the work done here shall be designed fairly and effectively to promote the informational needs of the people. In that way, the cause of democracy is served. To no greater purpose could we today, in the quiet peace of Chapel Hill, solemnly dedicate this studio.

## TO ELIMINATE DOUBLE CALL-LETTERS

To prevent confusion and in the interests of simplification, the FCC is moving to eliminate the few remaining double call-letter designations retained by standard broadcast stations as a result of past consolidations.

Accordingly, the Commission is writing letters to WIOD-WMBF, the Isle of Dreams Broadcasting Corporation, Miami, Fla., and WSYR-WSYU, Central New York Broadcasting Corporation, Syracuse, N. Y., suggesting that they dispense with one half of their respective combinations, and allowing them to make such choice.

## KWBD CP CANCELLED

The FCC has cancelled a construction permit issued W. B. Dennis on July 12, 1939, for a radio broadcast station at Plainview, Texas.

This action was taken after the permittee admitted, as a result of a show cause order issued March 12 last, that he made misstatements relative to his financial position in applying for the permit. The station, which had been assigned the call letters KWBD, proposed to operate daytime on 1200 kilocycles with 100 watts power.

# FEDERAL COMMUNICATIONS COMMISSION

## DECISION

FCC has adopted as final its Proposed Findings of Fact and entered an order granting the application of Neptune Broadcasting Corp. for a construction permit for a new radio broadcasting station at **Atlantic City, N. J.,** to operate unlimited time, using the frequency **1420 kilocycles,** with power of 100 watts night, 250 watts day, upon the condition that the corporation file an application for modification of construction permit, specifying the exact transmitter location and the antenna system, within two months.

## FINDING OF FACTS

The Commission has announced its Proposed Findings of Fact and Conclusions, proposing to grant the application of Pawtucket Broadcasting Company for a new station at **Pawtucket, Rhode Island,** to operate on the frequency of **1390 kilocycles** with power of 1000 watts, unlimited time, subject to the condition that Paul Oury shall not have any interest in the proposed station or be associated with it as manager or in any other capacity.

In its findings of fact, the Commission concludes:

1. The applicant as now constituted, the capital stock in the corporation formerly held by Paul Oury having been surrendered and the latter having withdrawn from any connection with the applicant, is qualified to construct and operate the proposed station.

2. The use of the frequency of 1390 kilocycles for operation of a station as proposed by applicant will provide service to Pawtucket and to some extent, particularly in the daytime, to surrounding areas.

3. The frequency specified by the applicant may be employed in the situation presented here to better advantage than any other regional frequency or local frequency which might have been requested, and the proposed use of the frequency subject to the conditions which have been indicated is not inconsistent with the purposes of the Commission's plan of allocation.

The Commission has announced its proposed findings of fact and conclusions (No. B-107), proposing to GRANT the renewal of license for station WAAB, The Yankee Network, Inc., Boston, Mass., for the main and auxiliary transmitters: (station operates on 1410 kc., 1 KW, unlimited time); and DENY the application of The Mayflower Broadcasting Corporation for authority to establish a new station on 1410 kc., 500 watts night, 1 KW day, unlimited time (the facilities of WAAB).

In its conclusions the Commission states:

1. Applicant, the Mayflower Broadcasting Corporation, is not shown to be financially qualified to construct and operate the station proposed by it.

2. Representations made to the Commission in the application, under oath, were not in fact true. Whenever an applicant, such as here, makes material representations in its application which are at variance with the true facts, a serious question is presented and problems arise which affect and, in fact, substantially impede, the progress of the Commission in carrying out its mandate under the statute. Under no circumstances can the Commission excuse or condone action of this sort. A proposed licensee who acts in this manner cannot be entrusted with the burdens imposed by a broadcast license.

3. The granting of the application of the Mayflower Broadcasting Corporation will not serve public interest, convenience or necessity.

The granting of the applications of The Yankee Network, Inc. (WAAB), for renewal of licenses for main and auxiliary transmitters will serve public interest, convenience or necessity.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral argument are scheduled in broadcast cases before the Commission for the week beginning Monday, June 3. They are subject to change.

### Monday, June 3

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.**, 250 watts, unlimited time.

NEW—World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—C. P., **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc.**, 250 watts, Emission A, A1, A2, A3, unlimited time.

### Thursday, June 6

Oral Argument Before a Quorum of the Commission on Petition for Rehearing

WPAY—Chester A. Thompson (Transferor), and The Brush-Moore Newspapers, Inc. (Transferee), (applicants for consent to transfer control of Vee Bee Corporation, licensee of Station WPAY, Portsmouth, Ohio).—Re: Petition for Rehearing.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Gainesville Broadcasters, Gainesville, Ga.—Granted construction permit for new station to operate on **1210 kc.**, 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined subject to Commission's approval.

The Valley Broadcasting Co., Steubenville, Ohio.—Granted construction permit for new station to operate on **1310 kc.**, 250 watts, S.H. (all hours not used by WSAJ, Grove City, Pa.). Exact sites of transmitter and studio location and type of antenna system to be determined by Commission's approval.

Leonard A. Versluis, Grand Rapids, Mich.—Granted construction permit for new station to operate on **1310 kc.**, 250 watts, unlimited time, Class IV station. Exact transmitter site and type of antenna to be determined subject to Commission's approval.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on **1420 kc.**

WARM—Union Broadcasting Co., Scranton, Pa.—Granted modification of construction permit to make changes in antenna, increase night power from 100 to 250 watts, change transmitter site locally, and extend commencement date and completion date to 60 days after grant and 180 days thereafter, respectively.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of license to increase night power from 500 watts to 1 KW, operating on **1360 kc.**, unlimited time.

KSCJ—Perkins Bros. Company (The Sioux City Journal), Sioux City, Iowa.—Granted modification of construction permit authorizing changes in directional antenna system.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted modification of license to increase night power from 100 to 250 watts, on **1200 kc.**

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted construction permit to install new transmitter, change frequency from **1500** to **1330 kc.**, increase power from 250 watts to 1 KW, move transmitter and install new antenna.

WICA—WICA, Inc., Ashtabula, Ohio.—Granted construction permit to make changes in equipment and increase power from 500 watts to 1 KW, operating daytime only on **940 kc.**

WIOD-WMBF—Metropolis Publishing Co., Miami, Fla.—Granted consent to transfer control of Isle of Dreams Broadcasting Corporation from Metropolis Publishing Company to Miami Daily News, Inc. Station operates on **610 kc.**, 1 KW, unlimited time.

WKAR—Michigan State College, East Lansing, Mich.—Granted construction permit authorizing increase in power from 1 KW to 5 KW, operating daytime only on **850 kc.**

### DESIGNATED FOR HEARING

George F. Meyer, Medford, Wis.—Application for construction permit for new radiobroadcast station to operate in Medford, Wis., Class IV, on **1500 kc.**, 100 watts, unlimited time (B4-P-2501).

Capital Broadcasting Co., Washington, D. C.—Application for construction permit for new radio broadcast station to operate in Washington, D. C., Class IV, on **1420 kc.**, 250 watts, unlimited time (B1-P-2679).

General Broadcasting, Inc., Miami, Fla.—Application for construction permit for new radiobroadcast station to operate in Miami, Fla., Class III-B, on **1330 kc.**, 500 watts night, 1 KW day, unlimited time (B3-P-2749).

Oscar Kronenberg, Steubenville, Ohio.—Application for construction permit for new radiobroadcast station to operate in Steubenville, Ohio, on **1310 kc.**, 250 watts, unlimited time (B2-P-2657).

Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, Jacksonville, Ill.—Application for construction permit for new radiobroadcast station to operate in Jacksonville, Ill., on **1150 kc.**, 250 watts, daytime (B4-P-2465). (Docket No. 5779); and

Helen L. Walton and Walter Bellatti, Jacksonville, Ill.—Application for construction permit for new radiobroadcast station to operate in Jacksonville, Ill., on **1150 kc.**, 250 watts, daytime (B4-P-2623).

Joint hearing on above two cases.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period June 1 to August 1, 1940:

KFKU, Lawrence, Kans.; KGVO, Missoula, Mont.; KHSL, Chico, Calif.; KSAL, Salina, Kans.; KVOR, Colorado Springs, Colo.; WDAE, Tampa, Fla.; WHA, Madison, Wis.; WICA, Ashtabula, Ohio; WREN, Lawrence, Kans.; WRR and auxiliary, Dallas, Tex.; WTCN, Minneapolis, Minn.; WNBX, Springfield, Vt.

The following stations were granted extension of licenses upon a temporary basis only, to not later than July 1, 1940, subject to whatever action may be taken upon the pending application for renewal of license:

KGBU, Ketchikan, Alaska; KXO, El Centro, Calif.; KTHS, Hot Springs National Park, Ark.; KFAR, Fairbanks, Alaska; KOY, Phoenix, Ariz.; WMC and auxiliary, Memphis, Tenn.; WGST and auxiliary, Atlanta, Ga.; KMA, Shenandoah, Iowa; KTBC, Austin, Tex.; KTW, Seattle, Wash.; WDSU, New Orleans, La.

KWJB—Sims Broadcasting Co., Globe, Ariz.—Granted extension of special temporary authority to Bartley T. Sims, remaining partner of the partnership formerly composed of Bartley T. Sims, W. J. Sims, and John W. Sims, d/b as Sims Broadcasting Co. (Bartley T. Sims, Manager), to operate Station KWJB, upon a temporary basis only, to not later than July 1, 1940, subject to whatever action may be taken upon the application for renewal of the station's license, and upon the further condition that such special temporary authority shall not be construed as a finding by the Commission that the operation is, or will be, in the public interest beyond the express terms hereof.

W2XQO—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Granted renewal of high frequency broadcasting station license for the period ending April 1, 1941.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Granted further extension of facsimile broadcast station license, upon a temporary basis only, pending determination upon application for renewal of license, to not longer than July 1, 1940.

W9XG—Purdue University, West Lafayette, Ind.—Granted further extension of television broadcast station license, upon a temporary basis only, pending receipt and determination upon application for renewal of license, to not longer than July 1, 1940.

W9XK—State University of Iowa, Iowa City, Iowa.—Granted further extension of television broadcast station license, upon a temporary basis only, pending receipt and determination upon application for renewal of license, to not longer than July 1, 1940.

The following high frequency broadcast stations were granted extension of licenses upon a temporary basis only, pending receipt and/or determination upon applications for renewal of licenses, to not later than July 1, 1940:

W8XWJ, Detroit, Mich.; W2XDA, Schenectady, N. Y.; W2XOY, Albany, N. Y.

### MISCELLANEOUS

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Granted special temporary authority to operate from 10:45

p. m. to 11 p. m., EDST, on May 26, 1940, in order to broadcast the complete address of the President.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from 9:45 p. m., EST, to the conclusion of President Roosevelt's defense program speech on May 26, 1940.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 8:45 p. m. to 9 p. m., CST, on May 26, 1940, in order to broadcast the President's fireside chat.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:15 p. m., EST, to the conclusion of President Roosevelt's speech on May 26. 1940.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 8 to 9:15 p. m., CST, on June 9, 16, 23, 30; from 9:15 to 9:30 p. m., CST, on June 11, 12, 13, 1940, in order to broadcast special educational programs (provided KGGF remains silent); to remain silent from 7:15 to 9:15 p. m., CST, on June 4 and 6, and from 8:15 to 9:15 p. m., CST, on June 5, 1940, in order to observe beginning of summer school term (B3-S-464).

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted special temporary authority to rebroadcast program material to be received from frequency modulated transmitter on Amateur Station W4DCC operating on the five meter band. on June 2, 1940, in order to demonstrate frequency modulation to the assembly at the annual Northwest Georgia Amateur Radio Club "Hamfest."

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts from 7:45 p. m., CST, to the conclusion of Graduation Exercises on May 30, 1940, in order to broadcast said program only.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 8 to 9:15 p. m., CST, on June 9, 16, 23, 30; from 9:15 to 9:30 p. m., CST, on June 11, 12, 13, 1940, in order to permit WNAD to broadcast special educational programs; to operate from 7:15 to 9:15 p. m., CST, on June 4 and 6, and from 8:15 to 9:15 p. m., CST, on June 5, 1940, in order to permit WNAD to remain silent during beginning of summer school term (provided WNAD remains silent) (B4-S-710).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 9 a. m. and from 9 a. m. to 10 a. m., EST, on May 30, 1940, in order to broadcast Morning Musicale and Memorial Day tribute respectively; to operate from 8:30 a. m. to 10 a. m., EST, for the period June 17, 1940, to not later than June 28, 1940, except Saturdays and Sundays, in order to broadcast the Morning Musicale from 8:30 to 9 a. m., Favorite Waltzes from 9 to 9:30 a. m., and Tuneful Topics from 9:30 to 10 a. m.; all programs to be sustaining (provided WSVS remains silent).

WNBM—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast station WNBM on board steamship *Brazil*, using a 500-watt NBC Composite transmitter, type P-500-A, serial No. 1, crystal control, high level modulation with 4 RCA 805 tubes in the last radio stage under the permissive proviso of Sec. 308(a) of the Act, and to operate on additional frequencies **4797.5, 6425, 9135, 12862.5, 17310 kc.**, in order to relay broadcast Toscanini Concerts and special program material from the *Brazil* bound for east coast South American ports to the NBC network for the period May 30, 1940, to not later than June 28, 1940 (providing no interference caused ship station WSBW).

WKPT—C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Granted modification of construction permit for new broadcast station, for approval of antenna and approval of studio site at Commerce St., Kingsport, and transmitter site at Kingsport, Tenn.; **1370 kc.**, 250 watts, unlimited time (B3-MP-965).

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted modification of construction permit for change in frequency, increase in power, installation of new transmitter and antenna, and move of transmitter and studio, for approval of antenna and transmitter site at Oak at Ming, Bakersfield, Calif., studio location at present site, and install new transmitter; frequency **1380 kc.**, 1 KW power, unlimited (B5-MP-964).

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted construction permit to install new equipment in high frequency broadcast station (B2-PHB-239).

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m., CST, June 9, 1940, in order to broadcast the complete Commencement Service of Purdue University only (B4-S-501).

The Brockway Co. and The St. Lawrence University.—Granted motion to dismiss without prejudice the application of St. Lawrence University, Canton, N. Y. (WCAD), for assignment of license from St. Lawrence University to The Brockway Co.; station operates on **1220 kc.**, 500 watts, specified hours.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted petition for leave to amend its application for construction permit to change frequency from **1250 kc.**, 1 KW, 5 KW local sunset, to **710 kc.**, 10 KW, 10 KW local sunset, unlimited time, directional antenna night, with respect to proposed site and directional antenna.

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Adopted order extending effective date of Provision (3) of Commission Order of December 5, 1938, for a period of 60 days from May 28, 1940.

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted petition to accept amended application substituting the Fort Industry Company as proposed transferee in place of James M. Cox, Jr., reconsidered its action of April 13 in designating the application for hearing, and granted amended application authorizing transfer of control of Liberty Broadcasting Corp., licensee of Station WAGA, from Norman K. Winston to The Fort Industry Co. Station operates on **1450 kc.**, with 500 watts night, 1 KW LS, unlimited time.

KWBD—W. B. Dennis, Plainview, Tex.—Adopted an order rescinding action of July 12, 1939, granting a construction permit for a new station to operate on **1200 kc.**, 100 watts, and cancelled the authorization.

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Granted license to cover construction permit for changes in equipment; **1430 kc.**, 1 KW power, daytime hours of operation (B4-L-1150).

KLBM—Harold M. Finley and Mrs. Eloise Finley, LaGrande, Ore.—Granted license to cover construction permit for changes in equipment; **1420 kc.**, 250 watts, unlimited time (B5-L-1144).

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted authority to determine operating power by direct measurement of antenna input, for main and auxiliary transmitters (B4-Z-395).

WFNC—W. C. Ewing and Harry Laymon, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Granted modification of construction permit to install new type transmitting equipment and approval of studio site, and extend date of completion from May 20, 1940, to June 30, 1940 (B3-MP-982).

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts from 7:45 p. m., CST, to conclusion of church service on June 2, 9, 16, 23, and 30, 1940, in order to broadcast church services only.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the old transmitter of International Broadcast Station WLWO on **6060 kc.** from May 30, 1940, to not later than June 28, 1940, pending adjustments to be made on new transmitter before other frequencies licensed for the use of that station can be employed over the new transmitter.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 7:45 p. m. to 9:30 p. m., EST, June 1, 1940, in order to broadcast an address by the Chief of Staff of the U. S. Army, General George C. Marshall, only.

W10XMC—McNary and Chambers, Washington.—Granted special temporary authority to use Composite CT, 100-watt transmitter on **1210 kc.**, for a period not to exceed 30 days, in order to make tests of possible transmitter sites and propagation characteristics in this area on this frequency to more accurately determine the results of operation of proposed station in area of Schenectady, N. Y., pending action on formal application for developmental broadcast station (File No. B-PEX-33).

WNEL—Juan Piza, San Juan, P. R.—Denied special temporary authority to rebroadcast on a sustaining basis the commercial programs to be received from international broadcast stations WNBY and WRCA over WNEL, from June 1 to not later than June 30, 1940.

WENS—Radio Station WSOC, Inc., Portable-Mobile (area of Charlotte, N. C.).—Granted license to cover construction permit for changes in equipment (B3-LRE-312).

KSFQ—The Associated Broadcasters, Inc., Portable-Mobile (area of San Francisco, Calif.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.,** power 15 watts (B5-MRY-190).

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans. —Granted special temporary authority to operate from 8:45 p. m. to 9 p. m., CST, or to conclusion of speech on May 27, 1940, in order to broadcast an address by Thomas E. Dewey.

WADC—Allen T. Simmons, North of Akron, Ohio.—Granted modification of construction permit as modified, which authorized installation of directional antenna for day and night use, increase in power from 1 KW, 5 KW day, to 5 KW day and night, and move of studio and transmitter, for installation of new transmitter and change studio site (B2-MP-980).

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of antenna and transmitter site, and change in location of studio; **1420 kc.,** 100 watts, unlimited time (B5-MP-967).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Oregon.—Construction permit to install new transmitter, increase power from 1 KW to 5 KW, move transmitter, and install directional antenna for day and night use. Amended: To request 1 KW night and 5 KW day.

### 600 Kilocycles

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Oregon.—Construction permit to install new transmitter, new antenna system, change frequency from **1210 kc.** to **600 kc.,** increase power from 100 watts to 500 watts night, 1 KW day, move of transmitter from Willard Hotel, 215 Main St., Klamath Falls, Oregon to Rocky Pt. Rd., Klamath Falls, Oregon. Class III-B Station.

### 620 Kilocycles

NEW—North Jersey Advertising Co., Elizabeth, N. J.—Construction permit for a new broadcast station to be operated on **620 kc.,** 250 watts, unlimited time. Class IV Station.

### 880 Kilocycles

WSUI—State University of Iowa, Iowa City, Iowa.—License to cover construction permit (B4-P-2260) to increase power, install new transmitter and directional antenna for day and night use, and move transmitter.

WSUI—State University of Iowa, Iowa City, Iowa.—Authority to determine operating power by direct measurement of antenna power.

### 920 Kilocycles

WWJ—The Evening News Assn., Detroit, Mich.—Construction permit to make changes in transmitting equipment, increase power from 1 KW night, 5 KW day to 5 KW day and night, and install directional antenna for night use. Requests Class III-A Station.

### 1200 Kilocycles

WCOL—WCOL, Inc., Columbus, Ohio.—License to cover construction permit (B2-P-2508) for change in frequency, increase in power, changes in equipment.

### 1340 Kilocycles

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kansas.—Modification of license to increase power from 250 watts night, 1 KW day, to 500 watts night, 1 KW day.

### 1350 Kilocycles

WMBG—Havens & Martin, Inc., Richmond, Va.—Construction permit to install new auxiliary transmitter using power of 1 KW instead of 250 watts, for emergency use only.

### 1360 Kilocycles

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Authority to transfer control of corporation from The Liberty Life Insurance Co. to John M. Rivers, 200 shares common stock.

### 1370 Kilocycles

WARM—Union Broadcasting Co., Scranton, Pa.—Modification of construction permit (B2-P-2366) as modified, for a new station, requesting authority to install new type transmitter, and extend completion date 60 days after grant.

NEW—Ralph L. Lewis, Greensboro, N. C.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time. Class IV Station. Amended: To specify transmitter site as 101-107 S. Davie St., Greensboro, N. C.

WRJN—Racine Broadcasting Corp., Racine, Wisc.—Authority to determine operating power by direct measurement of antenna power.

### 1500 Kilocycles

NEW—Roanoke Broadcasting Corp., Roanoke, Va.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 250 watts, unlimited time. Class IV Station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Crayon Company,** Sandusky, Ohio, and Binney & Smith Company, 41 East 42nd St., New York, manufacturers of crayons, chalk, paint sets, educational supplies and allied products, have been served with complaints alleging violation of the Robinson-Patman Act.

It is alleged that the respondents have been discriminating in price between different purchasers by selling their products to some of their customers at lower prices than they sell articles of like grade and quality to other customers competitively engaged one with the other in the resale of such merchandise.

According to the complaints, the respondents sold their products at one list price from which they allowed a 50 per cent trade discount to customers who bought in case lots either for use or for resale. It is alleged that The American Crayon Company designated certain of this class of customers as "Multiple Discount Customers," and to some of them granted additional discounts over and above the regular trade discount ranging from 5 to 15 per cent, while to others of this class it allowed a discount of 10 plus 10 per cent over and above the regular trade discount.

It is alleged that the Binney & Smith Company designated certain of its customers receiving the 50 per cent trade discount as "Competitive Distributors," allowing to some of them an additional discount of 5 per cent over and above the trade discount, and to others of this class a discount of 10 per cent over and above the regular trade discount.

The complaint alleges that the "Multiple Discount Customers" of The American Crayon Company and the customers of the Binney & Smith Company known as "Competitive Distributors," who were granted the discounts over and above the regular trade discount of 50 per cent off list price, are in active competition with others of the respondents' customers who purchase in case lots and who do not receive any discounts over and above the trade discount.

The result in each case is alleged to be a substantial lessening of competition in the sale, distribution, and resale of the respondents' products.

It is further alleged that the respondents have been granting compensation in the form of percentage discounts or allowances to some of their customers designated "Special or Promotional Distributors" in the case of The American Crayon Company and "Special or Promotional Representatives" in the case of the Binney & Smith Company. Such percentage discounts allegedly have been granted to favored customers in consideration for merchandising and selling services furnished in connection with the sale of the respondents' products. The percentage discounts allegedly are deducted from the invoice price and are over and above the regular trade discount of 50 per cent off list price. It is charged that the respondents have granted such percentage discounts to their favored customers without making them available on proportionally equal terms to other customers competing with such favored customers in the sale and distribution of the respondents' products.

The complaints point out that the other customers not receiving the special discounts are able and willing to furnish the respondents the same services and facilities as do the favored customers and have requested that they receive the special compensation but that the respondents have refused to grant it. (4142-4143)

**Binney & Smith Company**—See American Crayon Company.

**Empire Style Designers League, Inc.**—Alleging a price-fixing conspiracy in the fur coat pattern business a complaint has been issued against Empire Style Designers League, Inc., 276 Fifth Ave., New York, and ten New York pattern producers who are members of the league and the dominant factor in the fur coat pattern trade.

Respondent league members are: Sol Vogel, trading as Sol Vogel Fashion Imports, and Octave Golos, both of 330 Seventh Ave.; Alexander Greenstein and Abraham Fessler, doing business as Greenstein Fur Modes, 345 Seventh Ave.; Samuel Handelmen, Mendel Levine, and Anthony T. Sozio, all of 333 Seventh Ave.; Lazare T. Sherman, 370 Seventh Ave.; Evangelista Petrocelli, trading as Van-Celli Fur Fashion Company, 127 West Thirtieth St.; Benedict Savio, trading as Savio Fur Modes, 352 Seventh Ave., and Bern Publishers, Inc., trading as American-Mitchell Fashion Publishers, 360 Seventh Ave., all engaged in the creation of styles and the designing and making of patterns for women's fur coats and the grading, copying and sale and distribution of such patterns in interstate commerce.

It is alleged that the respondent members, acting jointly through the league as a clearing house, combined, agreed and conspired in (1) arranging for and fixing uniform prices at which their products were and are to be sold; (2) publishing such prices in lists, newspapers, magazines and other periodicals and circulars, and (3) adhering to the uniform prices as set forth in the issued and published price lists.

According to the complaint, the respondents' practices have resulted in prevention of price competition among themselves; placed in them the power to control and enhance prices of their products, and tended to create in them a monopoly. (4136)

**Farmers Vaccine & Supply Company**—Alleging misrepresentation in the sale of a drug preparation recommended for use in rendering cattle immune to "Bang's Disease," a complaint has been issued against John H. Osterhaus, trading as Farmers Vaccine & Supply Company, 1619 West Sixteenth St., Kansas City, Mo.

The respondent allegedly represented that by one injection of his product "Abortion Vaccine" into each animal of a herd of cattle, the herd and each animal treated is rendered immune to Bang's disease, and will not, although later exposed, become infected.

Among other representations alleged to have been made by the respondent are that one dose of Abortion Vaccine gives lasting protection; that considerable protection is afforded in two weeks time; that these results may be attained in all cases regardless of the animal's age or whether or not infected at the time of treatment, and that all treated females will carry their calves for the full term.

The complaint alleges that the respondent's representations are exaggerated and misleading.

According to the complaint, the respondent recommended the use of his vaccines for cattle of any age, although the United States Department of Agriculture, on May 26, 1938, ordered that licensed vaccine establishments recommend use of abortion vaccine only for the treatment of calves from four to eight months old. The complaint points out that the respondent, while not a vaccine manufacturer, obtains his product from a licensed manufacturer. (4137)

**General Baking Corporation**—Eight bakery companies, a teamsters' labor union local and its officers and members, all operating in the Omaha, Nebr., and Council Bluffs, Iowa, area, are charged, in a complaint, with restraint of competition in the sale of bread and other bakery products.

It is alleged that the baking companies and the union local combined to prevent the sale of such products by certain peddlers or so-called independent bread men and that the union intimidated and used force against such dealers.

Respondents are:

General Baking Corporation, New York, operating a plant in Omaha; Interstate Bakeries Corporation, Kansas City, Mo., operating the Schulze Baking Company, Omaha, Omar, Inc., Omaha; Quaker Baking Company, Council Bluffs; P. F. Peterson Baking Company, Omaha; Continental Baking Company, Wilmington, Del., operating an Omaha plant; Mose Adler, trading as Adler Bakery, Omaha and Council Bluffs, and Charles W., Charles G. and Lawrence F. Ortman, trading as Ortman Bakery, Omaha.

General Drivers Union, Local No. 554 of the International Brotherhood of Teamsters of Omaha, whose members are bakery truck drivers and salesmen in the Omaha and Council Bluffs area; Walter Karl Stultz, president of the local; Louis Miller, vice president; Alfred Russell, recording secretary; Thomas V. Smith, secretary, and Malcolm G. Love, Alson Jeffries, and Glenn Karch, trustees, all of Omaha, and all named respondents in their official capacities and as representatives of the union's membership as a class.

Pursuant to an understanding, agreement and conspiracy, allegedly entered into on or about July 1, 1939, the respondents agreed to and did prevent certain peddlers and independent bread men from selling bread and other bakery products in the Omaha and Council Bluffs area, and from obtaining such products to sell either at wholesale or retail. According to the complaint, they set apart as a class of approved dealers who could and did sell such products in the area the respondent baking companies and independent bread men and peddlers who had been in business prior to July 1, 1939.

It is alleged that the respondent baking companies, after July 1, 1939, carried out contracts with the teamsters' union local which provided in part that "After this date, within an area of fifty (50) miles from the city limits of Omaha, Nebr. and Council Bluffs, Iowa, it is agreed that no product shall be sold for resale to peddlers or so-called independent bread men other than those to whom products are now sold. * * *".

The teamsters' union local allegedly (1) executed and procured pledges from the signers of the contracts and from bakeries and dealers not signers of the contracts, to adhere to and enforce the provisions of the contract; (2) intimidated and harassed and used force and violence against independent bread men who sought to enter business subsequent to July 1, 1939, to prevent their handling bakery products in the Omaha-Council Bluffs area, and (3) used similar methods against bakeries and dealers who did not sign the contracts in order to persuade and compel them to stop selling their products to peddlers and independent bread men who had not been in business prior to July 1, 1939, and also to prevent their selling to bakeries and dealers who intended selling their products to such peddlers and independents.

These practices, according to the complaint, tended to (1) unlawfully restrain interstate commerce in bread and other bakery products; (2) monopolize the sale of such products in the Omaha-Council Bluffs area in the respondent bakery companies and those independents who had been in business prior to July 1, 1939, and (3) enhance prices and maintain them at artificial levels, in violation of the Federal Trade Commission Act. (4139)

**Monahan's Bakery**—Alleging restraint of competition in the sale of bread and bakery products in the Minneapolis area, a complaint has been issued against 19 bakery companies, a wagon drivers' labor union local and its officers and members. It is alleged that the baking companies and the union local combined to prevent certain peddlers or so-called independent route men or bread men from obtaining such products for resale in the Minneapolis area, and that the union intimidated and used force against such dealers.

Respondents are:

Thomas J. Monahan, trading as Monahan's Bakery, Gust Gustafson, trading as Gustafson Bakery, Zinsmaster Baking Company, Egekvist Bakeries, Inc., Regan Bros. Company, William Blaseck, trading as East Side Bakery, Gladness Bakeries, Inc., George P. Janicke, trading as Janicke Bakery, John Karalias, Fred Karalias and Demetrius Karalias, trading under the firm name of Lakeview Bakery, Excelsior Baking Company, Peoples-Lehman Baking Corporation, Emrich Baking Company, Rafert Baking Company, Independent Grocer Baking Company, Inc., George Chonis, trading as Nicollet Pastry Shoppe, James T. McGlynn, trading as McGlynn's Bakery, and North Side Baking Company, Inc., all of Minneapolis; Purity Baking Company, a subsidiary of Purity Bakeries, Inc., Chicago, and Continental Baking Company, New York, operating baking plants in Minneapolis.

Bakery, Cracker, Pie & Yeast Wagon Drivers' Union Local No. 289, affiliated with the American Federation of Labor and chartered by the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, and its executive board and officers: Harry DeBoer, president; Sam Ash, vice president; Joseph F. O'Hare, secretary-treasurer; Gregory Helwig, recording secretary; Loren Johnson, Chester Ryan, and Mel Edstrom, trustees, all of Minneapolis, and all named respondents in their individual and official capacities and as representatives of the union's membership as a class.

Pursuant to an understanding, agreement and conspiracy, allegedly entered into on or about February 1, 1939, the respondents agreed to and did prevent certain peddlers and so-called independent route men or bread men from obtaining bread and other bakery products to sell either at wholesale or retail in the Minneapolis trade area. According to the complaint, they set apart the respondent baking companies as a class of approved dealers who could and did sell such products in the area.

It is alleged that the respondent baking companies, after February 1, 1939, carried out contracts with the wagon drivers' union local which provided in part that "After this date, it is agreed that no product shall be sold for resale to peddlers or so-called independent bread men and no member shall be permitted to furnish vehicles to be used in the delivery of goods in connection with his employment."

The wagon drivers' union local allegedly (1) executed and procured pledges from the signers of the contracts to adhere to and enforce the provisions of the contracts; (2) intimidated and harassed and used force and violence against peddlers and so-called independent route men or bread men to prevent their delivering bakery products in the Minneapolis area; and (3) used similar methods against bakeries and dealers in order to induce and compel them to stop selling their products to peddlers and so-called independent route men or bread men.

These practices, according to the complaint, tended to (1) unlawfully restrain interstate commerce in bread and other bakery products; (2) monopolize the sale of such products in the Minneapolis area in the respondent bakery companies; and (3) enhance prices and maintain them at artificial levels, in violation of the Federal Trade Commission Act. (4140)

**Pyroil Company**—Dean Ladd Kidder, individually and as executrix of the estate of William V. Kidder, deceased, doing business as Pyroil Company, La Crosse, Wis., engaged in the manufacture and sale of a preparation known as "Pyroil," designed for addition to motor fuels and lubricants, is named respondent in a complaint charging misrepresentation.

The complaint alleges that in advertisements in newspapers and periodicals and in continuities broadcast from radio stations, the respondent has represented, among other things:

"The use of PYROIL, a Super High-Pressure Friction and Heat-Proof Scientific Lubricant, will double the life of a motor. Use PYROIL-lubricated gasoline or simply add PYROIL-A to your gasoline. Also add PYROIL-B to your motor oil, thereby doubling the life of your car and protecting your car investment. PYROIL DOES WHAT OIL ALONE CANNOT DO. PYROIL ACTUALLY MAKES METAL SELF LUBRICATING, AND IS THE LATEST SCIENTIFIC ACHIEVEMENT IN LUBRICATION."

"Would you dare drive your car 745 miles WITHOUT any oil? You would be foolhardy to do so . . . UNLESS you had PYROIL mixed in with your gasoline and your motor had been PYROIL treated. A car drove 745 miles without any oil . . . BUT . . . it had been previously treated with PYROIL."

The complaint alleges that these representations and others made by the respondent are misleading and false, and that the respondent's product, when added to motor fuels or lubricants, does not effect substantial economy in operation, appreciably prolong the life of an automobile engine, nor penetrate the metal, filling in cracks and crevices, nor does its use enable an automobile to be driven continuously for 700 miles without oil in the crankcase.

The complaint also charges that use of the product does not increase power, add mileage, reduce friction, lower temperatures, eliminate carbon, nor create a smoother, better-running engine, as claimed by the respondent. (4141)

**United States Marble & Granite Company**—Misrepresentation in the sale of marble and granite tombstones and monuments is alleged in a complaint issued against Asa L. Wooten, trading as United States Marble and Granite Company, Oneco, Fla.

In his advertising matter the respondent allegedly represented that his memorials will stand the ravages of time forever; that they are the world's best genuine marble or granite monuments which will always retain their original brightness, and that, through his "Gold Bond Guarantee," purchasers are assured of these lasting qualities and are protected in case the respondent's representations as to durability are not proved to be true.

The complaint alleges that the respondent's representations are misleading and deceptive in that his products will not last forever and retain the other qualities advertised, and that the so-called "Gold Bond Guarantee" in no wise protects purchasers as it is not supported by any fund set aside by the respondent or anyone else for assuring fulfillment of its terms. (4138)

## CEASE AND DESIST ORDERS

No cease and desist orders were issued by the Commission last week.

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Abraham & Straus, Inc.,** of Brooklyn, has entered into a stipulation to discontinue certain representations in the sale of rugs.

The respondent corporation agreed to cease using in advertising matter or as a brand the words "Persian," "Chinese," "Numdah" or other distinctively Oriental names as descriptive of rugs which are not in fact made in the countries or localities designated with all the essential characteristics and qualities of such rugs.

The Brooklyn corporation also stipulated that it will discontinue employing the phrase "Persian Chinese Numdah Reproductions" or otherwise using the word "Reproduction" as descriptive of rugs which are not in fact reproductions of the types named.

The respondent further agreed to discontinue employing the words "Persian," "Chinese," "Numdah" or other distinctively Oriental appellations in connection with rugs which do not contain all the inherent qualities and properties of Oriental and Chinese rugs, unless, when properly used to describe the design or pattern only, the words "Persian," "Chinese" or "Numdah" shall be immediately accompanied by a word such as "Design" or "Pattern" in type equally conspicuous to clearly indicate that only the form delineated on the surface of the rug is a likeness of the type named; for example "Persian Design," "Chinese Pattern."

Further representations which the respondent agreed to discontinue were use of designations such as "Importer's Surplus—Persian, Chinese, Numdah" and "Importer's Close-Out of Gem-Like Reproductions—Chinese, Persians, Numdahs," and of the words "Importer's" or "Imported" in connection with geographic names in any way tending to create the impression that goods actually made in countries other than those named are from the countries named. The stipulation provides that if the word "Imported" or similar term is properly employed to indicate that such goods are not of domestic origin and geographic names are correctly used to describe the type of product imported, then the true country of origin shall be clearly and nondeceptively disclosed in direct connection therewith. The stipulation points out that the rugs so advertised by the respondent were not made in the Orient; had none of the Oriental characteristics except design; were machine-woven, and were imported from Belgium and Italy. (2809)

**Balassa Laboratories**—Joseph Balassa, trading as Balassa Laboratories, 47 Sixteenth Ave., Newark, N. J., engaged in selling a preparation designated "Corn Stick," agrees to cease representing that the preparation will end, mitigate or relieve the pain incident to the condition known as bunions, or that it will take away or remove the diseased condition known as bunions. (02570)

**Blossom Products Corporation,** manufacturer of women's undergarments, and its wholly owned sales subsidiary, Rayon Corporation of America, both of Allentown, Pa., entered into a stipulation in which they agree to discontinue certain representations in the sale of their products.

Among the representations which the respondent corporations agree to cease are: (1) Misstatements of the percentage of any fiber present in any product offered for sale; (2) deceptive concealment of the true fiber content or failure to make full and nondeceptive disclosure of the fiber content of articles purporting to be wool (having the appearance and feel of being wool), and (3) using the unqualified terms "Woolywarms" or "Woolies" or words of similar import as descriptive of garments when their fiber is not composed wholly of wool.

The respondents also agree to cease attaching to merchandise certain brands, labels or other indications bearing the name "Dr. Ames" or other fictitious name or symbol, having a tendency to mislead purchasers as to the origin or sponsorship of such merchandise. The stipulation points out that the respondents designated certain undergarments as "Dr. Ames Woolywarms," when in fact no "Dr. Ames" has been connected with the corporations or has, as implied, designed or sponsored the products bearing such fictitious name. (2807)

**Cra-Tex Corporation,** 1302½ Farnam St., Omaha, Nebr., manufacturer of gauze bandages sold under the name "Cra-Tex," agrees to desist from using the word "Sterilized" or other words of similar implication in advertising matter as descriptive of products which are not in a state of sterility at the time of their removal from the package by the purchaser, and from use of that word in any way the effect of which tends to convey the idea that the products are free from aerobic and anaerobic bacteria and other micro-organisms at the time of their removal from the package by the purchaser. (2817)

**Darling Dimple Company**—John H. Lofquist, trading as Darling Dimple Company, Rock Island, Ill., vendor of a so-called dimple making device, agrees to cease representing that it will produce permanent dimples on the face of the user; that it is the subject matter of a United States or other patent, unless and until such is a fact, and that it was patented or invented by "Dr. J. H. Lofquist" or contains special or scientific features which are the result of medical advice or services. (2815)

**Hobo Medicine Company,** Beaumont, Tex., selling a medicinal preparation designated "Hobo Medicine," has agreed to cease representing that the preparation is a competent treatment for kidney or bladder disorders, is an aid to restoring normal health to those suffering from such disorders or will relieve or aid in correcting them; will help cleanse or remove from the system or blood stream excessive poisons, irritating acid or dangerous poisonous wastes, or have any effect upon the blood stream, or is an aid to lovelier skin, and that men and women have been aided to better health by its use. (02568)

**Hyman & Zaslay, Inc.**—See Yeblon & Co., Inc.

**Imperial China Company, Inc.**—Under a stipulation entered into Imperial China Company, Inc., 4246 Sheridan Road, Chicago, agrees to discontinue certain representations in the sale of table and kitchenware in connection with a sales promotion plan.

Through its salesmen or agents or in any other way, the respondent company agrees to cease representing that it is affiliated with Royal China, Inc., of Sebring, Ohio, or that that corporation owns 80 per cent of the respondent's stock, or that under a working agreement between the two corporations, Imperial China Company, Inc., has taken over and is conducting the business of Royal China, Inc., in Texas or other designated territory and will supply the requirements of all customers, including those of Royal China, Inc.

A further representation to be discontinued is that Imperial China Company, Inc., will furnish patterns identical to those supplied by Royal China, Inc., and that the respondent owns or controls the pottery in which its table and kitchenware is made.

The stipulation points out that the respondent company's contracts with retail dealers provided, among other things, that "redemption dealers" would purchase and carry the respondent's stock for the benefit of their customers and the customers of certain other dealers in the same locality known as "cooperating dealers."

The respondent company agrees to cease representing that it or its salesmen would obtain a specified minimum number of "cooperating dealers" who would agree to purchase certificates from the respondent and distribute them among their own customers for redemption by "redemption dealers"; that the salesmen would remain in a locality for a sufficient time to properly instruct the "cooperating dealers" in the operation of the plan; or that newspaper advertising and publicity campaigns to assure the success of the plan would be provided or undertaken by the salesmen at the expense of Imperial China Company, Inc., unless such representations actually are fulfilled. (2808)

**Imperial Lingerie Store**—See Linen Mart.

**Linen Mart**—Agreeing to discontinue certain representations in the sale of rugs, Irving Heiney, trading as Linen Mart and as Imperial Lingerie Store, 1223 G St., N. W., Washington, D. C., has entered into a stipulation.

The respondent, in his printed or advertising matter or on window display cards, agreed to refrain from use of the words "Chinese," "Persian," "Sarouk," "Kirman," "Karvan," "Bagad," "Calcutta," "India," "Irak" or other distinctively Oriental names or depictions in connection with the rugs he sells; from use of any words or illustrations implying that such rugs are made of the materials and in accordance with the processes used in manufacturing true Oriental or Chinese rugs, and from employing the phrases "Imported Sarouk Replica," "Imported Persian Replica" or otherwise using the word "Replica" or a similar word implying that the article designated is a replica or duplicate of an original, when the rugs so described are not in fact reproductions of the types named.

Further representations which the respondent agreed to discontinue were use of the names "Chinese," "Persian," "Sarouk," "Kirman," "Karvan," "Smarkand," "Bagad," "Calcutta," or other distinctively Oriental appellations in connection with rugs not made in the country or locality designated or implied and which do not contain all the inherent qualities and properties of Oriental or Chinese rugs, unless, when properly used to describe the design or pattern only, such words of Oriental appellation shall be immediately accompanied by a word such as "Design" or "Pattern" in type equally conspicuous to clearly indicate that only the form delineated on the surface of the rug is a likeness of the type named; for example "Persian Design," "Chinese Pattern."

The respondent agreed to discontinue employing designations such as "Imported Sarouk Replica" and "Imported Persian Replica," and to cease using the word "Imported" in connection with geographic names in any way tending to create the impression that goods actually made in countries other than those named are from the countries named. The stipulation provides that if the word "Imported" or similar term is properly employed to indicate that such goods are not of domestic origin and geographic names are correctly used to describe the type of product imported, then the true country of origin shall be clearly and nondeceptively disclosed in direct connection therewith. The stipulation points out that the rugs so advertised by the respondent were not made in the Orient; had none of the Oriental characteristics except design; were machine-woven, and were imported from Belgium or France. (2810)

**Marvan Laboratory, Inc.,** 30 East 3d St., New York, engaged in selling a medicinal preparation designated "Marvan Dermopathic Salve," agrees to discontinue representing that the product is an effective remedy or competent treatment for eczema, itching, and other skin diseases, or that it has any therapeutic value in the treatment of such ailments or conditions in excess of a temporary relief from the itching, burning and similar irritations often associated with the disorders named; that the product will relieve, stop or remove itching or burning or other irritations immediately, or will relieve inflammation, allay irritation or will heal, or that the product is anti-pruritic or antiphlogistic. The respondent further agrees to discontinue representing, by use of the word "Laboratory" or any other term of similar meaning or import as a part of its trade name or in any manner, that it conducts or operates a laboratory, when such is not a fact. (02569)

**MM Importing Company, Inc.**, stipulates that it will cease use of the word "Importing" as part of its corporate or trade name or in any other way in connection with the sale of products which it does not actually import. The respondent corporation also agrees to cease employing the word "Importing" as part of the corporate or trade name under which it sells cigarettes made wholly or partly of domestically grown tobacco or which are manufactured in the United States. The respondent also agrees to desist from using the word "Importing" or other words of similar implication, alone or in connection with the words "Turkish Cigarettes," or in any way, the effect of which tends to convey the belief to purchasers that such cigarettes are made wholly or in part of imported tobacco or are manufactured abroad, unless, if the word "Importing" is employed in connection with the sale of cigarettes, which are composed wholly of imported tobacco, but which are made in the United States, then it shall be disclosed clearly on the face of the container of the cigarettes that they are domestically manufactured or are not of foreign manufacture. (2813)

**Morten Laboratories, Inc.**, 308 South Harwood St., Dallas, Tex., until October 25, 1939, when the present corporate name was adopted, operated under the name Hay-No Laboratories, Inc., and sold a medicinal preparation designated "Hay-No." The respondent corporation agrees to cease representing that "Hay-No" or any other preparation of similar ingredients or properties, sold under that or any other name, is a competent remedy or effective treatment for hay fever, or that it has any therapeutic value in excess of affording symptomatic relief for the disease, or that the results to be achieved by the use of the product in the treatment of sinus irritations, head colds, cold-clogged air passages, distress of nose-blowing and sneezing, stuffiness or other symptomatic conditions, are amazing, wondrous or quick, or that the product is a discovery. (02571)

**Num-O-Col Company, Inc.**, 9 South Walker St., Oklahoma City, Okla., has entered into a stipulation in which it agrees to discontinue advertising that its medicinal preparation "Milt's Num-O-Col Ointment" is an effective treatment or competent remedy for pneumonia, influenza or common colds. The respondent company also agrees to cease representing that its preparation is an effective treatment or competent remedy for sore throat or rheumatism, unless the representation is limited to such relief of symptoms of these conditions as may be afforded by its counter-irritant properties. (02572)

**Power Battery Company**—Norris Ouellette, trading as Power Battery Company, 134 Main St., Richmond, Mich., engaged in the manufacture and sale of storage batteries, has agreed to cease representing that his "Power Cell" or other batteries of similar construction, maintain a high voltage under excessive load, or otherwise representing that the terminal voltage maintained by "Power Cell" is either higher than or more enduring than that of standard competitive batteries on the market, or that "Power Cells" or batteries of similar construction charge fully in one-third to one-half the time required for other batteries, or in any specified comparative time not fully established by competent and reliable scientific evidence. (2811)

**Solvosol Company**—Lionel E. Samuels, trading as Solvosol Company, 38 Park Row, New York, in the sale of "Solvosol," a cleaning fluid, agrees to cease using the word "New," alone or in connection with the word "Entirely" or "Process" or with other words as descriptive of his product, which is not in fact new, and to discontinue use of the phrase "Leaves No Ring" or other representation of similar implication tending to convey the impression that the product will not leave a ring or discoloration when applied only to the spot to be removed from certain fabrics, as for example, weighted silks. (2816)

**Yeblon & Co., Inc.**, and **Hyman & Zaslav, Inc.**, in the sale of their jewelry and other products through Yeblon & Co., Inc., agree to cease using the terms "List Prices," "Discount," "Catalog List Price," or "Subject to Our Regular Distributors Discounts" in catalogs, printed matter or otherwise; or to discontinue representing in any way, directly or inferentially, that the prices at which they sell their merchandise constitute a discount to the purchaser or are wholesale prices, when in fact such prices are the usual and customary prices. (2812)

## FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against Maurice M. Goldberg and Tetrine Chemical Sales Company, a corporation, 521 Fifth Ave., New York, who were charged with misrepresentation in the sale and distribution of fire extinguishers and chemical fluids.

The closing order recites that it appears the corporate respondent has been dissolved and the practices as charged in the complaint discontinued.

Closing of the case was ordered without prejudice to the Commission's right to reopen it and resume prosecution should future facts so warrant.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 23, June 7, 1940

## Communist Broadcasts

Before the three major networks carried talks by Earl Browder last Sunday, Neville Miller suggested that recent European developments might require reconsideration of that section of the Federal Communications Act dealing with political broadcasts.

Mr. Miller made the following statement:

"Recent articles in the press have raised the question of the propriety of radio stations carrying broadcasts of the Communist Party's National Convention which is now in session in New York City, especially the speech scheduled for Sunday night by Earl Browder, who has been scheduled because at that time undoubtedly he will be the Communist Party's candidate for the Presidency.

"In these troubled days, when developments abroad reveal the devastating effects of fifth column activities, it is urgent, as the President points out, that we scrutinize the objectives of those in our midst whose only use of our free institutions springs from a desire to destroy them and the liberties of our people.

"In examining the position of radio, it should be remembered that radio stations are governed by the Federal Communications Act, Section 315 of which reads as follows:

> 'If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: *Provided,* That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.'

"This Section clearly requires radio stations to either exclude the candidates of all parties, or to extend equal facilities to the candidates of all parties. This rule was not made by the radio stations, but was enacted by Congress, and Congress alone has the power to change it. Under it, radio stations do not have the right to pick and choose. Last April, it was thought that it would be in the public interest to carry brief talks by the candidates of all parties at the time each candidate was nominated. The Socialist Party held its convention in April, and Norman Thomas, its candidate for the Presidency, was given time on the radio. Equal opportunity was also given John W. Aiken, the candidate of the Socialist Labor Party, and under the law, the same opportunity must be given to the candidates of all other parties, including the Communist Party.

"Furthermore, it should be noted that under the law the radio station has 'no power of censorship over the material broadcast'. The stations must broadcast the speeches as written by the candidates, with no power to blue pencil the sentiments expressed therein.

"Undoubtedly, in enacting these provisions of the Federal Communications Act, Congress was particularly interested in providing for the protection of freedom of speech, and prohibiting censorship. Recent developments in Europe have brought to our minds many dangers which then were not realized and which may require a reconsideration of the subject. However, in the meantime, radio stations have no alternative—they must obey the law as written."

---

On Friday, Senator Wheeler, during a speech on "Civil Liberties" in the Senate, made the following remarks:

"This morning representatives of the National Broadcasting Co. and the Columbia Broadcasting Co., and the head of the organization of all the broadcasters, called at my office. They called my attention to the following statement which they had issued:

New York, N. Y., May 30, 1940.

Gillis, Radio Station WJSV.,
Washington, D. C.:

The Columbia Broadcasting System in response to several inquiries concerning Earl Browder's talk Sunday night, issued the following statement: The radio law requires broadcasters to give the same treatment to all candidates for any public office. In compliance with this law we have arranged to carry on Sunday evening, June 2, a 15-minute talk by Earl Browder on the Communist Party's representation that, at that time he will be the duly nominated candidate for the Presidency. It is obvious that when the Congress enacted the communications law, present conditions and their dangers were not apparent. Columbia is of course obedient to the laws of the United States but it is of the belief that the communications law should be changed so that no broadcaster is compelled to give time to the candidates of any political party if it is proven to be subservient to a foreign power.

In this connection I call attention to the statute. When we passed the communications law some years ago it contained this provision:

> SEC. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: PROVIDED, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

The present law was drafted, not in a Democratic administration, but in a Republican administration, to preserve the right of free speech in the United States, and to see to it that each candidate for public office shall have the right to express his views, whether we agree with them or not, and I certainly do not agree with Mr. Browder, the Communist Party, or their theory of government. I think that the law probably should be

*(Continued on page 4308)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## COMMUNIST BROADCASTS

*(Continued from page 4307)*

changed, because of the fact that it perhaps goes too far in one respect as the Commission has interpreted it. Today a broadcaster is liable in damages if the speech contains libelous matter. Either the broadcaster should be relieved of liability or libelous matters should not be permitted."

On Sunday, CBS issued a second statement:

> Inquiries have been received as to why the Columbia Broadcasting System could not bar Earl Browder from the air under the last sentence of Section 315 of the Communications Act, which reads:
>
> > "No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."
>
> The forepart of this section reads:
>
> > "If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section."
>
> The complete section permits the licensee to decide whether it will carry speeches by all the presidential candidates or none of them. Since the Columbia Broadcasting System proposes as usual to carry speeches by the Democratic and Republican nominees and has already carried the speeches of two other nominees for the presidency, namely, that of Norman Thomas, for the Socialist Party on April 7 and that of John W. Aiken, nominee of the Socialist Labor Party, on April 28, Columbia has already begun to function in this campaign as it and practically all broadcasters always have done in this and previous campaigns, under the first part of the section. Consequently, Columbia considers itself obligated under that part of Section 315 which says that if any licensee shall permit any person who is a legally qualified candidate for any public office to broadcast, it shall afford equal opportunity to all other such candidates for that office. It would be against public policy for a nationwide network such as Columbia, in its efforts to render public service, not to carry speeches by any candidates for the presidency, especially of the major parties.
>
> The law is simple and clear and there is no way in good faith to escape the meaning of its provisions. Either a network or radio station offers its facilities to all candidates, or it cannot, without violating the law, offer its facilities to any candidates for any given office. Thus it may be seen that, if the law is followed in its obvious mandate, barring of the candidate for President of the Socialist Party, the Socialist Labor Party, the Prohibition Party (scheduled for June 19), or the Communist Party would necessitate —unless the law be violated—barring candidates of the major parties.

The network statements led Representative Cox (D-Ga) to renew his suggestion in the House that the "broadcasting business" should be investigated. (*Congressional Record,* June 3, p. 11179.)

## Labor

### WAGE AND HOUR ACT

How hard a small radio station can be hit for violation of the Wage and Hour Act was well illustrated this week in the case of WJW, Akron, Ohio.

A consent decree entered in the Federal District Court in Cleveland ordered the station to pay 41 employees and former employees a total of $4,540.29 in back wages and overtime.

The decree also permanently enjoined the station from violating the act.

The violations all were due to misunderstanding of the law on the part of the station's previous management. "Student announcers" and "guest announcers" worked without pay. Overtime was not reported. Wage and hour records did not jibe with log sheets.

Forty-five hundred dollars is a lot of money for a small station to have to pay out in one chunk.

**Again, the NAB Labor Relations Department urges all members to make sure that they are complying with the law. Members who have any questions, no matter how trivial they may seem, should send them to the Labor Relations Director.**

As a starter, it is suggested that the questions and answers in the NAB Reports of February 23, page 4051, should be reviewed.

A southern broadcaster contemplates giving an announcer a raise. He asks whether he can use the raise to protect himself against paying overtime.

Specifically, he is now paying the announcer $42 for a 42-hour week. The announcer's regular hourly rate is $1, and his overtime rate is $1.50. If the announcer is raised to $46.50, can he work *up to* 45 hours without any overtime payment.

The answer is: No.

However, if the announcer works 45 hours *each week,* his paycheck will be $46.50 (42 hours at $1 an hour, and 3 hours at $1.50 an hour), and the same result will be the same.

It is important that the announcer work his full 45 hours each week. If he works an irregular number of hours, his hourly rate must be determined by dividing his regular weekly salary by the number of hours he works each week. Overtime for each hour above 42 must then be determined by multiplying this hourly rate by one and one-half.

Milton Denbo, chief opinion attorney for the Wage and Hour Administration, gave the NAB this interpretation.

---

Protests from the NAB and others led the Wage and Hour Administration this week to relax a rule which required records to be kept at transmitters for technicians employed there.

Records may be kept at the central record keeping place of the employer, on condition that such records shall be produced "at the place or places of employment" within 72 hours following notice from a Wage and Hour inspector.

The broadcasting industry got caught in a rule intended for employers who had factories scattered over the country but kept all records at the "home office." With the rule amended it is not likely that a broadcaster will ever have to produce his records at the transmitter, for the inspector easily could obtain access to the records a few miles away.

### AFRA TRANSCRIPTION "CODE"

Representatives of the leading transcription companies are about to start negotiations with the American Federation of Radio Artists on a contract ("Code") to cover actors, singers, announcers and sound effects men. AFRA sent out its proposed contract on May 27.

It cannot be stated accurately at this time just how much the AFRA demands would increase the cost or price of transcriptions.

Section 4 of the "Recording Rules" states: "The producer agrees, on notice by AFRA that any radio station has been declared unfair by AFRA, not to require members of AFRA to perform services in connection with recordings released to such station, not to make available to such station, nor to make available to such station recordings on which AFRA members are used, for the purpose of aiding and abetting such station in continuing its unfair practices."

In brief: if that clause were agreed to, AFRA could declare "unfair" any station which did not have an AFRA contract, and that station then could get no transcriptions from the leading transcription companies.

The NAB labor relations director will keep stations advised of developments.

## BMI Developments

Two new stations join BMI: WTMA of Charleston, South Carolina, and KGNO of Dodge City, Kansas.

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*I Could Be a Superman for You* is the title of a song by Chaylie Saxe which will be published by BMI within a few weeks. Saxe's story suggests that he had to be something of a superman anyway to write his music and get it published.

For five years he has been laying siege to the offices of music publishers. Always the answer has been the same. Today Chaylie can reel it off rapidly by heart because he has heard it so often. He says:

"They all tell you, 'Sure, the music's good. We'd take it if you had a name. But you're an unknown cluck, so—go on home and teach school.' "

He is a teacher of English and history. This past year he has been doing substitute work in one high school and four junior highs in his home town of New Britain, Connecticut. Born in 1918, graduated from the University of Alabama in 1939, he permits himself no delusions of grandeur because he has at long last sold a song. He loves music but he does not expect to rely upon it for a livelihood. He began to play in childhood and by the age of fifteen he was conducting his own 11-piece band. But it was scholarship that let him earn his way through college and it is in teaching that he plans his career.

The idea for his BMI song came out of the classroom, where he found that he had to confiscate a great many books of the "Superman" comic strip in order to get any work done by his pupils. But that, of course, was only half of the idea. The song was written, he admits, for a "super-girl."

Milton Wolf, who collaborated with Saxe on the lyrics, is a clerk in a New Britain store. He was once runner-up for the intercollegiate welterweight boxing championship.

Saxe and Wolf are excellent illustrations of the freshness of the music sources which BMI is opening to the public. Their story offers the sharpest contrast with the career of such an eminent composer as Bruno Grant (Granichstaedten). That very contrast emphasizes both

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the force of the new musical urge in America and the broadly inclusive character of the catalogue which BMI is building.

**BMI FEATURE TUNES**
**June 10-23**

1. **WE COULD MAKE SUCH BEAUTIFUL MUSIC**
2. **WHAT GOOD'S THE MOON?**
3. **HERE IN THE VELVET NIGHT**
4. **IN THE SILENCE OF THE DAWN**

Transcriptions of BMI music together with names of the recording bands, where these have been announced, are given below under the names of the companies making the transcriptions. It is possible that other companies also have made transcriptions, but for the benefit of broadcasters, such information as BMI possesses is given below:

*Associated Music Publishers*
Here in the Velvet Night
Sagebrush Serenade
We Could Make Such Beautiful Music

*Langlois-Wentworth*
Here in the Velvet Night—Jean Ellington
In the Silence of the Dawn—Ray Heatherton
We Could Make Such Beautiful Music—Ray Heatherton

*Standard Radio*
(All recorded by Don Allen's Orchestra)
Here in the Velvet Night
In the Silence of the Dawn
Sagebrush Serenade
We Could Make Such Beautiful Music
What Good's the Moon?

*NBC Thesaurus*
In the Silence of the Dawn—Joe Sudy
Sagebrush Serenade—Joe Sudy
Here in the Velvet Night—Ted Steele and Gwynn Williams
We Could Make Such Beautiful Music—Ted Steele and Gwynn Williams
Give Me Music—Al Kavelin
Keep an Eye on Your Heart—Al Kavelin
Please Don't Tell Her I Told You—Al Kavelin

*World Broadcasting*
(All recorded by Vic Arden)
Here in the Velvet Night
In the Silence of the Dawn
Practice Makes Perfect
We Could Make Such Beautiful Music

"Delay ASCAP Forms," says a headline, announcing that the ASCAP board has postponed for a week the distribution of new contract blanks. Is that news? If recollection serves, ASCAP's original announcement was that it would be ready to negotiate the contracts on April 15, but that date was passed in silence. Of course no one really expected the contracts to be ready then, and it was no surprise either when May 29 was also allowed to pass without the appearance of the contracts.

## W. J. SCRIPPS, WWJ, APPOINTED RESEARCH COMMITTEE CHAIRMAN

Neville Miller announced this week the appointment of W. J. Scripps, Manager of Station WWJ, Detroit, Michigan, as Research Committee chairman. In the original announced appointment of a Research Committee, Mr. H. K. Carpenter, Vice President, WHK-WCLE, Cleveland, Ohio, and WHKC, Columbus, Ohio, was asked to serve in this capacity. However, pressure of business caused Mr. Carpenter to suggest the appointment of another chairman who could devote sufficient time and energy to the task which Mr. Carpenter described as of utmost importance to the industry.

Mr. Scripps has accepted the appointment and will shortly announce a meeting date for the committee. The membership of the Research Committee as now constituted, is as follows: Mr. W. J. Scripps, Manager of WWJ, Detroit, Michigan, chairman; H. M. Beville, Jr., Research Manager of the National Broadcasting Company; Scott H. Bowen, President of Radio Station WIBX, Utica, New York; Arthur B. Church, President of Radio Station KMBC, Kansas City, Missouri; James D. Shouse, Vice President of Radio Stations WLW-WSAI, Cincinnati, Ohio; Dr. Frank N. Stanton, Research Director of the Columbia Broadcasting System; and, Theodore C. Streibert, Vice President of Radio Station WOR, Newark, New Jersey. Neville Miller and Paul F. Peter will serve ex-officio.

## ALL ABOARD FOR SAN FRANCISCO!

You may not realize it but the Eighteenth Annual Convention to be held at the St. Francis Hotel, San Francisco, is less than two months away. All of the members have received outlines of all-expense tours and requests for responses direct to our travel agents, Raymond-Whitcomb, Inc., of 414 North Charles St., Baltimore, Maryland. The response has been gratifying but in order to protect railroad, hotel and sightseeing reservations tentatively made, it is essential that we have immediate responses. We know you will want to go to the San Francisco convention. Don't delay. Put in your reservations now for one of these all-expense tours or a special trip which Raymond-Whitcomb can arrange for you.

The tentative program of the San Francisco convention has been sent to the Directors for examination and approval. In next week's issue of the Reports the high points of the program will be covered. Watch for this. It's important. If you have suggestions as to topics or speakers, don't hesitate to send them in. This is your convention and we want it to meet your ideas and cover the problems in which you are interested.

## DISTRICT 4 MEETING

John A. Kennedy, WCHS, was reelected director for the next two years at a District 4 meeting June 1-2 at Sedgefield Inn, Greensboro, N. C.

Guest speakers included Mrs. Dorothy Lewis, national radio chairman of the National Society of New England Women; Dr. J. C. Waldron, United States Office of Education; Carl Haverlin, BMI, and Joseph L. Miller, NAB labor relations director.

Edney Ridge, WBIG, was in charge of arrangements for the meeting.

Those present included:

James C. Howe, WBTM; C. T. Lucy, WRVA; Philip P. Allen, WLVA-WBTM; Endey Ridge, WBIG; H. W. Wilson, WGTM; Allen Wannamaker, WGTM; O. L. Maxey, WRTD; John W. New, WTAR; Bryce P. Beard, WSTP; John J. McAllister, WHKY; Wayne M. Nelson, WMFR; F. C. Todd, WGNC; Pat McSwain, WGNC; John W. Shultz, WSTP; R. P. Jordan, WDBJ; E. J. Gluck, WSOC; F. D. Kesler, WDBJ; Frank V. Becker, WTBO; Norris L. O'Neil, WSJS; J. F. Jarman, Jr., WDNC; Gill Murray, WRAL; George W. Smith, WWVA; Don S. Elias, WWNC; Wilbur M. Havens, WMBG; Robert E. Mitchell, WMBG; A. D. Willard, Jr., WJSV; J. D. Saumenig, WIS; A. E. Joscelyn, WBT; Richard H. Mason, WPTF; R. E. Penny, WBT; J. H. Dodge, WRC-WMAL; Campbell Arnoux, WTAR-WPID; Edward E. Bishop, WGH; W. D. Workman, Jr., WTMA; Edward E. Edgar, WGH; J. C. Waldron, U. S. Office of Education; and Joseph L. Miller, NAB.

## DISTRICTS 10, 12, 14 MEET

Neville Miller and C. E. Arney, Jr., will attend district meetings in St. Louis, June 8; Wichita, Kans., June 9, and Salt Lake City, June 12.

The Sales Managers Committee of the Tenth District scheduled an all day session in St. Louis for Friday, June 7, preceding the Tenth District membership meeting. In the absence of Karl Koerper, KMBC, Kansas City, Craig Lawrence of KSO, Des Moines, was slated to preside.

District Director John Gillin, WOW, has planned a comprehensive program for the membership meeting.

The Twelfth District meeting was moved up one day on account of a conflict with the Kansas Democratic State Convention. Director Herbert Hollister, KFBI, expects a large attendance of Kansas and Oklahoma broadcasters.

The Fourteenth District meeting will be held at the Utah Hotel and Director Gene O'Fallon of KFEL, Denver, has planned an interesting program.

## NEBRASKA BROADCASTERS ASSOCIATION

At the recent annual meeting of the Nebraska Broadcasters Association, comprising all eleven stations in the state, the following officers and directors were elected:

President, W. I. LeBarron, KGNF, North Platte, Nebr; Vice President, L. L. Hilliard, KGKY, Scottsbluff, Nebr.; Secretary-Treasurer, Art Thomas, WJAG, Norfolk, Nebr.; Director, John J. Gillin, Jr., WOW, Omaha, Nebr.; Director, Vernon H. Smith, KOWH, Omaha, Nebr.

The Association went on record against the new sunrise rule of the Federal Communications Commission and endorsed Neville Miller's remarks on importance of broadcasting service during war time, and appropriated funds to assist in an appeal of the Nebraska anti-ASCAP case to the Conference Court of the United States.

# Sales

## IS THE CONSUMER MOVEMENT "ANTI-ADVERTISING"?

There is and has been a great deal of misconception on that score in many sections and among many groups. The future course and ultimate solution of the consumer problem are not easy to predict. For that reason, the NAB Bureau of Advertising has mailed to all members reprint of an article from *Nation's Business,* entitled "The Case for Distribution." This is an extensive and authoritative study of this complicated subject, and should be of interest to broadcasters in connection with current developments affecting all advertising media.

## DEALERS AND RADIO ADVERTISING

Commercial managers particularly should be interested in the article "Dealers and Radio Advertising," by Samuel J. Henry, Jr., of the NAB staff, which appears in *Broadcasting,* June 1 (p. 62). Radio, says Mr. Henry, has brightened the typical dealer's attitude toward *all* advertising, because he has been able to see exactly how radio works for him. The article outlines the results of some recent surveys among dealers and wholesalers indicating a consistent preference for radio advertising, especially in the food field. The study points out what must be done to build similar acceptance in other fields, and what is being done to convert a growing dealer demand for radio into new business for stations, with particular reference to cooperative and national spot advertising.

## NRDGA RADIO SESSION JUNE 19

Wednesday, June 19 at 10 a. m. has been definitely set as the date for the "Radio for Retailers" meeting to be held in conjunction with the semi-annual convention of the National Retail Dry Goods Association, Palmer House, Chicago, June 17-20. The Bureau of Radio Advertising is cooperating with NRDGA on the panel discussion, which will have prominent retail advertisers and commercial managers sitting down for a heart-to-heart talk on the problems of department store radio advertising. The theme of the discussion will be "More radio-retailer cooperation for better radio results."

# Promotion

## NINE GOVERNORS PROCLAIM FESTIVAL

Nine Governors of states have issued National Radio Festival proclamations.

Art Stringer will appreciate hearing from members if any names are omitted from the list below:

California—Gov. Culbert L. Olson.
Colorado—Gov. Ralph L. Carr.
Kansas—Gov. Payne Ratner.
Louisiana—Gov. Samuel Houston Jones.
New Jersey—Gov. A. Harry Moore.
New Mexico—Gov. John E. Miles.
Oklahoma—Gov. Leon C. Phillips.
Virginia—Gov. James H. Price.
West Virginia—Gov. Homer A. Holt.

## WROK SIGNS POWER COMPANY MONDAY THROUGH SATURDAY

WROK, Rockford, got tired of going without power company business, and decided to do something about it. They thought there was some sense to the statement: "Your power company can be your best local account."

Result: Central Illinois Electric and Gas Company has been on WROK, Monday through Saturday, 9:15 to 9:30 a. m. since April 15 and "the sponsor is very happy."

The program is the "Town Crier" show. According to copy on the 30,000 inserts in customers bills, the townspeople are invited to use the program for making announcements concerning their "religious, fraternal, civic and social organizations."

When William R. Traum, sales promotion manager, took time out to give us the good news he included some spring tonic for us: "We used quotations from your March 1 bulletin in our presentation to the C.I.E.G. company and feel they helped sell the idea."

## WFBM, WENR AND WMAQ USE RADIO PLUGS

WFBM, Indianapolis, WENR and WMAQ, Chicago, are each paying attention to circulation.

Jack Ryan, of the Chicago stations, has sent us some recent announcements which were included in "Radio Fanfare" and Radio Parade. They are always placed in the lead.

"Thanks for the announcements for portable radios, radios as wedding gifts and auto radio service," wrote Lester W. Lindow, acting manager of WFBM. "We shall be glad to use these announcements . . . please be assured of our continued cooperation."

## WBAB HAS FESTIVAL SHOW FOR NATION'S UTILITY EXECUTIVES

Good news for stations without utility business!

Members of the Edison Electric Institute, the trade organization of the power companies, held its annual convention in Atlantic City during Radio Festival week.

The convention attendants and townspeople were invited to a 30-minute broadcast, "Radio," in the huge Atlantic City auditorium on the boardwalk, over WBAB, Friday evening, June 7, 9:30 to 10:00. The host and sponsor of the show was the Atlantic City Electric Company which has been serving south Jersey for forty years. The program was prepared by Norman Reed, station director.

The 30-minute program with a cast of twelve showed the power company officials how radio "ticks". It also explained the workings of the American system of broadcasting. All in all, the whole affair was just about one of the finest pieces of power company-radio promotion that any individual station could desire.

Our private grapevine also brings the news that power company officials in great numbers are giving studied attention to broadcasting as a medium to promote their business.

So far this year member stations have gotten substantial increases in power company business. Non-users of radio facilities have become users; old users have increased their time on the air.

## RADIO FESTIVAL

This is the week that scores of Radio Festival celebrations are being held throughout the United States.

Observance of the event began in May, will continue through June and even into late August. News of the August event came on June 3 from Bill Dean, publicity and promotion director, WDAY, Fargo, N. D.

Bill has already included everything but the kitchen sink in his plans and that is to be incorporated a little later on. Here's his wire:

> "Count on WDAY cooperation National Radio Festival with radio week all set for latter part August. Plans yet incomplete though will definitely include: special programs from fair ground studios during Red River Valley Fair biggest event in locality;
>
> "Show windows downtown Fargo; educational radio booth at fair grounds; open house at downtown studios, transmitter and fair ground studios; quiz contest with studio and transmitter visits aired; man-on-street devoted to event; special all-talent revue built around American radio; transcriptions made of passers-by and interviews at fair; explanation given during process; do you know your radio program built for purpose of education; advance promotional announcements and newspaper publicity;
>
> "Promises to be greatest promotion event in history of WDAY. More details later."

West Virginia

Gov. Homer A. Holt has proclaimed National Radio Festival in West Virginia, June 10-16. So says Nick Pagliara, WCHS, Charleston.

Seattle—KIRO, KJR, KOMO, KRSC, KXA
Tacoma (and Seattle)—KIRO

These NAB members in the northwest empire took National

Radio Festival to their bosom with joint and individual participations.

Group effort highlight was a special "Radio Week Info Please" program, a take-off on Canada Dry's classic, with Mayor Langlie, of Seattle, doing the Clifton Fadiman. Representatives of the six stations constituted the board of experts.

Unlike the original, this program was written and rehearsed, then transcribed to be used on each participating station one night during the week.

The joint schedule included a series of short call letter spots and thirty to fifty word spots. Some of the sponsored local programs as well as sustaining and participation shows carry mention of Radio Festival Week.

In addition to this group effort, each station produced at least one promotional program on its own facilities and its own place in the general plan of the American broadcasting system.

At KOMO and KJR, according to Peter Lyman, public relations director, was produced a "Washington (state, not D. C.) at Work" program featuring KOMO and KJR at work. This program was one of a weekly series spotlighting leading Washington industries. "KOMO-KJR at Work" ended with a message from Birt F. Fisher, manager.

### Rochester—WHEC

Residents of Rochester heard of Radio Festival over WHEC and read about it in both of the Rochester daily papers. Gunnar Wiig, general manager, OK'd a column of copy for insertion in both papers which reads:

"RADIO
FESTIVAL
May 26 to 31
A Salute To
YOUTH"

"WHEC will devote a large part of its broadcasting schedule next week to the school children of the Rochester territory. The purpose of this "Radio Festival" is to instruct and educate these future citizens regarding the American System of Broadcasting, and to instill in them an appreciation of the American Program Service.

"Adult listeners need have no fear that *they* will be slighted as our special programs will have plenty of 'all-age' appeal.

"There will be a proclamation by the Mayor, special musical programs, special 'man-in-the-street' programs, a complete broadcast of assembly at Benjamin Franklin High School, P.T.A. programs, Chamber of Commerce programs, 'job-hunt' programs, discussions of freedom of radio and the press.

"Boys and girls will participate in a number of these broadcasts."

### Roanoke—WDBJ

The *Roanoke Times,* Sunday morning, June 2, devoted most of its radio page to the Festival with an eight-column banner, "Station WDBJ to Hold Open House in Celebration of Radio Festival Week."

In addition to news stories there was a 450-line ad with the main display reading: WDBJ, RADIO FESTIVAL WEEK, June 3 to 8.

### Richmond—WMBG, WRNL, WRTD, WRVA

Down in the other part of the "Old Dominion" the Richmond stations were likewise busy. The Hon. James H. Price, Governor of Virginia, proclaimed National Radio Festival Week. The NAB essay contest was a part of the festivities.

All week WMBG conducted interviews with high school students in the studio lobby, decorated for the occasion. Walter Bishop, promotion manager, WRVA, was also a busy man during the week as was D. S. Freeman, vice president, WRNL.

A note from Bernard M. Dabney, Jr., director of sales promotion, WRTD, said that WRTD got under way with Radio Festival Friday night, June 1, with a half-hour broadcast from the final ball of the Thomas Jefferson High School. . . .

For the entire week seven to nine news broadcasts per day were handled by students from the staffs of the publications of the Richmond high schools. This included commercial news programs as well as sustaining shows. Of the several dramatic shows which were scheduled one depicted the "differences between radio in 1921 and radio today."

### NBC—Red and Blue

Clay Morgan, NBC director of public relations, sent down a batch of scripts showing how Radio Festival had been incorporated into various programs over WEAF and the Red and WJZ and the Blue. They contributed to an understanding of the fact that National Radio Festival was a grass roots promotion, with activity built around stations. Thank you, Mr. Morgan.

### Jamestown—WJTN

During Radio Festival Week, June 3-8, WJTN performed a notable feat in interpreting the City of Jamestown to its citizens.

Result, in the words of Si Goldman, acting manager, "we have obtained the enthusiastic support of the entire city. Already the broadcasts have tied us in solidly with every civic group."

National Radio Festival was announced in a 600 line ad in both Jamestown papers. Because the Jamestown Radio Festival was pointed to civic-mindedness: the program, copied from an advertisement, appears below:

"Monday, June 3—7:00 to 7:30 p. m.—Opening Broadcast
Place—New Jamestown High School Auditorium.
Music—Jamestown High School Band, New York State Champions.
Speakers—Mayor Leon F. Roberts; Fire Chief Rudolph Swanson; City Legal Consultant Anthony Saeli; Superintendent of Schools Clinton Bush; Police Chief Harry Nelson; Rev, Dr. A. E. Randell, formerly of City Hospital Board; Charles Laycock, Secretary of Chamber of Commerce; Julius King, Publicity Director of Chautauqua.
Jamestown Telephone Broadcast—9:30 to 10:00 p. m.
Place—Jamestown Telephone Exchange Building.

"Tuesday—Fire Department Broadcast—8:00 to 8:30 p. m.
Place—City Hall Engine House, and Wellman Building, to which there will be a demonstration call.
9:15 to 9:30 p. m.—Jamestown Division Alfred University Extension.

"Wednesday—3:00 to 3:30 p. m.—Newspaper Broadcast.
Place—Jamestown Evening Journal.
Participants—Dept. Heads and Newspaper Workers.
8:30 to 9:00 p. m.—City Administration Broadcast.
Place—Council Chamber of Jamestown City Hall.
Participants—Mayor Roberts and City Department Heads.

"Thursday—8:30 to 9:00 p. m.—Jamestown Public School System Broadcast.
Place—WJTN Studios.
Music—Jamestown High School A Cappella Choir.
Participants—Superintendent of Schools Clinton Bush, and Department Heads.
9:30 to 10:00 p. m.—Police Department Broadcast.
Place—Demonstration call between police transmitter and prowl car, to be picked up and rebroadcast by WJTN's transmitter; and round-table police discussion in WJTN Studios.

"Friday—8:30 to 9:00 p. m.—City Hospital Broadcast.
Place—Jamestown General Hospital.
Participants—Ward and Department Heads.

"Saturday—8:30 to 9:00 p. m.—Chamber of Commerce Broadcast.
Place—WJTN Studios.
Music by the Trumpeteers.
Participants—Charles Laycock, Secretary of Chamber of Commerce; and Julius King, Publicity Director of Chautauqua Institution; Charles Brown, Chautauqua Regions."

### Durham—WDNC

"Super crook" Bob Stratton, program director, WDNC, Durham, N. C., matched wits with local police during National Radio Festival and won by two minutes.

It happened during the stolen car demonstration broadcast. The public listened in on the complicated chase as reported via 2-way police radio and WDNC.

"The police were very cooperative," said Mr. Stratton, "and the resulting program was very interesting."

On Friday evening WDNC broadcast an amateur radio demonstration. During the week all types of radio sets were displayed in the large studio.

### Des Moines—KSO-KRNT

Twenty-three thousand three hundred (23,300) people attended KSO-KRNT, Des Moines, Radio Festival picnic, Sunday, June 2. 23,300 folks said it was a big success!

The event was publicized for two weeks over the air. In addition, Mary Little's column in the Register and Tribune carried notes and there were regular KSO-KRNT posters on the backs of all street cars.

At the entrance gate each picnicker received a list of the forty prizes for the drawings and tickets for the free rides in the amusement park where the event was held. The picnic began at 10:00 a. m. and ended at 11:00 p. m. with a "fireworks display from across the lagoon."

The stations are continuing Radio Festival through June with a daily give-away of a radio set. "It is having a very decided effect on the general radio listening," according to Craig Lawrence, commercial manager.

### COLUMBUS—WHKC

WHKC, Columbus, Ohio, "is right on top in National Radio Festival Week" according to Bob French, production manager.

Mr. French wrote:

> "Not only is this station carrying out the plans for talks and announcements which you outlined, but we are incorporating several ideas of a purely local nature, which we believe will stack up with the best of them.
>
> "Again may we thank you for your suggestions and assure you of our utmost cooperation in this very worthwhile venture."

### BRIDGEPORT—WICC

> "At the end of this week we will have completed what I feel has been a real effort to sell radio to the public; and especially we have made a great many school children conscious of our industry."

That's the conclusion of Joseph Lopez, supervisor, WICC, Yankee Network, Bridgeport, Conn. In addition he wrote:

"We began last week carrying special programs made up from the various schools of this area to announce the National Radio Festival and are intensifying this project this week. We have been able to get together some very good programs of school groups and have made this open house at our studios. We are showing in the windows of our New Haven building a display built around the Festival. Last night (June 3) I concluded a series of three talks taken from the ABC of Radio which have also been well received.

"About a month ago we began, in cooperation with other Connecticut stations, an essay contest among the children of the 6th, 7th and 8th grades elementary schools, and all grades of high school on the subject: 'The American System of Broadcasting—Why It is Best for Americans.' The booklets, 'The ABC of Radio' were widely distributed among the schools for reference.

"All essays have been submitted to general headquarters for Connecticut at WTIC, Hartford, for judging and awarding of prizes.

"This essay contest not only aroused considerable interest but the booklet has been widely examined and has also created additional interest in radio. This coming Saturday evening (June 8) we are planning to carry a special half hour program from Hartford to present the winners, etc."

### ATLANTIC CITY—WBAB

The Honorable A. Harry Moore, Governor of New Jersey, was the first Governor of the seaboard states to proclaim National Radio Festival. The event was celebrated during the week of June 3-8.

Norman Reed, managing director of WBAB, Atlantic City, secured Governor Moore's proclamation as well as one by Thomas D. Taggart, Jr., Atlantic City's Mayor.

WBAB maintained Open House throughout the week, presented special musical programs and announcements. A highlight was a 30-minute dramatic presentation on Friday at 9:30 p. m., in which the public was taken behind the scenes in a broadcast station.

# Engineering

## IRE CONVENTION

The Fifteenth Annual Convention of the Institute of Radio Engineers will be held June 27, 28, 29 at Hotel Statler, Boston, Massachusetts. This year's program should be of unusual interest to broadcast engineers because about half of the program will be devoted to television, frequency modulation, high-power air-cooled tubes, and ultra-high-frequency transmission.

Several inspection trips of unusual interest have been scheduled. Probably the outstanding trip will be the one to Paxton to inspect the 50 KW FM transmitter of the Yankee Network. Paul deMars, Technical Director of the Yankee Network, will demonstrate frequency-modulated-wave reception and relay transmission and will illustrate the peculiar merits of frequency modulation. Other inspection trips of unusual interest will be made to the new WBZ 50 KW transmitter, Hygrade Sylvania Tube factory, U. S. Coast Guard air base at Salem, Harvard Engineering and Research Laboratories, General Radio, and Massachusetts Institute of Technology.

Eight highly interesting papers will be presented on television. These will be:

"A portable Television Transmitter," by C. D. Kentner, RCA Manufacturing Company; "Small Iconoscopes of Recent Design," by W. H. Hickok, RCA Manufacturing Company; "A New Method of Synchronization for Television Systems," by T. T. Goldsmith, R. L. Campbell, and S. W. Stanton, Allen B. DuMont Laboratories; "A Type of Light Valve for Television Reproduction," by J. S. Donal, Jr., and D. B. Langmuir, RCA Manufacturing Company; "Synchronizing and Deflection Circuits of a Television Receiver," by R. E. Moe, General Electric Company; "Television Radio Relaying," by F. H. Kroger, Bertram Trevor, and J. E. Smith, RCA Communications; "The Influence of Filter Shape-Factor on Single-Sideband Distortion," by J. C. Wilson and H. A. Wheeler, Hazeltine Service Corporation; and "High Oscillation Stability Without Crystals," by S. W. Seeley and E. I. Anderson, RCA License Laboratory.

The subject of Frequency Modulation will be well covered by six timely papers on the subject. These will be:

"Interference Between Stations in Frequency-Phase-Modulation Systems," by Dale Pollack, Cambridge, Mass.; "Interference Between Two Frequency-Modulated Signals," by Stanford Goldman, General Electric Company; "A New Broadcast Transmitter Circuit Design for Frequency Modulation," by J. F. Morrison, Bell Telephone Laboratories; "Frequency-Modulation-Systems Characteristics," by M. L. Levy, Stromberg-Carlson Telephone Manufacturing Company; "National Broadcasting Company's Field Test of Frequency Modulation," by R. F. Guy and R. M. Morris, National Broadcasting Company; "Demonstration of Frequency-Modulated-Wave Broadcast Systems," by E. H. Armstrong and P. A. deMars, Columbia University, and the Yankee Network, respectively.

R. N. Harmon, of Westinghouse, will describe an air-cooled 50 KW transmitter and I. E. Mouromtseff and W. G. Morgan, of Westinghouse, will deliver a paper on large air-cooled tubes for use in 50 KW transmitters.

The papers on ultra-high-frequencies and microwaves will include: "Microwaves—Present and Future," by a Massachusetts Institute of Technology group, led by W. L. Barrow; "Ultra-Short-Wave Transmission Over a Fixed Optional Path," by C. R. Englund, A. B. Crawford, and W. W. Mumford, Bell Laboratories; "Centimeter-Wave-Detector—Measurements and Performance," by E. G. Linder and R. A. Braden, RCA Manufacturing Co.; "A New UHF Tetrode and Its Use in a 1-KW Television Sound Transmitter," by A. K. Wing, Jr., and J. E. Young, RCA; "An Ultra-High-Frequency Dosemeter-Diatherm," by J. D. Kraus and R. W. Teed, University of Michigan; "A Radio-Frequency Bridge for Measurements Up to 30 Megacycles," by D. B. Sinclair, General Radio Company; "The Measurement of Coil Reactance in the 100-Megacycle Region," by Ferdinand Hamburger, Jr., and C. F. Miller, Johns Hopkins University; "The Entrance of Ultra-High-Frequencies Into Air-Transport Communications," by J. G.

Flynn, Jr., American Airlines, Inc.; "Microwave Beams for Instrument Landing of Airplanes," by W. L. Barrow, Massachusetts Institute of Technology, Cambridge, Mass.; and "A Microwave Receiver for Instrument Landing," by F. D. Lewis, Massachusetts Institute of Technology, Cambridge, Mass.

There will be the usual commercial exhibits and annual banquet. A copy of the full program is being sent to each NAB member and further details may be obtained from the Director of Engineering or by writing to Harold P. Westman, Secretary, Institute of Radio Engineers, 330 West 42nd Street, New York City.

# The Commission

## BROWN REAPPOINTED

President Roosevelt this week nominated Col. Thad H. Brown to succeed himself as a member of the FCC. His present term expires on June 30 and the new term is to be from June 30, 1940, to June 30, 1947. The nomination has been referred to the Senate Committee on Interstate Commerce.

## FLY SAYS TELEVISION INTERESTS ARE MOVING FORWARD

FCC Chairman James Lawrence Fly, at a press conference early this week, said that he saw some indications of the industry's getting to work on television and trying to do the job constructively and to move forward. This answer was made by the Chairman to a question as to whether the Commission saw any indication of the television industry getting together.

Mr. Fly told newsmen that the question of the industry's agreement was not the sole question. The prime question, he said, was one of satisfactory performance. The Commission, Mr. Fly stated, was not concerned with an agreement in the sense of commercial interests getting together and agreeing on a scheme to satisfy their own business interests. The Commission will rely on engineering opinion as to efficiency and actual improvement of television standards.

"What we are shooting at," Chairman Fly said, "is a level of performance and looking for engineering opinion on the merits of standards."

Television was not deadlocked, he said. On the contrary it has been put on a basis for engineering advance. The Commission, Mr. Fly said, was ready to make a substantial number of grants which would allow the public to participate in experimentation.

Mr. Fly told the conference that he expected the Monopoly Committee will make its report to the Commission sometime this week, but he said no action has been taken by the Commission itself as to when or if the report will be made public.

## FOREIGN AMATEUR COMMUNICATION BANNED

Immediate ban on amateur radio communication with foreign stations was today ordered by the Federal Communications Commission. There are approximately 55,000 amateurs licensed by the Commission.

This prohibition, however, does not apply to amateur communications between licensed amateur stations in the continental United States and its territories and possessions; nor does it apply to United States citizens authorized to operate amateur stations in the Philippine Islands or the Canal Zone when such persons are communicating with amateurs in the United States.

Order No. 72, pursuant to Section 303 of the Communications Act and in accordance with Article 8, Section 1, General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunications Convention (Madrid, 1934), as issued today, reads in the main:

> "IT IS ORDERED, That amateur radio operators and amateur radio stations licensed by the Federal Communications Commission shall not exchange communications with operators or radio stations of any foreign government or located in any foreign country; Provided, however, that this Order is not intended to prohibit the exchange of communications between licensed amateur operators and licensed amateur stations in the continental United States and licensed amateur operators and licensed amateur stations in the several Territories and possessions of the United States, or between licensed amateur operators and licensed amateur stations in the Continental United States and United States citizens authorized to operate amateur stations in the Philippine Islands or the Canal Zone, or between licensed amateur operators and licensed amateur stations in the several Territories and possessions of the United States.
>
> IT IS FURTHER ORDERED, That all Rules and Regulations of the Commission inconsistent with this Order BE, AND THE SAME ARE HEREBY, SUSPENDED, pending the further Order of the Commission.
>
> This Order shall become effective immediately."

## FCC AMENDS BROADCAST RULES

FCC has announced that Section 3.71 of its rules dealing with minimum operating schedules has been amended to read as follows:

> "Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a. m. and 6 p. m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p. m. and midnight, local standard time, except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge shall be notified in writing immediately after the emergency develops."

## FCC ASSIGNMENTS

FCC has announced that the work, business and functions of the Commission for the month of June have been assigned as follows:

Commissioner Payne—Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Walker—Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise ordered by the Commission, all motions, petitions, or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Section 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## HIGH FREQUENCY ALLOCATIONS

Specific allocations of frequencies in the band 116,000 to 119,000 kilocycles, and in the band 156,000 to 162,000 kilocycles, have been approved by the Federal Communications Commission in accordance with Order No. 67 to become effective June 18 as follows:

| *Frequency kc.* | *Allocation* |
|---|---|
| 116,050 | Special Services and Experimental |
| 116,150 | Police |
| 116,250 | Experimental |
| 116,350 | Coastal and Ship Harbor |
| 116,450 | Special Services and Experimental |
| 116,550 | Police |
| 116,650 | Special Emergency |
| 116,750 | Relay Press |
| 116,850 | Special Services and Experimental |
| 116,950 | Police |
| 117,050 | Experimental |
| 117,150 | Relay Press |
| 117,250 | Special Services and Experimental |
| 117,350 | Police |
| 117,450 | Forestry |
| 117,550 | Marine Fire |
| 117,650 | Special Services and Experimental |
| 117,750 | Police |
| 117,850 | Special Emergency |
| 117,950 | Relay Press |
| 118,050 | Special Services and Experimental |
| 118,150 | Police |
| 118,250 | Experimental |
| 118,350 | Coastal and Ship Harbor |
| 118,450 | Special Services and Experimental |
| 118,550 | Police |
| 118,650 | Experimental |
| 118,750 | Relay Press |
| 118,850 | Special Services and Experimental |
| 118,950 | Forestry |

| *Frequency kc.* | *Allocation* |
|---|---|
| 156,075 | Broadcast |
| 156,225 | Fixed |
| 156,675 | Broadcast |
| 156,825 | Broadcast |
| 156,975 | Experimental |
| 157,125 | Fixed |
| 157,275 | Fixed |
| 157,425 | Special Services and Experimental |
| 157,575 | Broadcast |
| 157,725 | Experimental |
| 157,875 | Fixed |
| 158,025 | Fixed |
| 158,175 | Special Services and Experimental |
| 158,325 | Broadcast |
| 158,475 | Broadcast |
| 158,625 | Police |
| 158,775 | Fixed |
| 158,925 | Fixed |
| 159,075 | Special Services and Experimental |
| 156,375 | Fixed |
| 156,525 | Special Services and Experimental |
| 159,225 | Broadcast |
| 159,375 | Broadcast |
| 159,525 | Fixed |
| 159,675 | Fixed |
| 159,825 | Special Emergency |
| 159,975 | Broadcast |
| 160,125 | Fixed |
| 160,275 | Fixed |
| 160,425 | Special Services and Experimental |
| 160,575 | Fixed |
| 160,725 | Fixed |
| 160,875 | Forestry |
| 161,025 | Broadcast |
| 161,175 | Broadcast |
| 161,325 | Special Services and Experimental |
| 161,475 | Fixed |
| 161,625 | Fixed |
| 161,775 | Experimental |
| 161,925 | Broadcast |

Frequencies between 116,000 and 119,000 kilocycles are assignable on an experimental basis only in the service for which allocated until January 1, 1942. In the first mentioned band, assignments made prior to January 1, 1941, will be on a basis of non-interference to existing broadcast stations on frequencies between 116,000 and 118,000 kilocycles, and to existing Government stations on frequencies between 118,000 and 119,000 kilocycles.

Frequencies between 129,000 and 132,000 kilocycles, and between 140,000 and 144,000 kilocycles, are also available for experimental purposes in accordance with the rules and regulations governing such service.

# FEDERAL COMMUNICATIONS COMMISSION

## FINAL ORDERS

The FCC has announced the adoption of an order granting the applications of the Nevada Broadcasting Company and the Las Vegas Broadcasting Company, both for new stations in **Las Vegas, Nevada,** the Nevada Broadcasting Company to operate on frequency **1370 kilocycles,** with power of 100 watts night, 250 watts day, unlimited time, and the Las Vegas Broadcasting Company to use **1420 kilocycles,** with the same power and unlimited hours of operation, subject to the condition that permittees shall file application for modification of construction permit, specifying exact transmitter locations within two months after effective date of order.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments are scheduled to be heard before the Commission in broadcast cases during the week beginning June 10.

## FUTURE HEARINGS

During the past week the Commission has announced the following tentative dates for hearings in broadcast cases. They are subject to change.

### July 1

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.,** 250 watts, unlimited time.

### July 2

NEW—The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—C. P., **1500 kc.,** 250 watts, unlimited time.

### July 3

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.,** 250 watts, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

Western Radio Corp., The Dalles, Ore.—Granted construction permit for a new station to operate on **1200 kc.,** 100 watts night, 250 watts day, unlimited time (B5-P-2838).

WTSP—Sam H. Mann, McKinney Barton and Dorothy Line, St. Petersburg, Fla.—Granted authority to transfer control of the Pinellas Broadcasting Company, licensee of station WTSP, from Sam H. Mann, McKinney Barton and Dorothy Line, to Nelson P. Poynter, 50 shares of common stock for a total consideration of $39,000. Station operates on **1370 kc.,** 250 watts, unlimited time (B3-TC-211).

WSYR-WSYU—M. S. Wilder, Syracuse, N. Y.—Granted authority to transfer control of Central New York Broadcasting Corp., licensee of WSYR-WSYU, from M. S. Wilder to H. C. Wilder, 1500 shares of common stock (par value $15,000). Station operates on **570 kc.,** 1 KW, unlimited time, DA day and night (B1-TC-214).

WJTN—Harry C. Wilder, Jamestown, N. Y.—Granted authority to transfer control of James Broadcasting Co., Inc., licensee of WJTN, from Harry C. Wilder to Jay E. Mason, 490 shares of common stock for $4,900 and 75 shares of preferred stock for $7,500. Station operates on **1210 kc.,** 250 watts, unlimited time (B1-TC-208).

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted renewal of high frequency broadcast license for the period ending January 1, 1941, on an experimental basis only, conditionally.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted modification of license to add frequency **17800 kc.** in addition to the presently authorized frequencies used by international station WLWO—**6060, 9590, 11870, 15270,** and **21650 kc.** (B2-MLIR-27).

WSPB—WSPB, Inc., Sarasota, Fla.—Granted modification of license to increase nighttime power from 100 to 250 watts, operating on **1420 kc.** (B3-ML-950).

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted construction permit to make changes in transmitter and increase power from 100 to 250 watts, unlimited time, on **1310 kc.** (B5-P-2779).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted construction permit to install new transmitter and increase power from 100 to 250 watts on **1210 kc.,** S-WGBB-WBRB (B1-P-2786).

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Granted modification of license to increase night power from 100 to 250 watts, on **1210 kc.,** unlimited time (B5-ML-993).

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted modification of construction permit (B1-P-2240) authorizing increase in night power from 100 to 250 watts, operating on **1200 kc.,** unlimited time (B1-MP-897).

The Commission announced the grant of the following application:

West Virginia Radio Corp., Morgantown, W. Va.—Granted construction permit for a new station to operate on **1200 kc.,** 250 watts, unlimited time. Exact transmitter, studio site and antenna system to be determined subject to Commission's approval.

## DESIGNATED FOR HEARING

Glover Weiss, trading as Glover Weiss Co., Jacksonville, Fla.—Application for construction permit to erect a new station to operate on **1440 kc.,** 250 watts, unlimited time (B3-P-2812).

## MISCELLANEOUS

KVIO—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Denied petition for rehearing filed in re application of KIRO, the Queen City Broadcasting Company, for authority to move transmitter and increase power from 1 KW to 10 KW, unlimited time, which was granted by the Commission on April 16.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to change hours of operation from EST to EDST for the period June 1 to August 1. Also granted special temporary authority to operate from 10:30 a. m. to 12:30 p. m., EDST on June 9, in order to broadcast Commencement Exercises of Theological School; from 2:30 to 4 p. m., EDST on June 9, in order to broadcast Baccalaureate Sermon of College; from 10 a. m. to 12:30 p. m., in order to broadcast Graduating Exercises of College, and from 1:30 to 3 p. m., EDST on June 10 in order to broadcast Senior Luncheon.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 9:15 p. m. to 12 midnight EST, on June 7 in order to broadcast election returns only; also granted special temporary authority to operate from 9:15 p. m. to 10 p. m., EST on June 3, in order to broadcast the Mercer University Graduation Exercises.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts local sunset (June 7:30 p. m., CST) to 9 p. m., CST on June 5, in order to broadcast commencement exercises of Madonna High School and to operate from 7:30 to 9 p. m., CST on June 14, in order to broadcast Americanism program to be presented by Aurora Lodge of Elks.

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Granted motion for postponement of hearing from June 3 to July 2 on application for new station to operate on **1370 kc.,** 250 watts, unlimited time.

The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—Granted petition for continuance of hearing from June 11 to July 2 in re application for new station to operate on **1500 kc.,** 250 watts, unlimited time.

WMBG—Havens & Martin, Richmond, Va.—Granted construction permit to install new auxiliary transmitter, using 1 KW instead of 250 watts, for emergency use only. (B2-P-2876)

WBZ—Westinghouse E and M Co., Boston, Mass.—Granted modification of construction permit (B1-P-2161) as modified, for extension of completion date from 6-30-40 to 9-30-40. (B1-MP-984)

WSUI—State University of Iowa, Iowa City, Ia.—Granted license to cover construction permit authorizing increase in power to 1 KW, 5 KW LS, installation of new transmitter and DA for day and night use, and move of transmitter; **880 kc.** Also granted authority to determine operating power by direct measurement of antenna power. (B4-L-1153 and B4-Z-401)

KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—Granted authority to determine operating power by direct measurement of antenna power. (B5-Z-399)

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted authority to determine operating power by direct measurement of antenna power. (B4-Z-400)

WDAE—Tampa Times Co., Tampa, Fla.—Granted license to cover construction permit (B3-P-2554), which authorized changes in equipment, installation of directional antenna for day and night use and increase in power to 5 KW; **1220 kc.,** unlimited time (B3-L-1152). Also granted authority to determine operating power by direct measurement of antenna power. (B3-Z-398)

KEGE—A. E. Belo Corp., area of Dallas, Tex.—Granted construction permit to install new transmitter and decrease power from 3 to 2 watts in portable-mobile relay station. (B3-PRE-356)

W3XPY—Bell Tel. Labs., Inc., Whippany, N. J.—Granted license to cover construction permit for new developmental broadcast station; frequency **43,200 kc.,** 5 KW. (B1-LEX-14)

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted modification of construction permit (B2-P-2578), authorizing approval of antenna and specifying transmitter site to be used for 1 KW equipment as site now used; 5 miles So. of Harrisonburg, East of Valley Pike. (B2-MP-966)

WHLD—The Niagara Falls Gazette Publ. Co., Niagara Falls, N. Y.—Granted license to cover construction permit (B1-P-2210) as modified, which authorized a new station to operate on **1260 kc.,** 1 KW, daytime hours of operation (B1-L-1151). Also granted authority to determine operating power by direct measurement of antenna input. (B1-Z-396)

WEHH—Columbia Broadcasting System, Inc., Portable-Mobile (area of N. Y. City).—Granted modification of construction permit (B1-PRE-281) as modified, which authorized changes in equipment and reduction of power to 15 watts, for authority to increase power from 15 watts to 30 watts and make changes in equipment. (B1-MPRE-44)

Hagerstown Broadcasting Co., Hagerstown, Md. area.—Granted construction permit for new relay broadcast station; frequency **1622, 2058, 2150, 2790 kc.,** 100 watts. (B1-PRY-220)

WEGP—Berks Broadcasting Co., Portable-Mobile, area of Reading, Pa.—Granted construction permit to increase power in relay station to 2 watts, and install new transmitter. (Bq-PRE-353)

WAAU—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to transmit to standard broadcast station WAPI, Birmingham, Ala., on June 1 and 2, 1940, in connection with the Birmingham Air Races; transmitter to be operated aboard plane.

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wisc.—Granted extension of special temporary authority to operate specified time 8:00 a. m. to 4:15 p. m. CST daily for the period June 17, 1940, to not later than July 16, 1940, pending the completion of plans being made for additional station personnel to permit full daytime operation.

KUSD—University of South Dakota, Vermillion, S. D.—Granted special temporary authority to remain silent for the period June 11, 1940, to not later than August 1, 1940, in order to observe the University's summer vacation.

WLWJ—The Crosley Corp., Portable-Mobile (area of Cincinnati, Ohio).—Granted license to cover construction permit for new relay broadcast station; frequencies **1606, 2022, 2102, 2758 kc.,** power 50 watts. (B2-LRY-192)

WPRO—Cherry & Webb Broadcasting Co., East Providence, R. I. —Granted license to cover construction permit for changes in directional antenna system, and increase in power from 1 KW night, 5 KW day, to 5 KW day and night (B1-L-1156)

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit for increase in power, install directional antenna for night use, and make equipment changes; **950 kc.,** 5 KW, unlimited time, directional antenna night (B4-L-1155). Also granted authority to determine operating power by direct measurement of antenna input. (B4-Z-402)

WOCB—Harriett M. Alleman & Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of construction permit as modified which authorized construction of a new broadcast station, to install a new transmitter; **1240 kc.,** 250 watts, unlimited time (B1-MP-986)

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Granted modification of construction permit as modified which authorized construction of new broadcast station, for a new transmitter and extend commencement and completion dates from December 2, 1939 and June 2, 1940, to 2 days after grant and 60 days thereafter respectively; **1210 kc.,** 100 watts, 250 watts LS, unlimited time (B2-MP-983)

Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Granted petition to reconsider and grant without a hearing the application for a new station to operate on **1200 kc.,** 250 watts, unlimited hours, subject to condition that permittee shall file an application for modification of construction permit within two months after effective date of order, specifying exact transmitter location and antenna system.

KSFO—The Associated Broadcasters, Inc., San Francisco, Cal.—Denied petition to change present assignment of KSFO, subject to final determination of any conflicting applications for the frequency involved, so as to operate with use of the facilities **740 kc.** with 50 KW night and day, unlimited time, employing a directional antenna.

Radio Corp. of Orlando, Orlando, Fla.—Dismissed petition for reconsideration of Commission grant and request for joint hearing in the matter of the application of Hazlewood, Inc., Orlando, Fla., for construction permit to erect a new station to operate on **1200 kc.,** 250 watts, unlimited time. (B3-P-2394)

KOAC—Oregon State Agriculture College, Corvallis, Ore.—Dismissed petition for rehearing and request for special relief, directed to the opinion and Final Order of the Commission, granting the application of Salt River Valley Broadcasting Co. (KOY) for modification of license to change frequency from **1390 kc.** to **550 kc.,** with 1 KW power.

Broadcasting Corp. of America, Riverside, Cal.—Denied petition to grant without a hearing the application for a new station to operate on **1390 kc.,** 1 KW, unlimited time. Notice of hearing upon said application (B5-P-2648) to be amended to substitute Riverside Broadcasting Co. in place of Howard T. Sampson whose application has been withdrawn without prejudice. (B5-P-2296)

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Denied petition for rehearing in the matter of the application of Hazlewood, Inc., Orlando, Fla., for a new station to use frequency **1200 kc.,** 250 watts, unlimited time. (B3-P-2394)

WCOL—WCOL, Inc., Columbus, Ohio.—Granted license to cover construction permit for change in frequency from **1210** to **1200 kc.,** increase in power from 100 watts to 250 watts, and changes in equipment (B2-L-1154).

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted special temporary authority to rebroadcast the regular routine messages of Jamestown Police Radio Station WJNY and the mobile units connected therewith from 7:30 p. m. to 8 p. m., EST, on June 5, 1940, in connection with the National Radio Festival.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted special temporary authority to remain silent for the period June 7, 1940, to not later than August 1, 1940, in order to observe regular school vacation.

WNBM—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast station WNBM on board steamship *Brazil* using a 500-watt NBC Composite transmitter, type P-500-A, serial No. 1, crystal control, high level modulation with 4 RCA 805 tubes in the last radio stage, under the permissive proviso of Section 308(A) of the Act, and to operate on additional frequencies **4797.5, 6425, 9135, 12862.5,** and **17310 kc.,** in order to relay broadcast Toscanini concerts and special program material from the *Brazil* bound for east coast South American ports to South American broadcast stations whenever feasible, for a period not to exceed 30 days (provided no interference is caused ship station WSBW or to any other radio service).

John B. Cooley, Minot, N. D.—Granted special temporary authority to operate two relay transmitters on **300 mc.** and **301 mc.,** power 2 watts, from June 16, 1940, to not later than June 22, 1940, in order to relay broadcast program material from the North Dakota State Fair in Minot, N. D., to Radio Station KLPM (equipment to be in accordance with diagram attached to letter dated May 22, 1940).

Sioux City Broadcasting Co., Sioux City, Iowa.—Granted special temporary authority to operate two relay broadcast stations on frequencies listed in Group A and Group D, Sec. 4.23, power 10 watts, in order to relay broadcast program in connection with the Missouri River barge celebration, to Radio Station KTRI on June 10, 1940.

## APPLICATIONS FILED AT FCC

### 630 Kilocycles

WPRO—Cherry and Webb Broadcasting Co., Providence, R. I.—License to cover construction permit (B1-MP-831) as modified for changes in directional antenna and increase in power.

### 710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Extension of special experimental authority for transmission of facsimile signals from 1 a. m. to sunrise, EST, using 50 KW power, period beginning 8-1-40.

### 760 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—License to cover construction permit (B5-P-1702) as modified for increase in power, move of transmitter, changes in equipment, installation of vertical antenna, and approval of studio site.

### 830 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Construction permit to install new transmitter and vertical radiator, and increase power from 1 KW to 1 KW night, 5 KW day. Requests Class II station.

### 950 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Mo.—License to cover construction permit (B4-P-2507) as modified for increase in power, install directional antenna for night use, and make equipment changes.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct measurement of antenna power.

### 1010 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 1 to 5 KW, install new transmitter and directional antenna for night use, and move transmitter. Requests Class III-A station.

### 1050 Kilocycles

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Modification of construction permit (B4-P-1865) as modified for new transmitter, antenna, and move of transmitter and studio, further requesting authority to install directional antenna for night use, and change power and hours of operation from 5 KW, limited time, to 5 KW to sunset at KNX (PST) and 1 KW thereafter, unlimited time; extend commencement date to 30 days after grant and completion date to 90 days thereafter. Amended to change requested power to 1 KW night, 5 KW day.

### 1060 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Construction permit to install directional antenna for night use, change frequency from **1060** to **1040 kc.**, increase power from 500 watts to 1 KW, time from limited to unlimited. Request Class II station.

### 1130 Kilocycles

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—License to cover construction permit (B4-P-2801) to install new transmitter and make changes in antenna.

NEW—LaGrange Broadcasting Co., LaGrange, Ga.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time. Amended to give transmitter location as LaGrange and studio as Broom St., LaGrange, Ga.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Construction permit to make changes in equipment and increase power from 100 to 250 watts day and night. Amended re antenna.

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Modification of construction permit (B2-P-1809) as modified for a new station to install new transmitter, change in type of antenna, extend commencement and completion dates from 12-2-39 and 6-2-40 to 2 days after grant and 60 days thereafter, respectively. Amended to omit request for changes in antenna.

WOCB—Harriett A. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of construction permit (B1-P-1140) as modified for a new station, to install new transmitter.

### 1220 Kilocycles

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2261) for a new station, requesting authority to increase power from 100 watts night, 250 watts day, to 250 watts day and night; change type of transmitting equipment; approval of antenna; and change proposed location of studio and transmitter sites; extend commencement and completion dates to 30 and 180 days, respectively.

### 1340 Kilocycles

KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) for a new station, for approval of transmitter site, approval of antenna, install new transmitter, and move studio. Class III-B station.

### 1420 Kilocycles

WELL—Enquirer-News Co., Battle Creek, Mich.—Voluntary assignment of construction permit (B2-P-2669) for increase in power, install new transmitter, and make antenna changes, from Enquirer-News Co. to Federated Publications, Inc.

### 1500 Kilocycles

KBST—The Big Spring Herald Broadcasting Co., Big Spring, Tex.—Authority to transfer control of corporation from Joe Galbraith (250 shares common stock) to Howard Barrett, 75 shares; Bonnie Davis, 75 shares; Houston Harte, 50 shares; and M. B. Hanks, 50 shares common stock.

### MISCELLANEOUS

WGEO—General Electric Co., So. Schenectady, N. Y.—Modification of license to change frequencies from **6190**, **9530** and **21590 kc.** to **6190**, **9530** and **15330 kc.**, sharing time on **6190** and **15330 kc.** with stations KGEI and WGEA; **9530 kc.** with station KGEI.

KGEA—General Electric Co., So. Schenectady, N. Y.—Modification of license to add the frequencies **6190** and **21590 kc.** to those already licensed, sharing time on **6190 kc.** with stations KGEI and WGEO and unlimited time on **21590 kc.**

WGEA—General Electric Co., So. Schenectady, N. Y.—Construction permit to increase power from 25 to 50 KW, install new transmitter, and add the frequencies of **6190** and **21590 kc.** to those already licensed, sharing time on **6190 kc.** with stations KGEI and WGEO and unlimited time on **21590 kc.**

WLWD—The Crosley Corp., Mobile.—License to use equipment of relay station WLWJ.

KGEI—General Electric Co., San Francisco, Calif.—Construction permit to increase power from 20 to 50 KW and install new transmitter.

NEW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—Construction permit for a new non-commercial educational broadcast station to be operated on **42100 kc.**, 1000 watts, special emission for frequency modulation.

NEW—The Associated Broadcasters, Inc., Portable-Mobile (area San Francisco, Calif.)—Construction permit for a new relay broadcast station to be operated on **1622**, **2058**, **2150** and **2790 kc.**, 15 watts, Emission A-3.

W7XSW—Symons Broadcasting Co., Spokane, Wash.—Modification of construction permit (B5-PFB-16) for new facsimile broadcast station, requesting authority to extend commencement and completion dates from 3-24-40 and 9-24-40 to 9-1-40 and 1-1-41, respectively.

WAFK—A. Frank Katzentine, Portable-Mobile (area Miami Beach, Fla.).—Modification of construction permit (B-PRY-207) to change frequencies from **1646**, **2090**, **2190**, **2830** to **1622**, **2058**, **2150**, **2790 kc.**, and extend commencement date from 6-11-40 to 30 days after grant.

NEW—The Maryland Broadcasting Co., Baltimore, Md.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time, Class IV station. Amended to give transmitter location as 1220-1230 Curtain Ave., Baltimore, Md., and install vertical antenna.

W2XWE—WOKO, Inc., Albany, N. Y.—License to cover construction permit (B1-PFB-18) to move transmitter locally.

W3-XMC—McNary and Chambers, Washington, D. C.—License to cover construction permit (B1-PHB-225) which authorized local move of transmitter.

WHPR—WHP, Inc., Portable-Mobile (area Harrisburg, Pa.—License to cover construction permit (B2-PRE-339) for a new relay broadcast station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Agricultural Insecticide & Fungicide Association**—An unlawful price fixing conspiracy in the sale of chemicals, fertilizers, insecticides, fungicides and related items, is alleged in a complaint issued against the Agricultural Insecticide & Fungicide Association, New York, its officers, directors and members, and against five cooperating corporations, the Allegheny Chemical Corporation, Reading, Pa.; Ansbacher-Siegle Corporation, Brooklyn, and General Chemical Company, Phelps Dodge Refining Corporation, and Tennessee Corporation, all of New York.

Association officer respondents are: R. N. Chipman, Bound Brook, N. J., chairman of the board of directors, and L. S. Hitchner, president and treasurer, and June C. Heitzman, secretary, both of New York.

Respondent members of the association board of directors are: R. N. Chipman, Bound Brook, N. J.; H. D. Whittlesey, Cleveland; H. P. Mansfield, Wilmington, Del.; J. B. Cary, Middleport, N. Y.; J. H. Boyd, Memphis, Tenn.; A. J. Flebut, Richmond, Calif.; G. F. Leonard, Louisville, Ky., and R. E. Demmon, G. E. Riches, and L. S. Hitchner, New York.

Twenty-six respondent association member companies, named as representative of the entire membership, are: Acme White Lead and Color Works, Detroit; American Agricultural Chemical Co., American Cyanamid and Chemical Corp., George W. Cole and Company, Inc., Derris, Inc., John Powell & Co., Inc., and Stauffer Chemical Co., Inc., all of New York; American Nicotine Company, Inc., Henderson, Ky.; The Antiseptic Products Company, Denver, Colo.; California Spray-Chemical Corporation, Richmond, Calif.; Chipman Chemical Company, Inc., Bound Brook, N. J.; Hercules Glue Company, Ltd., trading as Colloidal Products Corporation, San Francisco; Commercial Chemical Company, Memphis, Tenn.; Dow Chemical Company, Midland, Mich.; E. I. duPont de Nemours & Company, Inc., Wilmington, Del.; The Latimer-Goodwin Chemical Company, Grand Junction, Colo.; Fred L. Lavanburg Company, Brooklyn, N. Y.; Lucas Kil-Tone Co., Philadelphia; Niagara Sprayer and Chemical Co., Inc., Middleport, N. Y.; Nicotine Production Corporation, Inc., Clarksville, Tenn.; Sherwin-Williams Co., Inc., Cleveland; Southern Acid & Sulphur Co., Inc., St. Louis; J. M. Taylor, E. P. Brown and E. W. Parker, trading as Taylor Chemical Works, Ltd., Aberdeen, N. C.; Tobacco By-Products and Chemical Corporation, Louisville, Ky.; The J. W. Woolfolk Company, Fort Valley, Ga., and Pittsburgh Plate Glass Company, Corona Chemical Division, Milwaukee.

Among the products manufactured and distributed by the 26 respondent member companies and three of the five cooperating corporations are chemicals, fertilizers, various types of insecticides and fungicides and related items. Two of the cooperating companies, Phelps Dodge Refining Corporation and Tennessee Corporation, manufacture and distribute monohydrated copper sulphate and certain other copper by-products and specialties which are used in the manufacture of certain insecticides and fungicides.

It is alleged that on or about October 1, 1936, the respondent association and member and cooperating companies entered into an understanding, agreement or conspiracy among themselves to restrain competition in the sale of their products by agreeing to fix and maintain uniform prices, terms and discounts and to cooperate with each other in maintaining this program.

Pursuant to these arrangements, it is alleged, the respondent association acted as a clearing house for exchange of sales and price information submitted by members; association members held regular meetings at which trade policies and prices were established; the association compiled and distributed to the respondent members and cooperating companies white lists or "Distributor Guides" containing names of dealers to whom to sell on a wholesale basis to the exclusion of other dealers, and the association assisted in policing the respondent members and the cooperating respondents in enforcing the use of the white lists.

In further pursuance of the understandings and agreements, it is alleged, the association compiled and distributed to members and cooperating respondents lists of dealers to be recognized as retail dealers to the exclusion of other dealers, and maintained an open price filing system whereby it relayed to the respondent members and cooperating companies advance notice of immediate and future price rises and declines.

It is alleged that results of these activities have been the suppression of competition in the interstate sale of the respondents' products; empowering the respondents to control the market and enhance prices, and a tendency to create a monopoly in the respondents, all in violation of the Federal Trade Commission Act. (4145)

**Beautiderm Company**—See Electrolysis Associates, Inc.

**Electrolysis Associates, Inc.**, 1451 Broadway, New York, and its president, treasurer and majority stockholder, Louis Zinberg, trading as Beautiderm Company, of the same address, have been served with a complaint alleging misleading representations in the sale of "Beautiderm Midget", a device for removing superfluous hair.

Among representations allegedly contained in the respondents' advertising matter were that their device is an effective, efficient, safe and scientific apparatus for the electrolytic removal of superfluous hair permanently, painlessly and harmlessly by individual self-application.

The complaint alleges that operation of the respondents' device involves insertion of a needle into the hair follicle for destroying the root of the hair by electrolysis, which process may cause serious injury to health. The complaint further alleges that the device will not accomplish the results claimed and is not safe, painless and harmless when used by the unskilled lay public.

The respondents are further charged with disseminating false advertisements through their failure therein to reveal that use of the device under conditions prescribed in the advertisements, or under customary or usual conditions, may result in serious and irreparable injury to health.

Upon petition of the Commission, the United States District Court for the Southern District of New York recently issued an order restraining the respondents from further dissemination of false advertisements of their product pending issuance and final disposition of the Commission's complaint now issued. (4144)

**Mayos Products Company**—George D. Moorman and Roy C. Stockbridge, individually and trading as Mayos Products Company and as M. P. Company, engaged in the sale and distribution of a medicinal preparation designated "Mayos Periodic Compound", are charged, in a complaint with misrepresentation.

The complaint charges that the respondents, whose office and principal place of business is at 1833 West Larchmont Ave., Chicago, have represented, in advertisements in newspapers, periodicals, and other advertising literature in connection with the sale and distribution of their product, that the preparation is a cure or remedy for delayed, scanty, irregular or painful menstruation, and is a competent and effective treatment for such ailments, and that the preparation is entirely safe and harmless and may be used without danger of ill effects upon the health of the user.

The complaint alleges that these representations are false and misleading; that the preparation does not constitute a competent or effective treatment for any of the ailments, and contains ergotin, aloes, extract cotton root bark, extract black hellebore and oil of savin in quantities sufficient to cause serious and irreparable injury to health if taken under the conditions prescribed in the advertisements or under such conditions as are customary and usual. (4147)

**M. P. Company**—See Mayos Products Company.

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Crete Mills**, Crete, Nebr., engaged in the business of milling and selling feed for animals, including chicken feed manufactured and sold under the trade name of "Victor Chick Pellets," has been ordered to cease and desist from misrepresentation.

The Commission finds that in advertisements published in newspapers, farm papers, and through radio broadcasts, the respondent corporation has represented, among other things, that "Victor Chick Pellets" will grow chicks faster than other feed; make them reach the egg-laying period in less time than those fed mash feed; will keep indefinitely, cost less, and excel all other feeds.

The Commission finds that these representations are misleading, and orders the respondent to cease and desist from further representations that "Victor Chick Pellets" will grow chicks faster, healthier, cheaper and with less likelihood of disease or death than any other feed, regardless of price; that chicks fed the product reach the egg-laying period in less time than those fed mash feed; that the product will keep indefinitely and that there is no possibility of any ingredient in the feed getting rancid or moldy and causing chick deaths; that pullets fed upon the product will invariably lay eggs within any definite time or period earlier than chickens fed upon feeds of similar composition, or that the product costs less than any other similar feeds or excels all other feeds, regardless of price.

The respondent is also ordered to cease representing that any feed containing corn other than kiln-dried corn is dangerous to the health and life of chicks. (3408)

**Hydrosal Company,** 333 East Eighth St., Cincinnati, has been ordered to discontinue misleading representations in the sale of "Hydrosal Liquid" and "Hydrosal Ointment."

The order directs the respondent company to cease and desist from disseminating advertisements representing that the respondent's preparations possess remedial, curative or healing properties with respect to eczema, piles, athlete's foot, poison ivy, or disorders characterized by or associated with pimples, skin outbreaks or itches.

Also prohibited is the representation that the respondent's preparations possess therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptom of itching usually accompanying or associated with such disorders, or that the preparations are in general use by the medical profession or hospitals. (4049)

**Income Record Publishing Co.**—See United States Business Card Co.

**Manhattan Hat Company, Inc.**—Prohibiting misleading representations in the sale of hats and caps, an order has been issued against Manhattan Hat Company, Inc., 124 Wooster St., New York, and Harry Samnick, its president, Jacob Samnick, its secretary, and Louis Reinken, its treasurer.

According to Commission findings, the respondents reconditioned and refitted old, worn and previously used hat bodies so that they had the appearance of being new and sold them to the trade without any markings or designation stamped thereon to indicate to purchasers that these products were made from old and previously used hat bodies and other materials.

The findings point out that various manufacturers made finished hats and caps not only from newly manufactured materials but from (1) previously used hat bodies, and (2) felt hat bodies obtained from new but shopworn hats. Shopworn hats, the findings continue, are new hats reclaimed from merchants' shelves by hat and cap manufacturers, who clean, steam and renovate them in practically the same manner as they do hats made from old, previously used hat bodies.

The respondents, according to findings, had stamped in hats and caps the legend "DeLuxe Quality," and also, in illegible and inconspicuous type, the legend "Made Over." The respondents' use of the term "Made Over," according to findings, was wholly insufficient to inform prospective purchasers that the hats and caps so sold were made of old, worn and previously used hat bodies rather than from shopworn hats which had never been worn or used.

The Commission order directs the respondents to cease and desist from representing that hats or caps composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that such products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats or caps, then such stamping must appear on the bodies of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating such bodies.

The order also prohibits representation in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials. (1898)

**McDonnell & Sons, Inc.,** of Buffalo, N. Y., and Barre, Vt., has been ordered to discontinue misleading representations in the sale of granite grave markers, monuments, memorials and mausoleums.

According to Commission findings, the respondent company advertised that sales of its products were made by the respondent directly from quarry to cemetery; that the respondent company operated its quarry and finishing plant; that all work turned out by it was manufactured and finished by craftsmen in the plant and shops operated by the respondent and that its quarrying and manufacturing facilities placed it in a position to execute the highest grade of memorial work at the lowest possible cost.

These representations, according to findings, had a tendency to deceive buyers into believing that the respondent's products were made from granite produced from a quarry which it operated and had been finished in its own plant. Many purchasers, the findings point out, prefer buying directly from the quarrier and manufacturer in the belief that they may thereby obtain lower prices and other advantages not available when purchases are made through middlemen or wholesalers.

Findings are further that the respondent company's business was established about 82 years ago and that it still owns a quarry and a finishing plant at Barre, Vt., but has not operated them in recent years. Since 1932, the findings continue, the respondent has purchased granite parts for grave markers, monuments, memorials and mausoleums from other operators and quarry owners. Such work has been produced under supervision of an officer of the respondent located at Barre, Vt.

The Commission order directs the respondent to cease and desist from representing that products which are not made from granite obtained from its own quarry are sold directly from quarry to ultimate purchaser; or that the granite from which such products are made is produced in a quarry owned and operated by the respondent; or, that products which are not manufactured and finished in a plant owned, operated or controlled by the respondent, are made or manufactured by the respondent. (3907)

**Southern Vitrified Pipe Association**—Nine manufacturers of vitrified clay sewer pipe in the southeastern part of the United States and the Southern Vitrified Pipe Association, Cincinnati, and the association's officers, have been ordered to discontinue practices deemed to be in restraint of price competition in the sale of their products.

The respondent manufacturers named in the order are: W. S. Dickey Clay Manufacturing Company, Kansas City, Mo., with plants in Alabama, Tennessee and other States; Lee Clay Products Company, Clearfield, Ky.; Pomona Terra Cotta Company, Pomona, N. C.; Pine Hall Brick and Pipe Company, Winston-Salem and Ceramic, N. C.; The Columbia Clay Company, Columbia, S. C.; Georgia Vitrified Brick and Clay Company, Augusta and Cambria, Ga.; Oconee Clay Products Company, Milledgeville, Ga., which resigned its association membership in 1937; Cannelton Sewer Pipe Company, Cannelton, Ind., and Owensboro Sewer Pipe Company, Owensboro, Ky.

Respondent officers of the association are: Cliff B. Beasley, president; W. Clement Boren, Jr., vice president; D. M. Strickland, secretary-manager, and John M. Byrne, treasurer.

The association's membership comprises most of the manufacturers of vitrified sewer pipe east of the Mississippi and south of the Ohio and Potomac rivers. Large quantities of that product are sold to Federal, State and municipal governments.

Commission findings are that, among other things, the respondent manufacturers combined to restrict competition by price agreements; by agreeing to make sales on a delivered basis only, with equalization of freight charges; by a united policy of refusing to sell governmental agencies on an f.o.b. mill basis, thus depriving the Federal Government of favorable rail rates; by exchange of intended price quotations on Government orders prior to opening of sealed bids, and by agreements for the purpose of causing dealer customers to submit identical bids on Governmental orders.

The Commission order directs the respondent manufacturers or any two or more of them to cease and desist, by concerted action, agreement or understanding, from (1) fixing or establishing prices, terms and conditions of sale; (2) carrying on, through the respondent association or other central agency, or through meetings, or otherwise, discussions and exchanges of information concerning proposed or future prices; (3) promising to adhere to filed prices, terms and sale conditions pending the filing of changes with the association, and adherence to such promises; (4) quoting and selling on a delivered basis only to equalize costs to buyers regardless of variations in freight from different points of production and shipment; (5) fixing arbitrary weights to be used in calculating freight charges and equalizations so as to make delivered prices and discounts uniform; (6) refusing to quote and sell to Government purchasers on an f.o.b. mill basis and (7) exchanging prices proposed for quotation in bids in advance of submission and opening of sealed bids on Federal, State and municipal projects.

Other cooperative practices ordered discontinued are: (1) fixing and establishing of differentials in price to be charged on sales to dealers as compared with sales to building contractors; (2) agreeing with their respective dealer customers as to prices to be quoted on the resale of vitrified clay sewer pipe; (3) determining what concerns shall be recognized as dealers entitled to purchase at dealers' prices; (4) restricting the quantity of vitrified clay sewer pipe to be produced by the respondent manufacturers, and (5) collaborating with trade associations composed of vitrified clay sewer pipe manufacturers in other sections, but who sell in the respondents' territory, so as to effect restriction of price competition in the respondents' territory.

The order also prohibits the respondents from concertedly obtaining adherence to prices, terms and sale conditions filed by the manufacturers with the respondent association or any other central agency, by exchanging price information at meetings held under association auspices; by investigating complaints of alleged price deviation by the manufacturers; by examination of books and records of suspected offenders, and by threats of legal action against them.

The respondents are directed to cease employing "The Byrne Organization" to act as an agency in performing any practice forbidden in the Commission order. Findings are that this organization, owned in part by the respondents D. M. Strickland and John M. Byrne, was employed as an agency for putting the respondents' practices and policies into effect.

The Commission ordered dismissal of its amended complaint in this proceeding as to P. Bannon Pipe Company. Louisville, Ky., a corporation which, having been adjudicated a bankrupt, is in the process of dissolution. (3868)

**United States Business Card Company,** United States Stationery Corporation, and Lewis Weisman, individually and trading as Income Record Publishing Company, engaged in selling stationery and business forms, with offices and principal place of business at Elizabeth, N. J., have been ordered to cease and desist from certain misrepresentations.

Findings of the Commission are that Lewis Weisman, who is in business under the name Income Record Publishing Company, also is president and treasurer of United States Business Card Company and United States Stationery Corporation, owns a majority of stock of each corporation, and directs and controls their sales policies. United States Business Card Company, a New York corporation, has been inactive since 1937.

The Commission finds that in promoting the sale of their goods the respondents have represented that certain of their business forms were approved by the United States Government, by placing on the forms the phrase "U. S. Approved." The United States Business Card Company, the findings are, also represented that it was the world's largest manufacturer of business cards exclusively.

In truth, the Commission finds, none of the business forms sold by the respondents was ever approved by or made according to the specifications of the United States Government, nor was the United States Business Card Company the world's largest manufacturer of business cards.

The respondents are ordered to cease and desist from representing that their products are approved by or manufactured according to specifications of the United States Government or any agency thereof, and the United States Business Card Company is ordered to cease representing that it is the world's largest manufacturer of business cards or that it is the world's largest manufacturer which is engaged solely in the manufacture of business cards. (3784)

**United States Stationery Corp.**—See United States Business Card Co. ,

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Bluebird Studios**—Harry, Senia, Margaret and August Doehla, co-partners trading variously under the firm names of Bluebird Studios and Harry Doehla Company, Fitchburg, Mass., in connection with the sale of greeting cards or other merchandise, agree to cease employing in their advertising matter the statement "Request samples" or otherwise inviting their customers or prospective customers to receive sample goods, unless in immediate connection therewith and with equal conspicuousness it be clearly indicated that the goods so referred to will be billed to the recipient and payment required. (2820)

**Harry Doehla Company**—See Bluebird Studios.

**M. B. Grogan Company**—Merwin B. Grogan, sole trader as M. B. Grogan Company, 122 South Michigan Ave., Chicago, and **Southern Greeting Card Company,** Memphis, agree to cease advertising "free samples" to prospective salesmen of their products or making any other use of the word "Free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity.

The respondents also stipulate that they will cease delivering any invoiced article of merchandise to a customer or prospective customer without prior notice of the terms under which such article is to be sent and without first obtaining permission to make the shipment. The respondents also agree to cease inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction, or in any other way imposing a burden upon a customer or prospective customer either to pay for goods received by him or return them when he has not been previously apprised of such conditions. (2819 and 2822)

**Leonard J. Hartman,** 1538 West Fifth St., Brooklyn, in the sale of "Concentrated Food Particle (Wheat Germ Oil)", agrees to cease advertising that the product will prevent or overcome disease, afford an increase in health or energy, and is a competent treatment or effective remedy for certain ailments of women. The respondent also agrees to discontinue advertising that the preparation will restore potency or is a competent treatment or effective remedy for sterility, unless the representation is limited to its aid in treating the condition when it is due to a Vitamin E deficiency and it is further explained in direct connection therewith that sterility due to a Vitamin E deficiency is an extremely rare occurrence. (02573)

**Alexandra de Markoff Sales Corporation,** 642 Fifth Ave., New York, engaged in the sale of cosmetics, has entered into a stipulation in which it agrees to desist from use of the words "compounded by hand," or other words of similar import, to describe products which are not compounded by hand, or from use of the words in any way tending to convey the belief that the products referred to are in fact made or mixed by hand; from use of the words "Skin Food," or other words of similar import to designate a product which does not, in fact, serve as a food or nourishment for the human skin or tissues, and from use of the words in any way so as to imply that the product will feed or nourish the skin or tissues to which it is externally applied.

The respondent corporation also agrees to discontinue representing that its so-called "Skin Food," when applied to the skin, is absorbed by the skin with the result that the skin is fed or nourished or otherwise therapeutically benefited by absorption of the product, and to cease representing that its products will erase or remove lines or wrinkles from the skin, build up the tissues, remold the face or restore or perpetuate youthful or firm contours to the face or throat. (28114)

**Robbin's Camera Shop**—Maurice and Hilda Robbin, trading as Robbin's Camera Shop, 529 Fourteenth St., N. W., Washington, D. C., have entered into a stipulation in which they agree to discontinue certain representations.

In the sale of "John Shannon Vacuum Filler Sacless Fountain Pens," the respondents agree to cease representing that such products have a $3 or other alleged valuation in excess of the actual value or usual price; that the offered retail sales price is "Special" or for "3 days only," when in fact it is the regular price without limitation as to time, and that bona fide protection for life is extended when in fact no such protection is offered and the products are not of such quality as to last for the period of life expectancy.

The respondents also stipulate that they will discontinue employing the statement "Your first investment is your only investment" or any other statement of like meaning, when in truth such statement is contrary to fact. (2821)

**Southern Greeting Card Company**—See M. B. Grogan Company.

**Spiegel, Inc.,** 1061 West 35th St., New York, has entered into a stipulation in which it agrees to cease misleading representations in the sale of men's shirts.

The respondent corporation agrees to cease representing by statement or inference that yarn dyed shirts or other textile materials are "Vat Dyed," or in any other way passing off as "Vat Dyed" any merchandise not actually dyed by the vat process.

The stipulation points out that when a textile material steeped in a liquor containing a dye is exposed to the air, the dye is reformed by oxidation and precipitated in the fiber. Dyes so used are called "Vat Dyes." Fabrics made of yarn dyed before being woven are referred to as "Yarn Dyed." The stipulation recites that to the trade and purchasing public the term "Vat Dyed" connotes a superior quality of dye coloring which commands a higher price for a product than if it were yarn dyed. (2823)

**Stern Brothers,** New York, has entered into a stipulation to discontinue certain representations in the sale of machine-made rugs.

Among representations which the respondent corporation agrees to discontinue are use of the words "Kara Kirman" or other distinctively Oriental names as descriptive of rugs which are not in fact made in the countries or localities designated or implied, with all the essential characteristics and qualities of such rugs, and use of the words "Oriental Reproductions," "Sarouk, Kirman, Kashan Reproductions," "American-Made Oriental Reproductions," or other use of the word "Reproduction" or similar word implying that the article referred to is a reproduction, replica or duplicate of an original, as descriptive of rugs which are not in fact reproductions of the types indicated.

The respondent corporation also stipulates that it will cease employing the words "American Oriental," "Domestic Oriental" or other appellation including the word "Oriental" or other expression indicative of an Oriental type, as descriptive of a rug which does not contain all the inherent qualities, properties, and constructive features of a true Oriental rug.

Other representations which the respondent agrees to desist from using are the words "Sarouk," "Kirman," "Kashan," or other distinctively Oriental appellations in connection with any rug which was not made in the country or locality designated and does not contain all the inherent qualities and properties of such Oriental rugs; unless, when properly used to describe the design or pattern only, such Oriental appellations are accompanied by a word such as "Design" or "Pattern" printed in type equally conspicuous to indicate clearly that only the form delineated on the surface of the rug is a likeness of the type named; for example, "Kirman Design," "Sarouk Pattern". (2818)

**Wilson Bros. Paint and Hardware Company,** 3863 Cottage Grove Ave., Chicago, agrees to cease advertising that its preparation "Distol Concentrate" will kill bed bugs or bed bug eggs instantly; that most bed bug mixtures scatter bed bugs into the walls or woodwork; that roaches are carriers of cancer, and that Distol Concentrate is odorless. The respondent also agrees to cease representing that its product "Thymite" will eliminate roaches from all buildings overnight; that one application will keep any building clean of roaches, water bugs, silver bugs or ants, for one year, and that there are no other insecticides which will achieve substantially the same results as will Distol Concentrate or Thymite.

## FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against United Distillers Products Corporation, 5599 Hudson Blvd., North Bergen, N. J., which has been charged with misleading use of the word "Distillers" in its corporate name.

The order of dismissal recites that the respondent now owns and operates registered distillery No. 1 at Amston, Conn., under Distiller's Permit No. 841, issued to it by the Federal Alcohol Administration.

Closing of the case was ordered without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 24, June 14, 1940

## THE WEEK IN WASHINGTON

The FCC "monopoly" committee issued its report, sharply critical of many parts of the present broadcasting structure. Current contracts between networks and affiliated stations came in for special condemnation. (p. 4325.)

James C. Petrillo was nominated without opposition for president of the Amercian Federation of Musicians, to succeed Joe Weber, retiring because of ill health. (p. 4329.)

WPRO, Providence, became the 300th member of BMI. Representatives of the radio departments of leading advertising agencies expressed a desire to cooperate with BMI in every way feasible. (p. 4329.)

District meetings were held in St. Louis, Wichita and Salt Lake. Meetings are scheduled next week for Los Angeles (June 17), Memphis (June 20), and Rochester, New York (June 22). (p. 4331.)

## Monopoly Report

Contracts between networks and affiliates were strongly criticized in the long awaited "monopoly" report prepared by an FCC committee and made public Wednesday.

The 138-page report, with six volumes of exhibits, is being carefully studied by the NAB, with a view to determining how it might affect the entire industry. Appropriate action will be taken, if any is found advisable.

Here is the FCC description of the report:

"Many arbitrary and inequitable practices" on the part of the radio networks are cited by a special committee of the Federal Communications Commission as the result of a two-year investigation of chain broadcasting methods.

"The heart of the abuses of chain broadcasting is the network-outlet contract," declares the committee in its report, submitted to the Commission today. Accordingly, it recommends "reformation" of these contracts to eliminate such abuses while retaining the advantages of chain service.

The Commission authorized release of the so-called "monopoly" committee's report pending its consideration by the full Commission.

The 1300-page report of the committee, comprising Commissioner Thad H. Brown as chairman, and Commissioners Paul A. Walker and Frederick I. Thompson, "reveals at every turn the dominant position of the network organizations in the field of radiobroadcasting." It is based upon more than 10,000 pages of testimony and nearly 800 exhibits, largely obtained through hearings which continued for 73 days, in an investigation pursuant to a Commission order of March 18, 1938.

The report discusses in detail practices employed in connection with the simultaneous broadcasting of identical programs by two or more stations. It differentiates between stations owned or directly controlled by the networks, and affiliated "outlet" stations which broadcast the same program under contractual arrangement with the networks.

The committee finds that the interests of these outlet stations "have been subordinated in the interests of the network owned and controlled station." It points out that of the 660 standard broadcast stations operated in 1938, more than half—350—were on major networks and included almost all of the country's high-powered stations. The 660 stations were owned by 460 persons. However, 87 of these persons owned more than one station and received approximately 52 per cent of the total business of all commercial broadcast stations.

Apart from the stations affiliated with their networks, the National Broadcasting Company and the Columbia Broadcasting System in 1938 owned or controlled 23 stations, of which 15 were 50-kilowatt, unlimited time, clear channel stations. The record reveals that the chains have developed around these key stations and have been operated largely for their benefit.

"The predominance of network organization is evidenced by their disproportionate share of the income of the radio broadcasting industry," comments the committee in reporting that of the $18,854,784 net operating income of all the stations and networks for 1938, nearly half—$9,277,352—went to National and Columbia.

Examples of "arbitrary and inequitable practices" on the part of the networks in their relation with affiliated stations are cited by the report as follows:

> "The provision that the outlet station cannot accept programs

*(Continued on page 4326)*

The NATIONAL ASSOCIATION OF BROADCASTERS
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## MONOPOLY REPORT

*(Continued from page 4325)*

> from any network other than the one to which it is bound by contract deprives the station of profitable business and the listening public of programs for which there is a demand.
>
> "The practice of requiring stations to set aside all or a major portion of their broadcast time for the utilization of the networks, regardless of whether such time is used or not, places an undue burden upon the outlet station and lessens the ability of the station to serve the local needs of the community."
>
> "The provision that non-network rates for national advertising business cannot be less than those of the network prevents the outlet station from entering into a healthy competition for advertising business.
>
> "The provisions of the contract concerning the free use of the first converted hours (a nighttime hour or its equivalent in two daytime hours operation), combined with low initial compensating rates for the next hours, results in an inequitable distribution of proceeds from network broadcasting. Whereas Columbia and National had aggregate network time sales of $44,313,778 for 1938, they paid to the 253 independently controlled stations on their networks only $12,267,560, approximately one-half of which was paid to 25 of these stations with a relatively strong competitive position based on the need of the networks for their particular facilities.
>
> "Moreover, the contracts generally cover periods of time far in excess of the period for which the station is licensed and bind the outlet to network policies far beyond the expiration date of the license."

The committee finds these arbitrary contractual arrangements further reflected in the program policies of the networks, mentioning:

> "Outlet stations are required by their contracts to accept all commercial programs sent by the network organizations unless they are able to prove to the satisfaction of the networks that a particular program will not serve public interest. Since the outlet stations have only general advance knowledge of the content of the program, they have come to accept whatever the network chooses to forward to them.
>
> "Furthermore, approximately 90 per cent of the commercial programs sent by network organizations are produced by advertising agencies, so that the delegation of program responsibility by the licensee is carried one step further."

The committee cites a number of instances in which chains have gone even farther than the regular network-outlet contract and have "actually taken over the management" of the affiliated station in violation of Section 310(b) of the Communications Act. The Commission has already taken cognizance of this problem and is investigating these contracts.

Pointing out that all but two of the 34 high-power, clear-channel stations and all the high-power regional stations are on the two major networks, the committee reaches "the inescapable conclusion . . . that National and Columbia, directed by a few men, hold a powerful influence over the public domain of the air and measurably control radio communication to the people of the United States," adding: "If freedom of communication is one of the precious possessions of the American people, such a condition is not thought by the committee to be in the public interest and presents inherent danger to the welfare of a country where democratic processes prevail."

The National Broadcasting Company has two distinct networks with separate service to two stations in each of many cities. The manner in which they are operated is regarded as evidence of the "complete domination" of the affiliated stations and is also "one of the most inequitable by-products of these contracts." The report explains:

> "The contracts which stations have with National do not specify to which of its chains the outlet is to be linked. The outlet station is only informed that it is a part of the National network. By virtue of this factor, National has the power to determine the economic fate of many of its outlets by arbitrarily assigning to the prosperous Red network or to the unprofitable Blue network."

The policy of Columbia and National of placing talent under exclusive contract, according to the report, has the effect of limiting the efforts of much of the best talent in the country to network programs and of arbitrarily restricting the programs of independent competing stations, as well as the communities in which these independent stations are located. These two networks between them control about 800 of the best known artists in the broadcast and concert field.

The report reveals the National Broadcasting Company a dominant factor in the field of electrical transcriptions, stating: "It has gained great competitve advantages in this field from its position in radiobroadcasting and its transcription activities have, in turn, buttressed its position in the radiobroadcast industry. The committee feels that such domination reacts to public disadvantage by penalizing independent stations which, not being members of a network, must make frequent use of electrical transcriptions. Approximately one-half of all commercial transcriptions sold by National in 1938 in the United States were broadcast by the stations on its network, while slightly less than one-fifth were broadcast by stations on the networks of Columbia and Mutual.

"During the past ten years," to quote the report, "networks have so developed that today programs are broadcast to the general public, not by the stations whose owners applied for and received licenses for such a privilege, but through the network organizations. The record shows that network organizations today are utilizing about 48 per cent of the broadcast time of more than 50 per cent of the commercial stations in the United States."

As an example of the dominant position occupied by the stations that are owned and directly controlled by networks, as distinguished from affiliated stations, the committee notes:

> The 23 stations owned or controlled by Columbia or National had one-sixth of the total time sales for all 660 stations.

The amount paid by Columbia and National from network time sales to their 23 owned stations was nearly one-third the amount received from all three major networks by 327 independently controlled stations on the networks.

Of non-network business sold to national advertisers, the 23 stations had one-seventh of the amount for all 660 stations.

Of purely local business, the 23 stations had one-twelfth of that for all 660 stations.

The net operating income of the 23 stations was nearly one-third of the net operating income of all 660 stations.

The net operating income of the 23 stations was more than one-half of the net operating income of the 327 independently controlled stations.

While 310 stations not on major networks lost $149,000, the 23 owned or controlled stations had net operating income of $4,958,289.

The 23 stations broadcast sustaining programs for approximately 50 per cent of their time, while the 327 independently controlled stations broadcast sustaining programs for approximately 70 per cent of their time.

It appears to the committee that stations owned or controlled by Columbia and National are in a favored position compared to the independently controlled stations affiliated with networks. It observes: "The independently controlled stations do not reach the network advertiser directly but only through the networks for network time sales. Therefore, they have no voice in selling their time to network advertisers and must rely absolutely upon the network sales force. As between two stations serving the same area, either with primary or secondary signal, self interest determines the extent to which the network sales force will undertake to influence the choice of the network advertiser in favor of the network owned or controlled station."

The networks (with the exception of Columbia, Mutual, and Yankee) retain the revenues from all sales of network time during the first hours of commercial broadcasting in each 28-day period. Columbia retains the revenues from the first five "converted hours" of commercial broadcast per week and National retains the revenue of from four to five such hours.

The practices of Mutual, it is pointed out, differ somewhat from the general network operations. At the time of the hearings, Mutual took no options on the time of stations and received only a commission, not exceeding 15 per cent, on the proceeds of network commercials. While it has an organization for selling network commercial program time to advertising agencies, the stations which served as Mutual outlets have the privilege of also selling the network time, for which they share commissions with Mutual. Also, Mutual has no program producing facilities.

"The business of broadcasting is the fastest growing source of advertising revenue in America," comments the report in showing that income from this source increased from $28,000,000 gross in 1928 to $165,000,000 ten years later. But unlike other big business enterprises, broadcasting is not the chief activity of its owners, but is operated principally as a "side line" to the main business. More and more of the applications filed with the Commission for authority to own stations show the applicants to be persons of other large business interests, such as manufacturing, banking, publishing, natural resources development, public utility, etc.

Two-thirds of the nation's standard broadcast stations are operated as incidental to other businesses. In many cases, the actual owners of the stations do not personally operate them. In addition to the operation of approximately 300 stations by newspapers, 125 other stations are operated by businesses of various kinds. Two-thirds of all standard broadcast stations are licensed to corporations or are under their control. Examination of the minutes of meetings of directors of these corporations for 1938 indicates the surprising fact that no consideration was given to the operation of the stations in the directors' meetings of some 80 per cent of the corporations.

Many of the largest corporations which control broadcast stations directly or indirectly are themselves controlled through proxy voting by a very small number of persons who, themselves, hold no material ownership interest in the companies. For example: Radio Corporation of America, which owns the National Broadcasting Company, is controlled by three persons who between them own only 5,829 shares of a total of 9,864,502 voted by them.

The report places ownership of commercial stations in four categories:

(a) Forty-one owners controlling stations which have 33 per cent of the revenues of all stations.

(b) Thirty-five owners controlling stations which have 10 per cent of the revenues of all stations.

(c) Eleven owners controlling stations which have 15 per cent of the revenues of all stations.

(d) Three hundred and seventy-seven owners controlling stations which have 42 per cent of the revenue of all stations.

For the privilege of entering rich markets, high prices have been paid by the networks for broadcast stations. National has paid 386 per cent of book value, and Columbia 280 per cent. In 1938 National and Columbia actually had greater profits from their owned or controlled stations than from their entire network operations.

Network organizations are not required to obtain a license or other Federal authority in order to function. The Communications Act fixes responsibility upon individual station licensees for operation in the public interest. In practice, however, the record shows that the responsibility discharged by the licensee of a station engaged in chain broadcasting is reduced to the matter of simply selecting the network with which the station is to be associated. After the station becomes an outlet for a network by undertaking the obligations of the outlet contract now in general use, the matter of selecting programs, accepting advertising material, and, in general, the broadcasting of programs by the station insofar as network programs are concerned is placed in the control of the network.

The networks, in turn, have passed on to advertising agencies the right of selection and production of these network programs. The responsibilities are shifted still further from the station when, as in many instances, the advertising agencies have passed them on to program producing agencies. The networks have not supervised the selection of the types or the production of these programs, and the record shows they seldom reject programs offered to them either by advertising agencies or their program producing agencies. At least 90 per cent of all network commercial programs broadcast in this country are thus produced. These programs brought the networks approximately $50,000,000 in revenue for 1938.

As the committee sums it up: "The station licensee has very limited supervision over network programs. The protection of the listening public is thus passed from licensee to network to advertising agency to program producing agency. The responsibility for serving the public interest placed by the statute upon the station licensee evaporates when it is so diffused."

The committee cites the broadcasting of the 1939 World Series baseball games as an illustration of the effect of exclusive outlet contracts upon presentation of particular programs. The report relates:

> "Mutual obtained exclusive privileges from the baseball authorities for the broadcasting of the series with the Gillette Company as commercial sponsor. It then attempted to purchase time from stations in various communities, making offers to stations which were then under contract with other networks. Columbia and National immediately called upon their outlet stations to respect the provisions of their contracts under penalty of jeopardizing their rights under the contracts. This prevented certain licensees from accepting a program for which they believed there was public demand and which they thought would be in the public interest. It also deprived the advertiser of network advertising service in some areas, and prevented the licensee from receiving income which could have been obtained from acceptance of the program series. Mutual, on the other hand, refused to allow other stations to broadcast the program in communities where it had exclusive outlets and also refused the program to stations in other communities which it considered were within the area covered by Mutual outlets. As a result, thousands of potential listeners failed to hear the World Series of 1939."

The primary service rendered by the networks is far from nationwide in scope, according to the committee's findings, and "millions of persons receive no adequate network program service under existing conditions." Likewise, it believes that network duplication should be held to a minimum. The report continues:

> "The basic theory of the Communications Act is that broadcast stations shall render service to the public. Chain broadcasting is valuable to the furnishing of a complete program service. The two principal networks have compiled a record of profitable business operation, and have established themselves in a dominant position in the radio field. But, perhaps not unnaturally, the desire for profits appears to have been foremost, and unquestionably, the profit motive has operated to restrict the distribution of network service, and to deprive many listeners of the advantages of chain broadcasting service.
>
> "Although the major networks purport to be national in their scope, the record shows that, while they have gone voluntarily into the better markets, they have neglected the less profitable ones and, as a result, some 320 stations, including about 220 which are the only stations in their communities, remain without major network connections.
>
> "From a financial and economic standpoint it seems clear that the network organizations occupy a predominant place in the broadcast industry which has enabled them to profit handsomely at the expense of the independently owned and controlled stations. . . . It should also be recognized that there is considerable evidence in the record which indicates that from a social viewpoint the profits derived from network operations have not been sufficiently utilized for the betterment and expansion of the industry."

Consequently, the committee feels that consideration should be given to the problem of retaining the advantages of chain service while eliminating the abuses discussed in its report.

"It is clear," says the report, "that the importance from a public standpoint of chain broadcasting operations is far greater than that of any individual broadcast stations. It would appear, therefore, that some means should be developed to insure the operation of chain broadcasting organizations in the public interest."

The committee holds that the Commission has authority to deal with network contractual arrangements under Section 303(i) of the Communications Act which empowers the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting," augmented by Sections 307(d) and 309(a) requiring the Commission to refuse licenses or renewals unless the public interest, convenience or necessity is served thereby. To quote, in part, the committee's letter of transmittal accompanying the report:

> "It is our opinion, based upon the extensive investigation which we have just completed, that public interest, convenience or necessity are adversely affected by inclusion in the network-outlet contracts of many of the contractual provisions discussed. . . . The elimination of arbitrary and inequitable contractual arrangements will tend to subject the networks to active competition and will render the independent station more secure within the industry, and better able to cope with the networks in all fields of network activity.
>
> "The committee believes that competition in the radiobroadcast field can be further enhanced by a revision of the so-called clear-channel policy, whereby new stations are refused access to clear channels regardless of the service which the new station would be able to render and regardless of how small the interference to the clear channel would be. The record evidences that all but two of the high-power clear channel stations in the United States are on the Columbia and National networks as well as all the high-power regional stations. The exclusive grant of a clear channel to a station which can only serve limited areas prevents people in other sections of the country from receiving service from stations which could otherwise operate on the clear channel frequency. In our opinion, the Commission should consider the wisdom and practicability of utilizing the clear channels so that people living in all sections of the United States can have the benefit of radio reception at present denied them.
>
> "The committee believes that the Commission should proceed at once to deal with these problems to the extent that Congress has given it authority in the Communications Act of 1934. In our opinion, the Commission possesses ample power under the Communications Act to redefine its licensing policy and require the elimination of inequitable and arbitrary contractual arrangements which affect the duty of the licensee to serve the public interest. The actual administrative experience which the Commission will obtain under its new licensing policy will enable it to suggest to the Congress the enactment of amendatory legislation if such is later found to be necessary.
>
> "It is the opinion of the committee that through the exercise of the powers of the Commission in dealing with the contractual relations between network and outlet, the potential advantages of chain broadcasting in this country can be retained. At the same time, the abuses which have prevented many of its potential advantages from being realized can be corrected. It is the committee's belief that the excision of arbitrary and inequitable provisions from network-outlet contracts will eliminate many of the detrimental practices involved in chain broadcasting without sacrificing any of the benefits."

# Labor

## PETRILLO HEADS A. F. OF M.

James C. Petrillo was nominated, without opposition, for president of the American Federation of Musicians at the union's annual convention Thursday in Indianapolis, Ind.

Petrillo was slated to succeed Joe Weber, president for 40 years, who was made "technical adviser" for life. Weber announced Monday that the state of his health made retirement necessary.

Petrillo has been president of the Chicago local.

All other national officers were nominated for reelection without opposition.

One of Weber's last big jobs as president was to defeat a resolution calling for all members to refuse to make records and transcriptions. The convention likewise rejected a resolution calling for the Canadian Broadcasting Company to quit using recorded programs.

## PAYMENT FOR REST PERIODS

Employees under the Wage and Hour Act must be paid for short rest periods, according to announcement this week by Colonel Philip B. Fleming, Administrator.

A "short" rest period, as construed in instructions sent to all field representatives of the Division by Colonel Fleming, will include periods up to and including 20 minutes. When rest periods customarily taken by employees are longer, final decision on whether or not the employee will be paid for it will rest with the Regional Director.

The following considerations will guide the Regional Director in making his decision: the freedom of the employee to leave the premises and go where he pleases during the intermission; the duration of the intermission—whether sufficient to permit the employee reasonable freedom of action and a real opportunity for relaxation; whether the intermission is clearly not an attempt to evade or circumvent the provisions of the Fair Labor Standards Act. In all cases where the Regional Director decides that an intermission shall not be counted as "hours worked," he has been instructed to report the results of his investigation and the reasons for his action to the Administrator.

For enforcement purposes, computation of hours worked under the new rule generally will apply only since April 1, 1940. Where time spent in rest periods prior to that date has been deducted from hours worked, ordinarily, the deductions will be allowed to stand, Colonel Fleming said.

# BMI Developments

WPRO, Providence, R. I., was the 300th station to join BMI. The Rhode Island station sent in its subscription this week.

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Sydney M. Kaye, BMI's vice president and general counsel, addressed a group of sixty representatives of the radio departments of leading advertising agencies at a luncheon on Wednesday (June 12) at Stouffer's Restaurant, 540 Fifth Avenue at which M. E. Tompkins, BMI's General Manager was guest of honor.

After outlining the reasons for the current controversy, Mr. Kaye compared the present situation of both broadcaster and advertiser in regard to music to that of the inhabitant of a tropical island who, needing only a breech clout, was forced to pay for a dozen fur coats. Research has revealed, he explained, that in 1938 only 388 tunes accounted for 43 per cent of the playing time on the air and 2121 tunes for 42 per cent, or that a total of 2500 numbers filled 85 per cent of air time. BMI, he promised, will have many times 2500 tunes, both new and public domain, arranged and available for broadcasting before the end of 1940. In this connection he pointed out that both broadcaster and advertiser had been doing a preposterous thing in paying ASCAP for something which was free—i.e., public domain music—and that public domain tunes, not only the classics but the old favorites and the "heart" songs, would be made available in new arrangements.

All users of music, he declared, have been exploited by ASCAP but the broadcaster is "forty times as big a sucker as any other" as the broadcaster has been paying forty times more per dollar of gross revenue than any other ASCAP licensee.

Broadcasters are chiefly interested, he added, in promoting a free competitive situation in music performance via radio, as music on the air is the only material used by either broadcaster or advertiser subject to monopolistic control. The industry is seeking a "per use" basis of payment and believes that the sponsors of commercial programs not using ASCAP music should not be forced to pay for it.

"There isn't a person in this room," he said, "who pays 7½ per cent of his income for the privilege of using a product or service—yet ASCAP is asking the networks to pay 7½ per cent of a program's revenue not only for the privilege of using its music but also for the privilege of not using it."

In outlining what the advertiser could do he mentioned four classifications of music appeal on which BMI could be of material assistance. They are (1) theme songs (2)

"Mood music" or that of background appeal (3) Music of Secondary Appeal and (4) Music of Primary Appeal.

Following his speech Mr. Kaye answered all questions to the satisfaction of everyone. The agency men were enthusiastic over the possibilities of BMI and expressed a desire to cooperate in every way feasible.

## BMI FEATURE TUNES

### June 17-July 1

1. DON'T THE MOON LOOK PRETTY?
2. PRACTICE MAKES PERFECT
3. WE COULD MAKE SUCH BEAUTIFUL MUSIC
4. WHAT GOOD'S THE MOON?
5. HERE IN THE VELVET NIGHT
6. IN THE SILENCE OF THE DAWN

Carl Haverlin, BMI's Station Relations Director, now making the rounds of the NAB district meetings, has received a wire from Frank King, of WMBR, President of the Florida Broadcasters Association, which says:

> FLORIDA ASSOCIATION PASSED RESOLUTION UNANIMOUSLY APPROVING POLICIES PLAN AND ACTIVITY. COMMITMENTS INDICATE AT LEAST AN ADDITIONAL EIGHT BMI SUBSCRIBERS.

Mr. Haverlin reports that the Tenth and Twelfth Districts have also registered unanimous approval for BMI.

Here is the "proof of the pudding". BMI subscribers have now had BMI music for several weeks. They have been putting it on the air, using it to build their programs. They have had experience of BMI service, become acquainted with the work of the organization as it is developing. Their approval means that BMI's is marching along the right road, the road that leads to satisfactory practical results.

The effect of such approval is shown by Mr. King's telegram—more BMI subscribers.

Recently the publicity agent for the Robbin-Feist-Miller group of music publishing houses issued a release in which Jack Robbins suggested ways and means that the publishers might find useful in combatting what he called radio's "Blitzkrieg on American composers and publishers." Aside from the fact that it is a bit of unappetizing smugness for an ASCAP publisher to adopt the pretense of concern over the welfare of the American composer, Mr. Robbins' proposals had at least one other aspect that was ironical.

"Robbins' second channel of exploitation"—so runs the publicity release—"will be the automatic music machines, whose numbers are estimated to now total over 400,000 around the country."

"Exploitation" is the right word beyond question. It is the old familiar ASCAP technique of trying to make the victim tie himself to the whipping-post.

By a clause in the 1909 Copyright Act, coin-operated phonographs were specifically exempted from paying fees for the performance of copyright music unless admission is charged to the place in which they are played. ASCAP, of course, has always gone green around the gills at mention of this provision in the law, has tried to circumvent it—unsuccessfully, and is now trying to have it repealed.

ASCAP officials, in a statement to the Congressional committee on the proposed revision of the copyright law, said that under the new law they expected to collect a "nominal fee" of $60.00 a year from the coin machines. Since it is reliably estimated that the net earnings of the machines average between $10 and $15 a year, it is easy to understand why the coin-machine industry is heart and soul behind BMI.

Now an ASCAP publisher proposes to use this industry as a "channel of exploitation" through which to combat the effort to free all commercial users of music, coin-machines included, from the grip and the threat of the ASCAP monopoly power.

He proposes to use the machines to enable ASCAP to levy a confiscatory tax on the machines!

Referring to the government's anti-trust moves against ASCAP, an ASCAP official was quoted last week as saying that "he was at a loss to understand why every country in the world excepting the United States did everything in its power to encourage the performing rights societies and foster native musical talent, whereas Federal government here was doing exactly the opposite."

The point is worth answering. The answer lies in the difference between ASCAP and other performing rights societies. It emphasizes anew the basic errors in the whole ASCAP system.

According to the statement of Gene Buck, ASCAP's President, made this past April, ASCAP's composers and authors number 1,083.

According to E. C. Mills, Chairman of ASCAP's Administrative Committee, in his article, *What is ASCAP?* the membership of ASCAP's foreign affiliates brings the total up to about 45,000.

The foreign societies show this much larger membership, not because there are so many more composers in other countries, but because membership in the performing rights societies in those countries is not restricted. *Any writer can become a member on application.* The society then collects his fees for him on the basis of performance.

ASCAP will not even consider an application for membership until the applicant has already had five numbers published and then will accept or reject the application as its Board may choose. In event that the application is accepted, the new member must spend a year as a Non-Participating Member. Thereafter he will be allowed to share in the division of proceeds on the basis of ASCAP's curiously inequitable classification system.

In other words, *every other performing rights society in the world admits all writers to membership; ASCAP is a small and exclusive club, a little closed shop.*

In other societies distribution of fees for performance of music is based on performance. In ASCAP it is based on performance only in part, based also on seniority, favoritism, and the arbitrary decision of the ASCAP Board.

Other societies are controlled by their members. In many cases the by-laws provide that the society shall be dissolved at stated intervals, usually every seven years. On such dissolution the members can recover the rights to their music, reorganize the society, take any other steps that seem to them desirable.

ASCAP is governed by a Board of Directors which is self-perpetuating. Sigmund Romberg has written:

> "The individual member has no voice in the management of ASCAP. Some of our biggest members, those who are not on the Board, complain bitterly against this self-perpetuating system—and justly so. It is un-American and against our traditions of liberty, freedom and equality."

Performing rights societies in other countries are organized and operated to collect fees for the performance of music in behalf of the writers of that music—*all* writers.

ASCAP is organized to collect fees for some writers to the exclusion and detriment of others, acting in accordance with the wishes and interests of a group of twelve publishers and twelve writers.

Other societies are organized on a democratic basis, operated fairly. ASCAP is organized on the basis of an exclusive club, seeking to dominate the music market for the benefit of its members—and chiefly for the benefit of a small inner circle even among its own members.

The fight against ASCAP, on the part of the government as well as on the part of the broadcasters and other commercial users of music, is not a fight against a selfish monopolistic control in the hands of a few writers and publishers which does as much harm to all other writers as it does to those who play the music.

It is actually a fight for democracy.

## District Meetings

### District 10

The morning session of the District 10 meeting, held in St. Louis June 8, was taken up with a complete resume by President Neville Miller of NAB of the various activities of the Association. Labor, Legislation, FM and Television developments, Copyright, FCC Reports and a variety of other matters were covered. C. E. Arney, Jr., Assistant to the President of NAB, reported on the tentative plans for the Annual Convention to be held in San Francisco on August 4th to 7th.

Craig Lawrence, KRNT, Des Moines, who served as chairman of the Tenth District Sales Manager's Conference held Friday at the Chase Hotel reported to the meeting upon the happenings of that conference. He presented a resolution calling upon the Board of Directors of NAB to approve a survey and study of the effect of Daylight Savings Time upon the program and commercial phases of radio. This resolution was unanimously adopted by the membership meeting.

The St. Louis broadcasters were host to the entire delegation at a delightful luncheon in the Chase Club Room at which talented performers from various St. Louis stations put on an entertaining show.

The afternoon session was taken up with a complete report on the progress and accomplishments of Broadcast Music Inc. Carl Haverlin, Stations Relations Director of BMI, presented a most interesting and revealing series of charts depicting in graphic manner the present status of BMI and the support being given it by the industry. He also explained charts which show the music requirements of the industry and of individual operators and the extent to which BMI is now prepared to meet that problem and the plans and programs in the making that will enable the BMI organization to care for the full needs of broadcasters when the ASCAP contracts expire. His presentation made a distinct impression upon his listeners. A motion was unanimously passed expressing the complete confidence of 10th District broadcasters in BMI and Father W. A. Burk, WLW, long a leader of thought and action among midwest broadcasters, took the floor and announced his subscription to BMI, and other broadcasters followed suit.

The biennial election of a Director for the 10th District followed and John J. Gillin, Jr. (WOW-Omaha), was unanimously renamed for the two-year term.

Edgar Bill, WMBD, Peoria, Illinois, Chairman of the NAB Code Compliance Committee, outlined the need for united support on the part of the broadcasters of the Code. He pointed out that the public, including educational, religious, civil liberties and other groups, had been lavish in their endorsement of the Code and that it had raised the industry to a most favorable position. He asked for a better understanding on the part of broadcasters. His remarks were followed by lengthy discussion of a generally favorable character but no action was taken.

Following the afternoon session which lasted until after 5 p. m., the St. Louis broadcasters again played the role of hosts at a delightful cocktail party and buffet supper.

Twenty-five of the thirty-three member stations of the National Association of Broadcasters were represented at the meeting:

L. A. Benson of WIL, St. Louis; Hale Bondurant, WHO, Des Moines, Iowa; Father W. A. Burk, S. J., of WEW, St. Louis; William B. Quarten, WMT, Cedar Rapids, Iowa; Buryl Lettridge, WOC, Davenport, Iowa; Craig Lawrence, KRNT, Des Moines, Iowa; Mike Carmichael, KWK, St. Louis; Ken Church, KMOX, St. Louis; R. T. Convey, KWK, St. Louis; Bob Drohlich, KDRO, Sedalia, Mo.; Bill Durney, WIL, St. Louis; Ray Dady, KWK, St. Louis; Harold Fair, WHO, Des Moines, Iowa; Dean Fitzer, WDAF, Kansas City, Mo.; L. O. Fitzgibbons, WOC, Davenport, Iowa; Harold Fulton, WHO, Des Moines, Iowa; John J. Gillin, Jr., WHO, Omaha, Neb.; Luther Hill, KSO, Des Moines, Iowa; Oscar Hirsch, KFVS, Cape Girardeau, Mo.; Charles A. Kennedy, KVFD, Fort Dodge, Iowa; J. O. Maland, WHO, Des Moines, Iowa; Cy. Rapp, KMA, Shenandoah, Iowa; William Reuss, WOW, Omaha, Neb.; Claude Rock, WIL, St. Louis, Mo.; R. H. Sawyer, KMA, Shenandoah, Iowa; Vernon H. "Bing" Smith, KOWH, Omaha, Neb.; C. L. Thomas, KFRU, Columbia, Mo.; "Woody" Woods, WHO, Des Moines, Iowa; E. C. Woodward, KFNF, Shenandoah, Iowa; John Bohn, KMOX, St. Louis; Merle S. Jones, KMOX, St. Louis; Arthur Casey, KMOX, St. Louis; J. Soulard Johnson, KMOX, St. Louis; Don Searle, KOIL, Omaha, Neb.; KMMJ, Grand Island, Neb.; and KFAB, Lincoln, Neb. In addition Edgar Bill, Chairman of the NAB Code Compliance Committee and President of WMBD, Peoria, Illinois, and Gemer Bath, Public Relations Director of KMBD; Morris Blink of Standard Radio were in attendance.

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The Sales Managers of NAB stations in the 10th District, embracing stations in Iowa, Missouri and Nebraska, held a most interesting session at the Hotel Chase in St. Louis on Friday, June 7. Recommendations respecting some of the subjects discussed were adopted by the Sales Managers for consideration by the members of the Tenth District who convene for a general business session and the election of a Director at the Hotel Chase on Saturday the 8th. Those in attendance at the Sales Managers meeting were:

John W. Bohn, KMOX, St. Louis; L. O. Fitzgibbons, WOC, Davenport, Iowa; Mike Carmichael, KWK, St. Louis; John J. Gillen, WOW, Omaha, Nebraska, Director of the 10th NAB District; Ray Dady, KWK, St. Louis; Chas. A. Kennedy, KVFD, Fort Dodge, Iowa; Bill Durney, WIL, St. Louis; Wm. B. Quarten, WMT, Cedar Rapids, Iowa; Claude C. Rock, WIL, St. Louis; J. "Cy" Rapp, Shenandoah, Iowa; Don Searle, KOIL-KFAB-KMMJ, Omaha, Lincoln and Grand Island, Nebraska; Bob Convey, KWK, St. Louis; Harold Fulton and Hale Bondurant of WHO, Des Moines, Iowa, and Craig Lawrence of KSO-KRNT, Des Moines, who presided over the session. C. E. Arney, Jr., Assistant to President Neville Miller, represented the headquarters staff at the session.

### District 12

The broadcasters of Kansas and Oklahoma, comprising the Twelfth District of the National Association of Broadcasters, met in the Farmers and Bankers Life Building—home of Station KFBI in Wichita—on Sunday, June 9.

Neville Miller, President of NAB, reported upon the various activities of the Association and extended discussion, in which most of the delegates joined, was held. The conference went on record as desiring a thorough study made by the National Association of the matter of Daylight Savings and its effect upon the program and commercial phases of radio. The purpose is to secure facts upon which constructive action may be based.

Carl Haverlin, Stations Relations Director of Broadcast Music, Inc., of New York City, presented through a series of charts and graphs the progress made by BMI in building up a supply of music for the use of broadcasters. This study also demonstrated in convincing manner, the limits of broadcaster's music requirements. There was lively interest on the part of all present and following the discussion several stations, not previously allied with BMI, expressed their intent to join. The conference adopted a resolution unreservedly endorsing BMI and urging wider support.

Following a luncheon at the Wichita Club at which talent from Radio Station KFBI presented a most delightful entertainment program, the delegates resumed their business session. Herbert Hollister, General Manager of KFBI, Wichita, was unanimously re-elected as 12th District Director for the ensuing two-year term.

The following were present:

H. K. Lindsley, Farmers and Bankers Life Insurance Co.; Herbert Hollister, KFBI; Jack Todd, KANS; Plez Clark, KFH; Mrs. W. H. Reitz, KVAK; J. C. Denious, KGNO; K. W. Trimble, KTSW; Clem Morgan, KVGB; Ellis Atteberry, KCKN; R. J. Laubengayer, KSAL; Ben Ludy, WIBW; Milton B. Garber, KCRC; M. H. Bonebrake, KOCY; Neal Barrett, KOMA; Owen Balch, KSAL; Vernon Reed, KFH; Don Searle, KOIL; Frank Lynch, WBBZ; Mrs. Adelaide L. Carrell, WBBZ; Phil McKnight, WIBW; Ken Douglass, KTOK; Clark Luther, KFH; K. W. Pyle, KFBI; John Schilling, WHB; Nelson Rupard, WHB; Clarence Rupp, KFBI; Leroy Stokely, KFBI; Vern Minor, KVAK; Neville Miller, NAB; C. E. Arney, Jr., NAB; Carl Haverlin, Broadcast Music, Inc., and Milton Blink, Standard Radio.

### District 14

Nineteen of twenty-four NAB member stations were present at the Fourteenth District Meeting in Salt Lake City, June 12. The meeting passed unanimously a resolution endorsing BMI and praising its progress and accomplishments. Four stations—KVOD, Denver; KDYL, Salt Lake; KIDO, Boise, and KEUB, Price, Utah—signed BMI subscriptions in open meeting. Gene O'Fallon, KFEL, Denver, was unanimously reelected director. Earl Glade, KSL, Salt Lake, member of the NAB Code Compliance Committee, made stirring appeal for united support on part of industry of Code provisions, especially those dealing with controversial issues. He pointed out that emergency situation placed heavy responsibility on broadcaster and extreme care was needed to further national interest. The meeting lasted all day and included lunch under auspices of sales managers with Walt Wagstaff, KDYL, in charge.

## Sales

### RETAILERS TO "TRY" RADIO

The NAB Sales Managers' Division, in cooperation with the Bureau of Radio Advertising, is progressing rapidly with plans for NAB participation in the forthcoming NRDGA and AFA conventions.

The National Retail Dry Goods Association, which convenes at the Palmer House, Chicago, June 17-20, has asked the Bureau to put on another "Radio for Retailers" session. The meeting, scheduled for Wednesday morning, June 19, will take the form of a "mock trial by jury" on the question "Can Radio Help the Retailer Fortify for the Forties?". A panel of six or more prominent broadcasters and retail executives will serve as combination jury and expert witnesses. NAB members are welcome at the discussion and a printed transcript will later be made available, similar to the "Radio Transcript" recently published by the NRDGA.

### NAB Plans "Radio Night" at AFA Convention

Plans for NAB participation in the Advertising Federation of America convention, which meets at the Hotel Sherman, Chicago, June 23-27, include the usual Sales Managers' departmentals the mornings of June 24 and 25, and an elaborate Radio Cabaret entertainment the evening of June 25. All Chicago member stations and the networks are contributing talent and special acts, and the networks will also provide an orchestra for dancing in compliment to the AFA and its members.

William R. Cline, commercial manager of WLS, Chicago, and chairman of the NAB Sales Managers' Division, is in charge of general arrangements with Jules Herbuveaux, NBC, as chairman of the Program Committee, and Oren Weaver, CBS, heading the Program Promotion Committee.

### Stations to Salute AFA Members

The Bureau of Radio Advertising has suggested to all member stations that they arrange local "salute" broadcasts tying in with the AFA's 36th Annual Convention. The AFA is composed largely of local advertising clubs throughout the country and the theme of this year's meeting is "Advertising's Contribution to the American Way of Living".

The broadcasters will present one or more programs to honor advertising and advertising men and what they have done to reduce cost of goods, step up distribution, raise living standards and promote prosperity. Local AFA delegates and advertising club officials will be heard on the broadcasts, which will be scheduled the week immediately following the AFA convention.

The Bureau's letter points out the advantages of capitalizing on the national promotion, doing a double-barrel job of building good will among advertisers and listeners and providing an effective answer to the consumer movement as it affects the radio medium. Chicago stations and networks are already planning similar salute broadcasts to the AFA and its affiliated Chicago Federation of Advertising Clubs.

## Promotion

### RMA CONVENTION

A new horizon for listening (circulation) was opened to broadcasters this week, in Chicago, at the 16th annual convention of the Radio Manufacturers Association and the Radio Parts National Trade Show. The horizon is to be extended with a new pocket size radio set weighing only twenty-six (26) ounces.

It is the brain child of Arthur T. Haugh, Glendale, Cal., a former president of the RMA and one of its founders. General use of the set which is expected to sell at ten dollars, retail, would add millions of hours of program listening per day.

On a broadcast over WENR and NBC-Blue Wednesday (June 12) night, Dr. O. H. Caldwell, former radio commissioner, and editor of "Radio Today," praised the radio industry campaign to increase listeners and listening. He concurred in NAB's contention that there are so many good things on the air that the listening level, both daytime and nighttime, will attain a new plateau if extra effort is made to induce the purchase of additional sets.

James S. Knowlson, president, Stewart-Warner Corporation, Chicago, was elected new president of RMA on Wednesday. Retiring president was A. S. Wells, president, Wells-Gardner & Company, Chicago.

Four vice presidents elected to office were: Paul V. Galvin, president, Galvin Manufacturing Corporation, (Motorola), Chicago; Roy Burlew, president, Ken-Rad Tube and Lamp Corporation, Owensboro, Ky.; H. E. Osmun, vice-president, Centralab, Milwaukee; and Donald MacGregor, general manager, The Webster Company, Chicago.

Leslie F. Muter, president, The Muter Company, Chicago, was re-elected treasurer.

### PICNIC CLIMAX TO WWVA FESTIVAL

By proclamation of Mayor John J. Mathison, the City of Wheeling is celebrating Radio Festival, June 10-16.

Always on the alert to sell radio to the good townsfolk, WWVA is exerting greater effort in that direction during the special week set aside to honor radio in general and WWVA in particular.

In Wheeling store windows, special Board of Trade window cards are saluting the city's voice of the air. Open house is being observed at the WWVA studios and listeners may sit in on their favorite broadcasts.

To climax the big week a Jamboree picnic is to be held at Wheeling Park, the playground of the Ohio Valley with a ball game between the WWVA staff and entertainers as the big feature. The game will be broadcast as a demonstration of "Little WWVA," popular station mobile unit which will also pick up the various regular shows presented throughout the day at the park.

For Saturday night, June 15, Texas Bill Thomas, known the country over as master of ceremonies of the famous WWVA Jamboree, has arranged two bangup performances for the Wheeling Municipal Auditorium. Sunday, June 16, there will be a special broadcast of the 200-voice Industrial Chorus from the amphitheater at Oglebay Park and the week will be brought to a grand climax with the Sunday afternoon coast-to-coast broadcast of Wheeling's own network show "It's Wheeling Steel," direct from the auditorium of Wheeling's Capitol Theater through WWVA.

### WIBW AWARDS FESTIVAL CASH

Sixteen-year-old Lynn Pittaway, a junior in the Hodgeman County High School, Jetmore, Kansas, won the WIBW, Topeka, essay contest.

Ben Ludy, station manager, awarded twenty-five dollars to the winner and the same amount to his school. The next fifty runners-up received one dollar each.

Lynn's essay will now compete for the NAB hundred dollar award.

### 2,500 PARTICIPATE IN FESTIVAL AT KQW

Over 50 quarter hour programs, featuring school orchestras and bands, glee clubs, choruses, discussion and forum groups and dramatic classes and more than 2,500 of San Jose's 10,000 school students took part in the National Radio Festival.

KQW's manager, C. L. McCarthy, said that the educational project was one of the most ambitious ever undertaken in radio. For five consecutive Saturdays, May 4-June 1, the station turned its entire operation over to the San Jose school students from nine until noon.

### WHBF PROMOTES CIRCULATION

WHBF, Rock Island, Ill., through Ivan Streed, production manager, reports: "We have been using auto radio and Radio Servicemen of America announcements for quite some time and will continue to do so."

## Miscellaneous

### INSURANCE COMMITTEE

Roger W. Clipp, WFIL, chairman of the NAB Insurance Committee, sends the following report on a June 5 meeting in New York:

Committee members present were: William I. Moore, WBNX; C. A. Wall, National Broadcasting Company; J. R. Poppele, WOR; C. R. Dean, Columbia Broadcasting System; and R. W. Clipp, WFIL, chairman. Also present were Benjamin W. Blakey, of Benedict and Benedict, Insurance, New York; and Brian B. Kane, Insurance Company of North America.

The Committee adopted the following plan for handling the insurance problems of broadcasters:

1. Determine the various types of insurance carried by the majority of broadcasters.
2. Outline the types of risks covered by insurance which is now available to broadcasters.
3. Get the insurance companies to standardize the insurance policies for broadcasters.

It will be necessary to prepare a detailed but simple questionnaire to send to the membership to gather information which will be used as a starting point. Having secured this, we will proceed on the other points outlined above. Regarding detailed data, the committee will work with the Edison Institute—the organization which functions for all of the public utilities on insurance matters.

This report which you will publish I think should serve the purpose of notifying the membership that the committee is in action and working on the insurance and that we will continue to pursue it as quickly as time will permit.

There is a great deal of information which we must collect before we can accomplish the most important point which is standardization of risks as it applies to broadcasting stations. We find that many broadcasters are almost totally unfamiliar with the fact that in the first place they are subject to many risks that they know nothing about, and that there exists types of insurance to cover most—if not all—of these risks. We also discovered that insurance companies on the other hand are not too familiar with the problems of broadcasters so there exists a good opportunity to do an educational job in all directions.

### PORTER TO NATIONAL DEFENSE

Paul Porter was today appointed Executive Assistant to Mr. Chester C. Davis, member of the National Defense Advisory Commission responsible for accommodating national agricultural problems and policies to the defense program, particularly with respect to maintenance of the parity system of agricultural and industrial prices.

Mr. Porter, Washington Attorney for the Columbia Broadcasting System, has been granted a leave of absence to join Mr. Davis' staff. He was Executive Assistant to Mr. Davis when the latter was Administrator of the Agricultural Adjustment Administration.

Mr. Porter's responsibilities will involve close contact with various Government agencies such as—Office of the Secretary of Agriculture, the Surplus Commodities Corp., the Bureau of Agricultural Economics, the Agricultural Adjustment Administration, Reconstruction Finance Corp., and the Red Cross.

### EDDIE CARTER, RUTH HILL

Station KVOS, Bellingham, Washington, would like to know the whereabouts of Eddie Carter and Ruth Hill.

### STATE LEGISLATION

Louisiana:

H. 778 (Barranger) RACE TRACK INFORMATION—To repeal act 28 of the 1st Special Session of 1934 as amended by act 13 of the 2nd Special Session of 1934 relating to information pertaining to any race track.

### 836 STATIONS

During the month of May, 1940, the Federal Communications Commission issued operating licenses to four stations, and granted twelve permits for the construction of new stations. Two stations were deleted. A comparative table by months follows:

| | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | April 1 | May 1 | June 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ....... | 735 | 735 | 738 | 739 | 743 | 751 | 755 | 765 | 769 | 771 | 775 | 779 | 783 |
| Construction ..... | 38 | 43 | 56 | 59 | 57 | 58 | 57 | 49 | 48 | 51 | 48 | 47 | 53 |
| | 773 | 778 | 794 | 798 | 800 | 809 | 812 | 814 | 817 | 822 | 823 | 826 | 836 |

# The Commission

## FLY DISCUSSES AMATEURS AND TELEVISION PROGRESS

Questioned at a press conference early this week, FCC Chairman James Lawrence Fly said that it is possible that something further may have to be done in connection with the amateurs and the present war situation.

He pointed out that he was pretty sure, for example, that the Commission would give serious attention to the question of the citizenship of applicants. While he was speaking particularly of amateurs, he inferred that this might be carried further. In an application the Commission simply asks "Are you a citizen?", and heretofore the Commission has simply taken the applicant's word for it. Now, however, he said the Commission wants proof of citizenship, not only for amateurs but for others as well. He said, for instance, that the Commission wants enough information to establish citizenship beyond any doubt and also as a means of quick reference.

Chairman Fly told the newsmen that he has recently conferred with a limited number of television companies and applicants with a view to assisting in research and programs. He said that he hasn't had conferences with any of the television manufacturers with a view to reaching an agreement. In the first place, Mr. Fly said, the Commission is anxious to see stations get going and for the Commission to get those grants out and programs started. That is the Commission's first order of business as regards television. He said that he will continue to confer on programs of experimental and coordinating nature. As this narrows down, he will get to the question of standards.

## STATION LICENSES EXTENDED FOR TREATY REALLOCATIONS

In order to permit further studies of the frequency assignments to stations under the North American Regional Broadcast Agreement, the FCC today extended standard broadcast station licenses expiring August 1 for an additional two months, to October 1. The Commission will announce at a later date the procedure with respect to the licensing of facilities which will be available under the provisions of this agreement.

Today's order applies to all standard broadcast stations, and automatically extends the expiration date of all licenses for which applications for renewals have been filed. Modified licenses to cover the new expiration date will not be issued.

Licensees who have not as yet submitted renewal applications are notified that in order to permit operation after August 1 applications for renewal, based on the present authorized facilities, must be filed. However, if an application for renewal covering the period beyond August 1 has been filed, it will not be necessary to re-file such application under the provisions of today's order.

Licensees are required to post the Commission's order attached to their licenses in accordance with the rules governing posting of licenses.

## MINIMUM OPERATING SCHEDULES

The recent amendment to Section 3.71 of the FCC's Rules covering minimum operating schedule (NAB Reports, June 7, 1940, p. 4315) is intended merely to clarify the meaning of that section. Some stations have been operating under a mistaken interpretation of the rule and find it burdensome to make the required change in operating schedule at once. NAB suggests that such stations request of the Commission an extension of time within which to comply.

## EARLY MORNING BROADCAST SERVICE FOR RURAL AREAS

Early morning broadcast service to many rural sections now denied such service is invited by Federal Communications Commission action in authorizing daytime and limited-time standard broadcast stations to begin operation at 4 a. m., local standard time.

Many farmers and other dwellers in rural areas arise before sunrise and in the past have had to rely upon distant broadcast stations for program service. The new ruling, announced today, will permit local stations generally to start broadcasting earlier, thus furnishing farm communities with general news and vital information concerning local weather conditions and agricultural market reports at the beginning of the work day.

Although some interference may result from this new opportunity to broadcast between the hours of 4 a. m. and sunrise, the Commission believes that the overall effect of its order will be to benefit particularly those residents of farming areas who have heretofore not had such early local program service.

The new order of the Commission does not change any of the rules and regulations regarding standard broadcast operations which apply to the regular broadcast day, which is defined as that period of time between local sunrise and 12 midnight local standard time. Additional hours are granted during the experimental period which is defined in Section 3.10 of the Commission's rules as that time between midnight and local sunrise; consequently, any interference which may result to standard broadcasting will be experienced chiefly during the "experimental period."

## ORDER NO. 74

At a meeting of the Federal Communications Commission held in its offices at Washington, D. C., on the 7th day of June, 1940:

Pursuant to authority contained in Section 303 of the Communications Act of 1934, as amended,

IT IS ORDERED, That pending further Order of the Commission or amendment of the Rules and Regulations:

(a) the provisions of Sections 3.6, 3.8, 3.9, 3.23, 3.79 and 3.84 shall not prohibit the operation between four o'clock a. m., local standard time, and local sunrise, of standard broadcast stations licensed to operate during day time hours or limited time hours;

(b) nothing contained in outstanding instruments of authorization for such stations shall prohibit such operation;

(c) the period 4:00 a. m. to 6:00 a. m., local standard time, shall not be included in determining compliance with Sec. 3.71 (as amended June 4, 1940) of the Commission's Rules and Regulations.

This Order shall become effective immediately.

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
*Secretary.*

## FROM THE FCC MAIL BAG

Recent events prompt the Federal Communications Commission to reiterate that, having no authority to censor radio programs, it can neither put anybody off the air nor on the air.

In the matter of broadcast time for candidates for public office, the Communications Act specifies: "If any licensee (station) shall permit any person who is a *legally qualified* candidate for public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting stations. . . ." and shall have "no power of censorship" over the material so broadcast. However, there is no requirement that the station must give such time in the first place, for Section 315 of the Act stipulates: *"No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."* (This subject was covered in detail in a general information release, "Campaign Use of Radio," issued March 11th last, copies of which are available for the asking.)

Under the statute injunction against interference with individual radio programs, the Commission has had to advise inquirers that it is equally without authority to—

Censor statements of radio commentators, as requested by a New York man.

Require a national network to grant time to a Florida man to discuss national defense.

Deny the radio to "pressure groups interested in involving the United States in the present European conflict," as demanded by a New York woman.

Accede to request by a California woman that "pressure be put on radio stations to allow only 'sane' and 'unbiased' programs, which cut out all propaganda for war."

Pass on the type of wording of advertising announcements, as suggested by many listeners.

Likewise, the Commission has no authority to handle a New Orleans request that a radio station be made to employ six musicians instead of a trio.

Take action on complaint of a Peoria, Illinois, property owner relating to the height of his neighbor's aerial.

Help a New York woman develop a radio device for detecting and destroying enemy planes—or perfect a District of Columbia inventor's radio horn.

Radio station WSUI, Iowa State University, requested, and was given permission, to reproduce FCC's general information release of May 14th, "Radio Broadcasting Explained," for public distribution.

Incidentally, FCC's first printed general information booklet, "An ABC of the FCC," 13 pages in pocket size, is now being distributed on request.

## TIME SIGNAL BROADCASTING

Notice to All Broadcast Station Licensees:

Subject: *Rebroadcast of Naval Observatory Time Signals.*

(This supersedes Notice on same subject under date of February 9, 1940.)

Under date of February 9, 1940, the Commission announced that upon request any broadcast station showing compliance with the following conditions would be authorized to rebroadcast Naval Observatory Time Signals:

(1) Announcement of the time signal must be made without reference to any commercial activity;

(2) The time signal to be rebroadcast must be obtained by direct reception from a Naval radio transmitter which is broadcasting the time signal;

(3) The Naval Observatory time signals are intended to be sufficiently accurate for astronomical and other scientific purposes. No time may, therefore, be announced as a Naval Observatory time signal if any time lag has been introduced.

In order to meet requirements (2) and (3), it is necessary that the Naval Observatory time signals be obtained by direct reception from a Naval radio station which is transmitting the time signal with relatively short circuits between the receiver and the broadcast transmitter. This required that stations which formerly obtained the time signals from the networks either discontinue the practice or make provisions for direct reception. A number of stations made such provisions; however, still others did not and, as a consequence, a large number of complaints have been received by both the Navy Department and the Commission in regard to the discontinuance of the rebroadcast of these time signals.

The original requirements were made in order that the accuracy of the time signals might be improved so as to be acceptable for normal scientific purposes. However, upon receipt of the complaints mentioned above, this question was restudied and it appears that the time signals as transmitted by the various broadcast stations whether obtained by direct reception or by means of telephone lines, either local or national networks, are entirely satisfactory for the purposes of the average user provided no mechanical relays are used. Therefore, effective this date any broadcast station so desiring is hereby authorized to rebroadcast the Naval Observatory time signals or transmit the signals received from other sources provided no mechanical relays are used and that announcement of the time signal is made without reference to any commercial activity. Each licensee receiving the signals from wire lines should obtain and be prepared to inform any inquirers as to the actual time delay in transmission.

Persons requiring more accurate time signals should make provision for direct reception from Naval radio stations as shown in the following tabulation. Corrections, additions, and other information in this regard are published weekly in the Hydrographic Bulletin which may be obtained upon request from the Hydrographic Office, Navy Department, Washington, D. C.

T. J. Slowie, *Secretary.*

## SCHEDULE OF NAVY STATIONS TRANSMITTING NAVAL OBSERVATORY TIME SIGNALS

| Time (Eastern Standard) | Station | Call Sign | Frequency in kilocycles and type of emission. A1 unless otherwise noted | Remarks |
|---|---|---|---|---|
| P.M. P.M. | | | | |
| 7:55 to 8:00 | Washington, D. C. | NAA | 113 | * |
| 8:55 to 9:00 | Washington, D. C. | NAA/NSS | 113; 4390; 9425; 12630 | * |
| 9:55 to 10:00 | Washington, D. C. | NAA/NSS | 113; 4390; 9425; 12630 | * |
| | San Francisco, Cal. | NPG | 42.8; 113; 9090; 12540 | *<br>(NPG broadcasts from crystal clock corrected from Naval Observatory.) |
| 10:55 to 11:00 | Washington, D. C | NAA/NSS | 9425 | * |
| | Oahu (Honolulu) T. H. | NPM | 113; 9090; 12540 | |
| 11:25 to 11:30 | Cavite, P. I. | NPO | 113; 9250; 12630 | * |
| 11:55 to 12:00 | Washington, D. C. | NAA | 113; 9425 | * |
| | Balboa, C. Z. | NBA | 113; 4390; 9250 | * |
| A.M. A.M. | | | | |
| 12:55 to 1:00 | Washington, D. C. | NAA | 113; 9425 | * |
| 1:55 to 2:00 | Washington, D. C. | NAA | 113; 9425 | * |
| 2:55 to 3:00 | Washington, D. C. | NAA | 113; 4390; 9425; 12630 | * |
| | San Francisco, Cal. | NPG | 42.8 | ** |
| 3:55 to 4:00 | Washington, D. C. | NAA | 113; 4390; 9425; 12630 | * |
| 4:55 to 5:00 | Washington, D. C. | NAA | 113; 4390; 9425; 12630 | * |
| 5:55 to 6:00 | Washington, D. C. | NAA | 113 | * |
| 6:55 to 7:00 | Cavite, P. I. | NPO | 113; 9250; 12630 | * |
| | Washington, D. C. | NAA | 113 | * |
| 7:55 to 8:00 | Washington, D. C. | NAA | 113; 9425 | * |
| 8:55 to 9:00 | Washington, D. C. | NAA/NSS | 113; 9425; 12630; 17370 | * |
| 9:55 to 10:00 | Washington, D. C. | NAA/NSS | 113; 9425; 12630; 17370 | * |
| | San Francisco, Cal. | NPG | 42.8; 113; 9090; 12540 | (NPG broadcasts from crystal clock corrected from Naval Observatory.) |
| 10:55 to 11:00 | Washington, D. C. | NAA/NSS | 9425 | * |
| | Oahu (Honolulu) T. H. | NPM | 113; 9090; 12540 | |
| 11:55 to 12:00 | Washington, D. C. | NAA | 17.8; 113; 9425 | * |
| | Balboa, C. Z. | NBA | 113; 4390; 9250 | |
| | San Francisco, Cal. | NPG | 42.8 | ** |
| P.M. P.M. | | | | |
| 12:55 to 1:00 | Washington, D. C. | NAA | 113 | * |
| 1:55 to 2:00 | Washington, D. C. | NAA | 113; 9425 | * |
| 2:55 to 3:00 | Washington, D. C. | NAA | 113; 9425; 12630; 17370 | * |
| | Oahu (Honolulu) T. H. | NPM | 113; 9090) | |
| | San Francisco, Cal. | NPG | 42.8; 113) | ** |
| 3:55 to 4:00 | Washington, D. C. | NAA | 113; 9425; 12630; 17370 | * |
| 4:55 to 5:00 | Washington, D. C. | NAA | 113; 9425; 12630; 17370 | * |
| 5:55 to 6:00 | Washington, D. C. | NAA | 113; 9425 | * |
| 6:55 to 7:00 | Washington, D. C. | NAA | 113; 9425 | * |
| | San Francisco, Cal. | NPG | 42.8 | ** |

* First-order time signals.—These are precision time signals for chronometer rating and scientific use, normally correct as broadcast to less than one-tenth of a second. The average error of the Washington time signals has been reduced to less than .02 of a second.

** Second-order time signals.—These are time signals for chronometer rating and ordinary use, normally correct as broadcast to less than five-tenth of a second, having a generally constant lag.

In the event of a failure or an error occurring in any of the time signals, except the rebroadcast of Washington time signals at San Francisco and Pearl Harbor, T. H., another time signal will be transmitted 1 hour later on the same frequency. San Francisco in the event of a failure or error occurring in the Washington time signal, will transmit a time signal from the clock at that point.

## FCC WARNING

The FCC on June 8 issued a sharp warning to all United States ship radio operators and to station licensees, that superfluous, unnecessary, or unidentified communications from ship stations to other ships or to shore stations will not be tolerated and that violation in this respect will be vigorously prosecuted.

# FEDERAL COMMUNICATIONS COMMISSION

## FINAL ORDERS

FCC has announced adoption as final its Proposed Findings of Fact and Conclusions, as modified, granting the applications of Ben S. McGlashan, **Los Angeles, Calif.,** for renewal of license of High Frequency Broadcast Station W6XKG, and granting renewal of license of High Frequency Broadcast Station W6XRE, in part, in so far as it requests authority to use the frequency **350,000 kilocycles,** with power of 500 watts, and denied in so far as it requests authority to use the frequencies **42,300 kilocycles** and **116,950 kilocycles.** The authority granted for the operation of these stations is subject to the conditions that the applicant will supply satisfactory proof that he has a program of research and experimentation which is within the purview of Section 4.112 of the Commission's Rules and Regulations, and that the authorizations issued are upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing.

## FINDING OF FACT

Denial of the application for renewal of license for Station KRKO, located at **Everett, Washington,** operated by Lee E. Mudgett on **1370 kilocycles,** with 50 watts power, sharing time with KEEN at Seattle, has been announced by the FCC.

The Commission in its Proposed Findings of Fact and Conclusions, held that "the licensee, in the conduct of business and the exercise of rights associated with the operation of Station KRKO, has been dominated and directed by various persons who have provided funds in substantial amounts for the original acquisition of the station in 1934 and for its subsequent maintenance and operation . . . and the granting of the application for renewal of license for KRKO will not serve public interest, convenience or necessity."

Action of the Commission with reference to the granting of applications for renewal of licenses of stations in the radio broadcast service is by the express provisions of the Communications Act limited to and governed by the same considerations and practice which affect the granting of original applications.

"Neither the letter nor the spirit of the licenses heretofore granted to Lee E. Mudgett for the operation of station KRKO has been observed," the Commission explained, and "inasmuch as he has not been free to exercise the rights conferred therein, or to accept the responsibility thereby delegated to him, without intervention of outside influences, the granting of the application for renewal of license will not serve public interest, convenience or necessity."

In addition to the application for renewal of license, the licensee applied for construction permit to move antenna site locally, install new equipment and vertical radiators, change operating assignment from 50 watts sharing equally with KEEN, Seattle, to 100 watts night, 250 watts until local sunset, with unlimited hours of operation, and to voluntarily assign the KRKO license to The Everett Broadcasting Company, Inc.

In view of the foregoing conclusions the applications for assignment of license and construction permit will be dismissed.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments are scheduled to be heard before the Commission in broadcast cases during the week beginning Monday, June 17.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KGY—Louis Wasmer, Olympia, Wash.—Granted consent to control of corporation KGY, Inc., from Louis Wasmer to Tom Olsen, involving 52½ shares of outstanding capital stock of licensee corporation, for a consideration of $9,291. (Station operates on **1210 kc.**, 100 watts, unlimited except when station KTW is operating.) B5-TC-213.

KWJB—Sims Broadcasting Company, Globe, Ariz.—Granted consent to voluntary assignment of license from Sims Broadcasting Company (Bartley T. Sims, Manager) to Bartley T. Sims, d/b as Sims Broadcasting Company. Station operates on **1210 kc.**, 250 watts, unlimited time (B5-AL-269).

KWJB—Sims Broadcasting Company, Globe, Ariz.—Granted renewal of license for the period ending August 1, 1940 (B5-R-840).

KTBG—State Capital Broadcasting Assn., Inc., Austin, Tex.—Granted extension of present license upon a temporary basis only for the period ending August 1, 1940, subject to all of the terms and conditions of the order of revocation entered February 7, 1940, and subject further to final determination of the Commission on said order (B3-R-1007).

### DESIGNATED FOR HEARING

North Jersey Broadcasting Co., Inc., Paterson, N. J.—Application for construction permit for new station to operate on **900 kc.**, 1 KW, daytime hours (B1-P-2624).

KRLC—H. E. Studebaker, Lewiston, Idaho.—Application for modification of license to change frequency from **1390** to **1370 kc.**, contingent upon application of KUJ.* (B5-ML-902).

KUJ—KUJ, Inc., Walla Walla, Wash.—Application for construction permit to move transmitter, exact site to be determined subject to Commission's approval; install new transmitting equipment and antenna; change frequency from **1370** to **1390 kc.**; and increase power from 100 watts to 1 KW, contingent upon application of KRLC for modification of license (B5-P-2610).*

KYOS—Merced Broadcasting Co., Merced, Calif.—Application for construction permit to install new transmitting equipment; make changes in ground system; change frequency from **1040** to **1390 kc.**; increase power from 250 watts to 500 watts night, 1 KW LS, and operating time from day only to unlimited (contingent upon the granting of KOY's application for change of frequency from **1390 kc.** to **550 kc.**)* (B5-P-2545).

* Hearing to be combined with two applications from Riverside, Calif., already designated.

### MISCELLANEOUS

WLOF—Hazlewood, Inc., Orlando, Fla.—Granted modification of construction permit which authorized new station, for approval of antenna and transmitter site, change location of studio, and install new transmitter; tower to be painted and lighted in accordance with Sec. 3.45(d); upon the express condition that this grant shall not be construed as a finding by the Commission upon the application of Radio Corp. of Orlando requesting the same facilities, nor upon the application for license to operate Station WLOF when the construction of same has been completed, nor upon any of the issues involved therein, nor that the Commission has found that operation of this station is, or will be, in the public interest beyond the express terms hereof (B3-MP-971).

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-403).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 1 p. m. to 3 p. m., EST, on July 4, 1940, in order to broadcast holiday program (provided WOSU remains silent).

KFRU—KFRU, Inc., Columbus, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from local sunset (June 7:30 p. m., CST) to the conclusion of special baseball games on June 14 and 21, 1940, in order to broadcast baseball games only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast baseball games.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted special temporary authority to operate from 9 a. m. to 1 p. m. and from 6 p. m. to 10 p. m., PST, for the period July 1, 1940, to not later than July 30, 1940 (instead of unlimited time as licensed) in order to observe the regular vacation period.

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted petition to amend application for construction permit requesting change in frequency from **1310** to **880 kc.**, and power from 100 watts to 1 KW, unlimited time, to modify proposed directional antenna.

Oscar Kronenberg, Steubenville, Ohio.—Granted petition to dismiss without prejudice application for new station to operate on **1310 kc.**, 250 watts, unlimited time.

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit for new equipment, move of transmitter, and increase in power. for approval of antenna and transmitter site, provided tower is marked in accordance with Sec. 3.45(d).

WARM—Union Broadcasting Co., Scranton, Pa.—Granted modification of construction permit authorizing new station, to install new type of transmitter (B2-MP-985).

Arlington Broadcasting Corp., Arlington, Va.—Denied as in case of default the application for construction permit for new broadcast station at Arlington, Va., to operate on **1420 kc.**, 250 watts, 250 watts LS, unlimited time.

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate from 9:30 p. m. to 3 a. m., EST, the night of June 8, 1940, with power of 5 KW, non-directional, for the purpose of broadcasting the Greater Cleveland Red Cross Program, designed to raise funds for European relief.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts, from 9:30 p. m. to 10 p. m., CST, on June 27, 1940, in order to broadcast a special baseball game.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to permit KFRU to broadcast a special baseball game only.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency station W2XMN, for the period ending in no event later than July 1, 1940.

WHKC—United Broadcasting Co., Columbus, Ohio.—Denied special temporary authority to operate unlimited time for the period beginning June 24, 1940, to the conclusion of the Republican National Convention and for the period beginning July 15, 1940, to the conclusion of the Democratic National Convention, in order to broadcast the Mutual Broadcasting System's programs covering said conventions.

W10XKT—Allen B. Du Mont Laboratories, Inc., New York, N. Y. —Granted special temporary authority to operate portable-mobile television transmitter described in application (File No. B1-PVB-28) on channels **156 to 168 mc.**, for the period ending in no event later than January 1, 1941.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to remain silent for the period beginning June 12, 1940, and ending not later than August 1, 1940, in order to observe college vacation.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 6:45 p. m. to 12 p. m., CST, on June 16, 17, 18, and 19, 1940, in order to broadcast programs celebrating Griffin's Centennial, sponsored by the Chamber of Commerce.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 9:15 p. m. to midnight, EST, on July 11, 1940, in order to broadcast the All-Star Boxing Show for the benefit of the New York City Milk Fund.

WNBI—National Broadcasting Co., Bound Brook, N. J.—Granted authority to add frequency **11820 kc.** to present licensed frequencies (which are **6100** and **17780 kc.**, 35 KW, unlimited time on **6100 kc.**, and shares with WPIT on **17780 kc.**). This special authorization is granted for the period ending Nov. 1, 1940, upon a temporary basis only upon the express condition that it is subject to change or cancellation by the Commission at any time without advance notice or hearing, and that no interference is caused to stations of the British Administration. Nothing herein shall be construed as finding that the operation of station upon frequency **11820 kc.** is or will be in the public interest beyond the express terms hereof.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 7:45 p. m. to midnight, EST, on June 11, 1940, in order to broadcast election returns only, using 100 watts power.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts from 7:30 p. m., CST, to the conclusion of political rallies on June 20, 21, 22, 24, 25, 26, and 27, 1940.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts from 8 p. m. to 9:30 p. m., CST, on June 20, 1940, in order to permit WGBF to broadcast the Louis-Godoy fight.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to broadcast the Louis-Godoy fight.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from local sunset (June 7:30 p. m., CST) to 9 p. m., CST, on June 16, 1940, in order to broadcast the Civic Patriotic anniversary program of the Luxemburger Hall in Aurora.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8 p. m. to midnight, CST, on June 14, 1940, in order to broadcast the National Flag Day celebration being sponsored by the Elks Clubs of Eau Claire and Chippewa Falls.

## APPLICATIONS FILED AT FCC

### 590 Kilocycles

NEW—West Publishers, Inc., Corpus Christi, Tex.—Construction permit for new broadcast station to be operated on **590 kc.**, 500 watts night, 1 KW daytime, unlimited time. Class III-B.

### 770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special experimental authorization to operate synchronously with KFAB from sunset at Lincoln, Nebr., to 12 midnight, period 8-1-40 to 2-1-41.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special experimental authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, period beginning 8-1-40.

### 850 Kilocycles

WWL—Loyola University, New Orleans, La.—Extension of special experimental authorization for unlimited time, period beginning 8-1-40.

### 880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Modification of license to increase power from 250 watts to 500 watts.

### 900 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Modification of license to increase power from 1 KW night, 5 KW daytime, to 5 KW day and night.

### 940 Kilocycles

NEW—The Tribune Co., Tampa, Fla.—Construction permit for a new broadcast station to be operated on **940 kc.**, 1 KW night, 5 KW day, unlimited time, directional antenna for night use. Class III-B station. Amended to give location of transmitter as East End Davis Causeway, near Tampa, Fla.

### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Modification of license to use directional antenna system at night only.

### 1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Construction permit to change hours from daytime to unlimited, using 1 KW day and night, install directional antenna for day and night use, move transmitter. Class II station.

### 1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authorization to operate simultaneously with KRLD, unlimited time, using directional antenna night, period 8-1-40 (on **1040 kc.**).

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authorization to operate simultaneously with KTHS on **1060 kc.**, from sunrise at Baltimore to local sunset at Hot Springs, Ark., to operate from local sunset at Hot Springs to 9 p. m., EST, on **1060 kc.**, and operate synchronously with WJZ on **760 kc.**, 2½ KW, directional antenna, from 9 p. m., EST, period beginning 8-1-40.

### 1100 Kilocycles

KWKH—International Broadcasting Corp., Shreveport, La.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

NEW—The Twin States Broadcasting Co., Augusta, Ga.—Construction permit for a new radio broadcast station to be operated on **1210 kc.,** 250 watts, unlimited time. Class IV.

### 1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit for changes in antenna and transmitter; increase in power from 1 KW night, 5 KW daytime, to 5 KW day and night; and move transmitter locally. Amended re antenna.

### 1270 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit to increase power from 500 watts to 5 KW; change hours from share WASH to unlimited time; install new transmitting equipment and directional antenna for night use; move studio and transmitter. Requests Class III-A station. Amended to omit request for change in hours of operation.

NEW—The Brockway Co., Watertown, N. Y.—Construction permit for new broadcast station to be operated on **1270 kc.,** 500 watts, daytime. Amended re equipment.

### 1370 Kilocycles

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to change frequency from **1370 kc.** to **1400 kc.,** in accordance with reallocation.

### 1420 Kilocycles

NEW—KNOE, Inc., Monroe, La.—Construction permit for new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Class IV.

NEW—Blanfox Radio Co., Harlan, Ky.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Class IV station.

### 1460 Kilocycles

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Modification of license to change daytime directional antenna pattern.

### 1500 Kilocycles

WKEU—Radio Station WKEU, Griffin, Ga.—Modification of construction permit (B3-P-2693) for changes in antenna and hours of operation, requesting extension of commencement date from 6-4-40 to 10-4-40 and completion date from 12-4-40 to 5-4-41.

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—License to cover construction permit (B3-P-2306) for new broadcast station.

NEW—Findlay Radio Co., Findlay, Ohio.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 250 watts, daytime. Class IV station.

KROD—Dorrence D. Roderick, El Paso, Tex.—License to cover construction permit (B3-P-947) as modified for new broadcast station.

KROD—Dorrence D. Roderick, El Paso, Tex.—Authority to determine operating power by direct measurement of antenna power.

### MISCELLANEOUS

W10XKT—Allen B. DuMont Laboratories, Inc., Portable-Mobile, area of New York, N. Y.—Construction permit to reinstate the construction permit B1-PVB-28, which expired 5-6-40, changing frequencies, emission and transmitter to: **258000-270000 kc.,** 50 watts power, A5 emission.

WLWO—The Crosley Corp., Mason, Ohio.—Special experimental authorization for international broadcast station to operate a 1-KW transmitter on **6080 kc.,** with 1 KW power and A0 and A1 emission, for identification purposes only.

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for a new television broadcast station to be operated on **66000-72000 kc.,** 1000 watts, A3 and A5 emission, unlimited time. Form 318, requests Class II television station.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Modification of license for changes in authorized frequencies from **42000-50000, 60000-86000 kc.** to **44000-50000 kc.,** in accordance with revised rules. Amended: Requests Class II television station and **50000-56000 kc.**

W9XUI—University of Iowa, Iowa City, Iowa.—Modification of license to request change in frequencies from **42000-56000, 60000-86000 kc.** to **50000-56000 kc.** Amended: Form 318, requesting Class I station and change frequencies to **60000-66000 kc.**

KAIZ—Woodmen of the World Life Insurance Society, Portable-Mobile.—License to cover construction permit (B4-PRY-201) for a new relay broadcast station.

KQCB—Queen City Broadcasting Co., Inc., Portable-Mobile.—Construction permit to increase power from 12 to 40 watts and install new transmitter.

NEW—B. B. Shapiro, F. P. Shapiro and H. Shapiro, d/b as Leroy's Jewelers, Los Angeles, Calif.—Construction permit for a new television broadcast station to be operated on **66000-72000 kc.,** power 1 KW, emission A3 and A5 for both visual and aural. Form 318, requests Class II television station.

NEW—Television Productions, Inc., Los Angeles, Calif.—Construction permit for a new television broadcast station to be operated on **66000-72000 kc.,** power 1000 watts for both visual and aural, emission A3 and A5 and special. Form 318, requests Class II television station.

KFAS—Midnight Sun Broadcasting Company, Portable-Mobile, area of Fairbanks, Alaska.—License to cover construction permit (B-PRE-344) for a new relay broadcast station.

NEW—Atlantic Coast Broadcasting Co., Portable-Mobile, area of Charleston, S. C.—Construction permit for new relay broadcast station to be operated on **31220, 35620, 37020, 39260 kc.,** 2 watts, A3 emission.

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new television broadcast station to be operated on **44000-50000 kc.,** 1000 watts for both visual and aural transmitters, emission A3, A5 and special. Amended to request frequencies **50000-56000 kc.**

NEW—R. B. Eaton, Des Moines, Iowa.—Construction permit for a new television broadcast station to be operated on **44000-56000 kc.,** 100 watts for both visual and aural, emission A3 and A5. Form 318, requests Class II television station.

NEW—The Crosley Corp., Cincinnati, Ohio.—Construction permit for a new television station to be operated on **50000-56000 kc.,** power visual and aural 1000 watts, emission A3 and A5. Form 318, requests Class II television station.

W2XBT—National Broadcasting Co., Inc., Portable.—Modification of license to change frequency from **156000-162000** to **162000-168000 kc.**

W1XG—General Television Corp., Boston, Mass.—Construction permit to install audio transmitter to use with video transmitter, 500 watts power, A3 emission. Amended re location of audio transmitter.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**W. C. Allen Candy Company, Inc.,** 1028 East Burnside St., Portland, Ore., is alleged to distribute to dealers assortments of merchandise so arranged as to involve use of a lottery. One of them allegedly consists of various containers, candy and a suitcase, together with a punch board from which customers buy numbers at different prices. Recipients of certain specified numbers are entitled to receive boats of candy and the buyer of the last punch on the board draws a suitcase, according to the complaint. It is alleged that a purchaser failing to punch one of the specified numbers receives nothing but the privilege of punching the board and that the prizes thus are distributed wholly by lot or chance. (4156)

**Continental Blade Corporation**—See Lightfoot Schultz Co.

**Economy Sales Company, Inc.**, 910 Bergen Ave., Jersey City, N. J., and Samuel Knight, alias Samuel Nitke, individually and as an officer of the corporate respondent, distributors of luggage, jewelry and other merchandise, allegedly distribute various lottery plans including a push card plan for use in connection with clubs and fraternal organizations in promoting the sale of the respondents' merchandise wholly by lot or chance. It is alleged that the respondents also offer to conduct carnivals and dances for such organizations, awarding prizes to purchasers of tickets for these events who hold tickets containing certain specified numbers or to the purchaser of the last ticket in a book. (4150)

**G & F Sales Company**—Lilliam M. Granger, L. H. Murray, and Clara and Adolf Feitler, trading as G. & F. Sales Company, 35 South Franklin St., Chicago, are dealers in radios, watches and other merchandise. They are alleged to sell certain assortments, one of which contains several tins of peanuts and a radio, together with a punch board the numbers on which are effectively concealed and sell for 5 cents each. The person punching the number corresponding to that concealed under a seal on the board receives the radio, and persons punching certain other numbers receive for five cents a tin of peanuts worth more than that amount, wholly by lot or chance, according to the complaint. (4155)

**Lightfoot Schultz Company,** Continental Blade Corporation, and Lawrence Distributing Corporation, are charged, in a complaint, with unfair and deceptive acts and practices in commerce.

Lightfoot Schultz Company has its principal office at 663 Fifth Ave., New York, and a factory in Hoboken, N. J. The offices of Continental Blade Corporation are at 66 Court St., Brooklyn, and it has a factory at 315 Jay St., Brooklyn. Lawrence Distributing Corporation has its principal office and place of business at 315 Jay St., Brooklyn. All the respondents are wholly owned subsidiaries of the American Safety Razor Corporation.

The complaint points out that Lightfoot Schultz Company is engaged in the manufacture and sale of soaps and toilet preparations, Continental Blade Corporation in the manufacture and sale of safety blades and also in the sale and distribution of soaps manufactured by Lightfoot Schultz Company. Lawrence Distributing Corporation is also engaged in the sale and distribution of soaps manufactured by Lightfoot Schultz Company.

For the purpose of inducing the purchase of the various products sold and distributed by them, the complaint charges, the respondents have been engaged in the practice of falsely representing the retail price at which their products are customarily sold. Typical of such are representations made by the respondents with reference to resale prices of various soaps manufactured by Lightfoot Schultz Company. These products are customarily sold by the respondents to wholesalers and jobbers for resale to peddlers packed in cartons of three cakes of soap each. On each of these cartons is imprinted the legend "Combination Price 75¢." By use of these words and figures, the complaint continues, the respondents represent that the cartons of coap have an actual retail value or selling price of 75 cents each, and the price marks serve as representations on the part of the respondents to purchasers that the soaps are fine toilet soaps of high quality.

In truth, the complaint alleges, the prices placed by the respondents on the cartons in no sense represent the actual value or retail selling price of the products but are fictitious and greatly in excess of the actual values or the actual retail selling prices, and the soaps are sold by the respondents at from $2.60 to $3 per gross cakes, or at a price of from 5 to 6 cents per carton of three cakes of soap.

As a result of the respondents' representations, the complaint alleges, the purchasing public is led to believe that the actual retail values or usual retail selling prices of the soaps are the prices stamped or marked on the cartons, when in fact those prices are fictitious and in no sense represent the usual retail selling prices or actual retail values of the soap. By this means, the complaint alleges, the respondents have placed in the hands of unscrupulous peddlers and canvassers a means and instrumentality whereby such peddlers and canvassers are enabled to mislead and deceive the purchasing public. (4148)

**May's Cut Rate Drug Company**—Complaints have been issued against drug companies in Clarksburg and Charleston, W. Va. and McKeesport, Pa., alleging false advertisement of a drug preparation the use of which under usual conditions or under conditions as prescribed in advertisements may be injurious to health. The respondents are May's Cut Rate Drug Company, 109 South Fourth St., Clarksburg, W. Va., May's Cut Rate Drug Company of Charleston, 911 Quarrier St., Charleston, W. Va., and Pittsburgh Cut Rate Drug Company, 329 Fifth Ave., McKeesport, Pa.

According to the complaints, these respondents advertised as a competent, effective, safe and harmless treatment for delayed menstruation, a preparation designated as "Genuine Mayco English Crown Female Capsules for Delayed Periods" and also as "Genuine Mayco English Crown Female Capsules," described further as either "Double Strength" or as "Triple Strength."

It is alleged that this preparation is not competent and effective as a treatment for delayed menstruation and that it is not safe or harmless in that it contains the drugs apiol green, ergotin, oil of savin and aloin in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under customary or usual conditions. The complaints further allege that the respondents' advertisements are false in that they fail to reveal that use of the preparation under such conditions may result in serious and irreparable injury to health.

Upon petition of the Federal Trade Commission, each of the respondent companies recently was restrained by a United States District Court from further advertisement of this preparation pending issuance and final disposition of the complaints now issued by the Commission. (4152-4153-4154)

**Omega Electrolysis Institute**—See Omega Manufacturing Co., Inc.

**Omega Manufacturing Company, Inc.**, a corporation, trading as Omega Electrolysis Institute, and Milton L. Brownshield, individually and as an officer of the corporation, 516 Fifth Ave., New York, are charged, in a complaint with misrepresentation.

The complaint charges that the respondents are engaged in the sale and distribution of a device designated the "Omega Home Use Portable Machine," recommended for use in the electrolytic removal of superfluous hair from the human body by individual self-application in the home. The complaint alleges that in advertisements distributed throughout the various States, the respondents represented the device as an effective, safe and scientific apparatus for the removal of superfluous hair, and that it is foolproof, painless, pleasant, quick, simple and easy to use and will have no ill effects upon the human body.

The complaint alleges that operation of the respondents' device involves insertion of a needle into the hair follicle for destroying the root of the hair by electrolysis, which process may cause serious injury to health. The complaint further alleges that the device will not accomplish the results claimed and is not safe, foolproof and painless when used by the unskilled lay public.

The respondents are further charged with disseminating false advertisements through their failure therein to reveal that use of the device under conditions prescribed in the advertisements, or under customary or usual conditions, may result in serious and irreparable injury to health.

Upon petition of the Commission, the United States District Court for the Southern District of New York recently issued an order restraining the respondents from further dissemination of false advertisements of their product pending issuance and final disposition of the Commission's complaint now issued. (4146)

**Pittsburgh Cut Rate Drug Co.**—See May's Cut Rate Drug Co.

**Thomas Brothers**—Chester E. Thomas, trading as Thomas Brothers, 20 N. E. Weidler St., Portland, Oreg., is alleged to distribute candy and salted peanut assortments so arranged as to involve use of a lottery. One assortment allegedly is composed of a plaster of paris toy and 30 bags of salted peanuts of uniform size, shape and quality, each bag containing a number tab. It is alleged that purchasers pay 1 to 5 cents a bag, according to the number drawn; that the buyer of the last package of peanuts receives the toy, and that the price of each bag is determined, and the toy is distributed, wholly by lot or chance. Another assortment, it is alleged, consists of a box of chocolates and several bars of candy of uniform size and shape, together with a push card. Each purchaser, it is alleged, receives a bar of candy. Holders of certain designated numbers, however, receive additional bars and the purchaser making the last punch receives the box of chocolates, all without extra cost and entirely by lot or chance, according to the complaint. (4151)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Herb Juice-Penol Company, Inc.**, a corporation, trading as Pow-O-Lin Laboratories, Danville, Va., has been ordered to discontinue misrepresentations in the sale of "Pow-O-Lin," a medicine.

Commission findings are that in newspaper, circular and radio advertising, the respondent represented that "Pow-O-Lin" possesses beneficial therapeutic properties with respect to curing, remedying and competently treating constipation and "faulty elimination" characterized by and associated with symptoms such as biliousness, indigestion, gas pains, headaches, dizziness, pains in the back or chest, stiffness of the joints, swollen feet or ankles, nervousness, insomnia, loss of appetite, or lack of energy.

However, the findings continue, the respondent's preparation has no therapeutic properties in excess of those of a cathartic or laxative and serves no purpose other than to assist in the temporary evacuation of the intestinal tract; the use of the respondent's preparation will not serve as a remedy or cure for or affect any tendency to constipation; the symptoms mentioned are not usually typical of any particular group of disorders and are not necessarily due to constipation, and the preparation has no beneficial value other than temporary in overcoming the specific symptoms when they are due to constipation, and no value in treating them when they are due to causes other than constipation.

The Commission order directs the respondent to cease disseminating advertisements which represent that its preparation is a cure or remedy for the symptoms mentioned, or that it is a competent or effective treatment for these symptoms in excess of temporarily relieving them when they are due to, or persist because of, constipation.

The further representations that the respondent's preparation is a cure or remedy for constipation or that its use will serve to eliminate or affect the tendency to constipation; that the preparation constitutes a competent or effective treatment for constipation in excess of assisting in temporary evacuation of the intestinal tract, and that it possesses any therapeutic properties beyond those of a cathartic or laxative, are also ordered discontinued. (4067)

**Hygienic Corporation of America** and its subsidiaries, Hygienic Company of America and Merrill-Saunders Company, Ltd., all of 5256-58 South Hoover St., Los Angeles, have been ordered to discontinue misrepresentations in the sale of so-called feminine hygiene preparations and appliances.

Also named in the order as a respondent is Harold L. DeBar, of the same Los Angeles address, principal stockholder and director of activities of the corporate respondents, who also is in business under the names American Health Association of Washington, D. C. Women's Advisory Bureau, Women's Co-operative Service, Protex-U-Hygienic Service, American Bureau of Hygiene, and Surete Laboratories.

Commission findings are that the respondents misrepresented the efficacy of their products designated generally as "Protex-U" and "Surete," which consisted substantially of douche powder, ointment, jelly, syringe, applicator, and vaginal diaphragm, sold in sets and separately. It was also found that by misleading use of the fictitious name "American Health Association" and other false representations, the respondents sought to promote sales through women agents, who were designated as "Visiting Nurses" pledged to cooperate in the association's "cause" and in its "aims of more healthful living through public education."

Commission findings are further that the respondents' representations regarding their alleged public health activities were entirely false; that their business was solely commercial, neither their activities nor products having been sponsored or approved by any public health service, as had been implied in their advertising; that their saleswomen were not nurses qualified to advise women customers, and that, contrary to the respondents' representations, their products constituted neither competent preventives of conception nor remedies for women's ailments, nor were they effective prophylactics.

The Commission order directs the respondents to cease and desist from representing that any of their preparations or appliances, used alone or with any other of such articles, will prevent conception or possess therapeutic value in treating women's ailments; that any of these articles destroy bacteria or are effective prophylactics, or (through failure to reveal that its use is not wholly safe), that the respondents' appliance known as "Health Shield" (vaginal syringe) may be used without injurious effects.

The order also prohibits representations that the respondents are connected with a public health service; employment of the name "American Health Association" or "American Health Association of Washington, D. C." or other name of similar import to describe the respondents or their business; use of the words "Nurse" or "Visiting Nurse" or "Nurse Membership" or terms of similar import to designate the respondents' solicitors or saleswomen, or other representation that they are nurses. (3303)

**Lady Esther, Ltd.**, Chicago, cosmetics distributor, has been ordered to discontinue certain misleading representations in advertising "Lady Esther Face Cream."

Commission findings are that the respondent corporation represented this preparation as being capable of penetrating into and below the skin, and of dissolving dirt and waste matter in the pores of the skin, when such were not the facts, and that the respondent made other representations of similar import. The principal effect of the respondent's cream, according to findings, is to cleanse the outer surface of the skin and the exterior openings of the pores. The respondent's cream, the findings continue, does not penetrate the skin, but may, to a limited extent, be temporarily absorbed by the skin and in this way may have a temporary lubricating effect.

The Commission order directs the respondent corporation to cease and desist from such representations concerning penetration of the skin by its preparation, and also to discontinue advertising that its cream will overcome, correct or cure a dry skin or do more in affecting a dry skin than furnish a temporary supply of lubrication; that this cream is as efficacious on an oily skin as on a dry skin, except that it will clean an oily skin at least to the same extent as a dry skin; that use of the cream will prevent or remove wrinkles or facial lines other than those caused by skin dryness, or will remove blackheads or any portion of blackheads except the superficial dirt on the outside surface thereof; that the cream is a solvent of or dissolves dust, soot, dirt, dead skin cells or the various forms of dirt and waste matter that soil the skin, and that the respondent guarantees its cream or the results represented as attainable by its use, unless the true nature and extent of such guarantee are clearly and adequately disclosed. (3917)

**Merrill-Saunders Co., Ltd.**—See Hygienic Corp. of America.

**New York Diesel Institution, Inc.**, 47 Rector St., Newark, N. J., has been ordered to discontinue certain misleading representations in the sale of courses of study concerning Diesel engines and other trade subjects, conducted wholly or partly by correspondence.

Commission findings are that, contrary to actual accomplishment, the respondent represented that it would make employment available with good pay to students completing its courses, and that it advertised its offer of training as being made only to a limited number of students in any territory, and to persons having special qualifications or training, when in fact all students who could pay the price were accepted.

The respondent, according to findings, also represented that classes including shop training on Diesel engines and machinery to be installed in its buildings would be held in various cities other than Newark, N. J., under competent instructors, when in fact no such training was offered except at Newark.

The Commission further found that students of average ability who intelligently pursued the respondent's courses would need other training to qualify as Diesel engineers, expert operators or skilled workmen on Diesel engines.

Under the Commission order, the respondent is directed to cease and desist from its misleading representations.

The Commission dismissed its complaint in this proceeding as to Henry M. Kramrath, John L. Snider, Everett K. Pangburn, Richard B. Cornell and Frank F. Hayward, formerly in active control of the corporate respondent's management, for the reason that the complaint and notice of hearings were not served upon them, their whereabouts having been unknown. (3785)

**Pow-O-Lin Laboratories**—See Herb Juice-Penol Co., Inc.

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Raye Burns School of Cartooning**—Trading as Raye Burns School of Cartooning, Bernard Singerman, Cleveland, has entered into a stipulation to discontinue certain representations in the sale of his correspondence courses.

The respondent Singerman agrees to discontinue the use in his advertising matter of statements or representations, letters or reproductions of letters purportedly written by the editor or others associated with magazines or publications, the effect of which tends to convey the impression that such publications now buy thousands or any number of cartoons yearly from the Raye Burns School of Cartooning, when in fact such publications have not been in print for some time. The respondent also agrees to discontinue use of letters or reproductions of letters purportedly received by the respondent without solicitation on his part from persons associated with magazines, syndicates, schools, and the like, so as to imply that such publications or concerns habitually call upon the Raye Burns School of Cartooning for the cartoonists they need, or that the school enjoys a prestige in the matter of placing its students with such publications or concerns which it does not have.

Among other representations which the respondent agrees to discontinue are statements tending to convey the idea that anyone, whether talented or not, can achieve success as a cartoonist or readily find lucrative employment, or that students of the respondent's school are widely sought after by editors, publishers or others desiring to purchase cartoons. (2826)

**Enterprise Aluminum Company,** Massillon, Ohio, manufacturer of aluminum kitchen utensils, has entered into a stipulation to discontinue certain representations in the sale of its products. Under its stipulation, the respondent agrees to cease employing the word "Silverglo" or terms of similar import to describe its aluminum products and to discontinue using any like designation containing the word "Silver" with a tendency to create the impression that the durability or value of such articles is enhanced or affected by silver metal contained therein. Such products, the stipulation points out, are neither composed in part of nor finished with silver, as implied by use of the trade designation "Silverglo." (2828)

**Equitable Embroidery Company, Inc.,** 260 Fifth Ave., New York, agrees to desist from use of the words "Madero Embroidery" or "Madero" as a brand, trade-mark or other sales designation of sheets, pillowcases or other merchandise sold by it; or from use of the word "Madero" or any other semblance of the word "Maderia" as descriptive of any article of merchandise not produced in the Maderia Islands with all the qualities and properties of genuine Maderia products. The respondent further agrees to cease representing that a patent is pending on the construction or with reference to any other feature of its products; to discontinue employing the word "Manufacturers" as descriptive of its business, and to cease using any other words of similar implication the effect of which tends to convey the belief that it manufactures the products it sells or owns and operates a plant at Mayaguez, Puerto Rico, or elsewhere, in which its articles are made, when such are not the facts. (2830)

**Gimbel Brothers, Inc.,** New York, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of rugs.

In its stipulation, the respondent corporation agrees to discontinue use of the words "Oriental Reproduction," "Oriental Replica," "Copies of Real Orientals," "Aristan Reproductions of Orientals," "Imported Reproductions of Hand-Woven Orientals," or other use of the words "Reproduction," "Replica," or "Copies" or other similar words implying that the article referred to is a reproduction, replica or duplicate of an original, when such is not a fact, and to cease use of the phrase "American Oriental" or other appellation including the word "Oriental" or other expression indicative of an Oriental type, as descriptive of a rug which does not contain all the inherent properties, qualities and constructive features of a true Oriental rug.

The respondent also agrees to discontinue use of the word "Oriental" or other distinctively Oriental appellation in connection with any rug which has not been made in the country or locality designated or implied and does not contain all the inherent qualities or properties of such Oriental rug; unless, if properly used to describe the design and pattern only, such word of Oriental appellation shall be immediately accompanied by a word such as "Design" or "Pattern" printed in type equally conspicuous so as to indicate clearly that only the form delineated on the surface of the rug is a likeness of the type named.

The respondent corporation further agrees to cease using the phrase "Imported Reproductions of Hand-Woven Orientals" and the word "Imported" or any word of like meaning in connection with geographic names or words in any way tending to create the impression that goods actually made in other countries or regions are from the countries or regions named or implied. The stipulation provides that if the word "Imported" or similar term is properly used to indicate that such goods are not of domestic origin and geographic names or terms are correctly used to describe the type of product imported, then the true country of origin shall be clearly disclosed. (2831)

**John A. Hertel Company**—Two firms engaged in the interstate sale of greeting cards have entered into stipulations to discontinue certain representations in the sale of such products. The respondents are: Edith M. Schwer, Executrix of the Estate of Charles C. Schwer, Deceased, trading as Charles C. Schwer, 171 Elm St., Westfield, Mass., and John A. Hertel Company, 305 West Adams St., Chicago.

The respondents agree to cease advertising "Free Samples" to prospective salesmen of their products or making any other use of the word "Free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity.

The respondents also stipulate that they will cease delivering any invoiced article of merchandise to a customer or prospective customer without prior notice of the terms under which such article is to be sent and without first obtaining permission to make the shipment. The respondents also agree to cease inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction, or in any other way imposing a burden upon a customer or prospective customer either to pay for goods received by him or return them when he has not been previously apprised of such conditions. (2824 and 2825)

**McCollum Laboratories, Inc.,** 17234 South Main St., Gardena, Calif., has entered into a stipulation in which it agrees to discontinue certain representations in the sale of food supplements and medicinal preparations designated "Isodent," "Isomar," "Isoveg," "Isolax," "Kelp Tablets," "Breakfast Granules," "Alfalfa Tea and Tablets" and "Garlic-Parsley McCollum Tablets."

Among the representations which the respondent agrees to discontinue are: that any of these products supplies to the average diet the mineral or vegetable elements in which such diet is deficient; that the medicinal preparation "Isodent," is a balanced dentifrice or restores natural color to the teeth, builds firmness of the gum tissues, attacks acid mouth germs or reduces tartar; that "Isomar" is a balanced gland food or combines the most valuable organic minerals from land or sea vegetation, and that "Isoveg," a food product, provides a source of many of the more important nutritional factors, or that such factors are frequently missing in the average daily menu.

The respondent further stipulates that it will cease advertising "Kelp Tablets" as being rich in vital minerals or such minerals as being necessary to body nutriment; "Breakfast Granules" as an aid to digestion; "Alfalfa Tea and Tablets" as aiding nature in providing a source of natural alkaline nutriment, as being a valuable internal supplement to creams or powders, or as increasing liquid secretion, and "Garlic-Parsley McCollum Tablets" as being capable of reducing high blood pressure. The respondent also agrees to cease representing that clinical investigation has shown that either garlic or parsley will cause a lowering of blood pressure, or relieve headaches, dizziness or similar symptoms resulting from functional high blood pressure. (02575)

**Medical Tea Company of California, Inc.**, and Otto Wise, an individual trading as Medical Tea Company of California, 307 South Hill St., Los Angeles, in the sale of a medicinal herb tea known as "Cento Tea," formerly designated "Aesculapius Tea," agree to cease representing that such product of its particular formula has been used for centuries or any period of time greater than is a fact; that the preparation or any of its ingredients is valuable in treating gall, liver or kidney ailments or in preventing or dissolving kidney stones or gallstones; that the product is a competent and reliable agent for relief of symptoms associated with gall, liver or kidney ailments, or possesses healing or analgesic properties, and other similar representations. The respondents also agree to discontinue advertising that this preparation is not a laxative; that its ingredients are carried to the affected parts; that its every ingredient possesses therapeutic value, and that its hypericum content stimulates the appetite. (02576)

**Old Dutch Mills, Inc.**, 80 Front St., New York, engaged in the roasting, blending, sale and distribution of coffee, has entered into a stipulation in which it agrees to discontinue certain practices in connection with the interstate sale of its product.

The respondent stipulates that it will cease employing the words "Mocha and Java" in advertising matter, on containers or in salesmen's presentations, as descriptive of its "Old Dutch" brand of coffee or other product of similar composition; and will discontinue featuring the words "Mocha" and "Java" in any way which has a tendency to convey the belief to purchasers that a blend of these coffees with other types of coffee is a pure blend of wholly "Mocha and Java" as such term is construed by the trade and consuming public.

Further practices which the respondent agrees to discontinue are the passing off of an inferior blend of coffee as "Mocha and Java" and the naming, in its sales promotional representations or on brands or otherwise, of the minor factors of a blended coffee without first naming also in equally conspicuous type the major factors, all in their order of predominance by bulk; for example, "Santos, Colombian, Mocha and Java."

The stipulation points out that the blend of "Mocha" coffee grown in the Yemen district in Arabia, and "Java" coffee grown in the Island of Java, has been faborably known throughout the world for many years. (2829)

**Armand S. Weill Co., Inc.**, 170 Franklin St., Buffalo, an advertising agency, in connection with its dissemination of advertisements for "Raz-Mah," a drug, on behalf of Templetons, Inc., Buffalo, agrees to cease representing that "Raz-Mah," is sold by all druggists, and that by use of the preparation asthma sufferers will be almost instantly relieved from wheezy, difficult breathing; hay fever sufferers will get speedy relief from sneezing, itching and excessive watery secretions in the nose and eyes; coughs due to bronchial irritation will be quickly relieved, and bronchial irritations will be prevented from developing into asthma. (02577)

**Woods Manufacturing Company, Ltd.**, Montreal, Canada, in the sale of sleeping bags manufactured at the Ogdensburg plant, agrees to cease use in advertising matter of the words "Eider" or "Arctic", alone or in connection with the word "Down" as descriptive of the filler content of its products which are not in fact filled with down obtained from the eider duck, and to discontinue use of the words "Eider" or "Arctic" or other words of similar import in any manner tending to convey the impression that the filler of the products is composed of eiderdown, as such term is generally accepted to mean.

The respondent company also stipulates that in connection with the sale, advertising, describing or distributing of its products, it will discontinue employing any statement, pictures or symbols which may tend to convey the impression that the filler of such articles is composed of down obtained from wild or other water fowl, such as are referred to by the statement or represented by the pictures or symbols, when in fact such is not the case. (2827)

## FTC CASE CLOSED

The Federal Trade Commission has closed without prejudice its case against Luzier's, Inc., Kansas City, Mo., which had been charged with unfair representations in the sale of cosmetics. Closing of the case was ordered without prejudice to the Commission's right to reopen it for further proceeding, should future facts so warrant.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 25, June 21, 1940

## THE WEEK IN WASHINGTON

FCC still "sitting on" Monopoly Committee report. Other matters presently occupying time. Early action expected. (p. 4353.)

FCC gives "green light" to television broadcasting to increase number of stations. (p. 4345.)

NAB to continue effort to secure redefinition of "executive" under Wage and Hour Administration. (p. 4347.)

BMI acquires six additional stations. ASCAP proposal exposed. (p. 4348.)

One hundred thousand radio operators licensed by FCC are required to prove citizenship. (p. 4354.)

## Television Rules

Opening television broadcast channels to an increased number of stations in leading cities from coast to coast for the purpose of rendering the utmost in public service on an experimental basis, with adequate safeguard against monopolistic practices, is provided in the new rules and regulations governing television announced today by the Federal Communications Commission.

In conformity with this policy of encouragement to that industry, the Commission tentatively approved 23 applications for television stations in various sections of the country, and announced that it will consider 19 remaining applications and outstanding licenses in the immediate future.

Most of these stations will be permitted to furnish television programs to the public, and it is expected that when the industry has developed uniform transmission standards offering a satisfactory level of performance these standards will be adopted by the Commission as a basis for regular commercial television operation. Meanwhile, every television station licensee will undertake to carry on substantial research and experimentation on the different engineering problems and to assist in the development of television for widespread public service.

With the completion of the projected stations, this country will have far more television broadcast stations than any other nation of the world.

The complete list of applications which the Commission plans to grant promptly upon a proper showing of a program of research and development follows, with proposed channel assignments:

| *City* | *Person or Firm* | *Channel No.* |
|---|---|---|
| New York | National Broadcasting Co. | 1 |
| | Columbia Broadcasting System | 2 |
| | Bamberger Broadcasting Service | 6 |
| | Allen B. DuMont Laboratories | 4 |
| Chicago | Zenith Radio Corporation | 1 |
| | Balaban & Katz | 2 |
| | National Broadcasting Co. | 5 |
| Los Angeles | Don Lee Broadcasting System | 1 |
| | Television Productions | 4 |
| | Hughes Tool Co. | 2 |
| Washington | Allen B. DuMont Laboratories | 1 |
| | National Broadcasting Co. | 2 |
| San Francisco | Don Lee Broadcasting System | 1 |
| | Hughes Tool Co. | 2 |
| Philadelphia | Philco Radio & Television Corp. | 3 |
| | *Radio Corporation of America (Camden) WCAU | 5 |
| Cincinnati | Crosley Corporation | 1 |
| Albany | General Electric Co. | 3 |
| Fort Wayne | *Philo T. Farnsworth | 3 |
| West Lafayette, Ind. | *Purdue University | 3 |
| Passaic, N. J. | *Allen B. DuMont Laboratories | 4 |
| Iowa City | *Iowa State University | 1 & 12 |

* Indicates stations primarily for laboratory research, or training; no public program service authorized.

Of the 19 cases held in abeyance, 16 are new applications and four are existing licenses under the old rules and regulations. In each instance the applicant may supplement his application and make satisfactory showing that a grant will result in engineering work which will tend to the development of a uniform system of transmission standards of acceptable technical quality. These pending cases are:

| *City* | *Person or Firm* |
|---|---|
| Boston | *General Television Corp. |
| | Boston Edison Co. |
| Des Moines | R. B. Eaton |
| Hartford | Travelers Broadcasting Service Corp., WDRC |
| Iowa City | *Iowa State University (2100-2200 kc.) |
| Kansas City, Mo. | *First National Television |
| | Midland Broadcasting Co. |
| Los Angeles | Earl C. Anthony |
| | May Department Stores |
| | LeRoy's Jewelers |
| Milwaukee | Milwaukee Journal |
| Manhattan, Kans. | Kansas State College |
| New York | *Radio Pictures, Inc. |
| | Metropolitan Television, Inc. |
| Philadelphia | National Broadcasting Co. |
| Springfield, Mass. | Henry Walczak |
| Sacramento | Grant Union High School |
| St. Paul | KSTP, Inc. |

* Indicates existing licenses.

(Continued on page 4346)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## TELEVISION RULES

*(Continued from page 4345)*

All licenses will be on a basis of research and experimentation tending to promote the development of television and to assist the engineers of that industry to reach an agreement upon uniform transmission standards which will permit the early and general commercialization of television. Until accord is reached on this vital point, no charges—either direct or indirect—may be made for the transmission of any type of television program.

In order to put to the fullest possible public use the 18 regular channels (50,000-108,000 and 162,000-294,000 kilocycles) plus any 6,000 kilocycle band above 300,000 kilocycles (excluding 400,000-401,000 kilocycles), made available to television under Commission Order No. 67, the Commission will not, except for extraordinary cause, authorize any one television broadcast station to use more than one channel in the main seven channels constituting Group A (50,000-108,000 kilocycles).

At the same time, the Commission stipulates that no person, directly or indirectly, shall operate or control more than three public programming television stations in this important group of channels, or operate or control more than one such station in the same service area. This, however, does not apply to stations which do not transmit programs for public reception.

The three groups of high-frequency channels assigned to television are:

| GROUP A | | GROUP B | | GROUP C |
|---|---|---|---|---|
| *Channel No.* | *Kilocycle Band* | *Channel No.* | *Kilocycle Band* | |
| 1 | 50,000-56,000 | 8 | 162,000-168,000 | Any 6,000 kilocycle band above 300,000 kilocycles, excluding band 400,000 to 401,000 kilocycles |
| 2 | 60,000-66,000 | 9 | 180,000-186,000 | |
| 3 | 66,000-72,000 | 10 | 186,000-192,000 | |
| 4 | 78,000-84,000 | 11 | 204,000-210,000 | |
| 5 | 84,000-90,000 | 12 | 210,000-216,000 | |
| 6 | 96,000-102,000 | 13 | 234,000-240,000 | |
| 7 | 102,000-108,000 | 14 | 240,000-246,000 | |
| | | 15 | 258,000-264,000 | |
| | | 16 | 264,000-270,000 | |
| | | 17 | 282,000-288,000 | |
| | | 18 | 288,000-294,000 | |

The 11 channels in Group B (Channels No. 8 to 18 inclusive) and the auxiliary channels in Group C may be assigned to television stations for supplementary purposes as television relay stations.

No mobile or portable television station for direct public service will be licensed at this time.

## PART 4. RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

### *Television Broadcast Stations*

Sec. 4.71—*Defined.* The term "television broadcast station" means a station licensed for the transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public. The transmission of synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast as herein set forth.

Sec. 4.72—*Purpose.* A license for a television broadcast station will be issued for the purpose of carrying on research, which must include engineering experimentation tending to develop uniform transmission standards of acceptable technical quality, and which may include equipment tests, training of technical personnel, and experimental programs.

Sec. 4.73—*Licensing requirements, necessary showing.*

A license for a television broadcast station will be issued only after a satisfactory showing has been made in regard to the following:

1. That the applicant has a definite program of research and experimentation in the technical phases of television broadcasting, which indicates reasonable promise of substantial contributions to the developments of the television art.
2. That upon the authorization of the proposed station the applicant can and will proceed immediately with its program of research.
3. That the transmission of signals by radio is essential to the proposed program of research and experimentation.
4. That the program of research and experimentation will be conducted by qualified personnel.
5. That the applicant is legally, financially, technically, and otherwise qualified to carry forward the program.
6. That public interest, convenience or necessity will be served through the operation of the proposed station.

Sec. 4.74—*Charges.*

No charges either direct or indirect shall be made by the licensee of a television station for the production or transmission of either aural or visual programs transmitted by such station.

Sec. 4.75—*Announcements.*

(a) Station identification.—A licensee of a television broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation (other than purely test operation) on the hour and half hour as provided below:

1. Such identification announcement during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of such program.
2. In case of variety-show programs, baseball-game broadcasts, or similar program of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and half hour.
3. In case of all other programs (except as provided in paragraphs (1) and (2) of this section) the identification an-

nouncement shall be made within 2 minutes of the hour and half hour.

4. In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

(b) At the time station identification announcements are made, there shall be added the following: .

> "This is a special television broadcast made by authority of the Federal Communications Commission for experimental purposes."

Sec. 4.76—*Operating requirements.*

(a) Each licensee of a television broadcast station shall diligently prosecute its program of research from the time its station is authorized.

(b) Each licensee of a television station will from time to time make such changes in its operations as may be directed by the Commission for the purpose of promoting experimentation and improvement in the art of television broadcasting.

Sec. 4.77—*Frequency assignment.*

(a) The following groups of channels are allocated for assignment to television broadcast stations licensed experimentally:

| GROUP A | | GROUP B | | GROUP C |
|---|---|---|---|---|
| *Channel No.* | *Kilocycle Band* | *Channel No.* | *Kilocycle Band* | |
| 1 | 50,000-56,000 | 8 | 162,000-168,000 | Any 6,000 kilocycle band above 300,000 kilocycles. excluding band 400,000 to 401,000 kilocycles |
| 2 | 60,000-66,000 | 9 | 180,000-186,000 | |
| 3 | 66,000-72,000 | 10 | 186,000-192,000 | |
| 4 | 78,000-84,000 | 11 | 204,000-210,000 | |
| 5 | 84,000-90,000 | 12 | 210,000-216,000 | |
| 6 | 96,000-102,000 | 13 | 234,000-240,000 | |
| 7 | 102,000-108,000 | 14 | 240,000-246,000 | |
| | | 15 | 258,000-264,000 | |
| | | 16 | 264,000-270,000 | |
| | | 17 | 282,000-288,000 | |
| | | 18 | 288,000-294,000 | |

(b) No television broadcast station will be authorized to use more than one channel in Group A except for good cause shown. Both aural and visual carriers with side bands for modulation are authorized but no emission shall result outside the authorized channel.

(c) No person (including all persons under common control) shall, directly or indirectly, own, operate or control more than three television stations on channels in Group A, and no such person shall, directly or indirectly, own, operate or control on channels in Group A more than one television station which would serve in whole or substantial part the same service area as another station operated or controlled by such person. This paragraph (c) shall not apply to stations which do not transmit programs for public reception.

(d) Channels in Groups B and C may be assigned to television stations to serve auxiliary purposes such as television relay stations. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

Sec. 4.78—*Power.*

The operating power of a television station shall be adequate for but not in excess of that necessary to carry forward the program of research and in no case in excess of the power specified in its license.

Sec. 4.79—*Reports.*

(a) A report shall be filed with each application for renewal of station license which shall include a statement of each of the following:

1. Number of hours operated.
2. Full data on research and experimentation conducted including the type of transmitting and studio equipment used and their mode of operation.
3. Data on expense of operation during the period covered.
4. Power employed, field intensity measurements and visual and aural observations and the types of instruments and receivers utilized to determine the service area of station and the efficiency of respective types of transmissions.
5. Estimated degree of public participation in reception, and the results of public observation as to the efficiency of types of transmission.
6. Conclusions, tentative and final.
7. Program for further developments in television broadcasting.
8. All developments and major changes in equipment.
9. Any other pertinent developments.

(b) Special or progress reports shall be submitted from time to time as the Commission shall direct.

# Labor

## A. F. OF M. CONVENTION

Every resolution directly affecting broadcasting was defeated or referred to the Executive Board at the American Federation of Musicians convention in Indianapolis, Ind., last week.

Outstanding among these were proposals to forbid union members to make records or transcriptions, and to "establish scales for network broadcasting commensurate with the extent of the networks."

Oscar F. Hild was elected to the Executive Board to succeed James C. Petrillo who was elected president of the union.

## WAGE AND HOUR ACT

The National Association of Broadcasters intends to appear at a Wage and Hour Administration hearing on proposals to redefine "executive." A questionnaire is going out to all stations this week. One hundred per cent response is necessary. If any member does not receive the questionnaire within a few days, he should notify the NAB Labor Relations Department.

## COST OF LIVING

The Labor Department reports that the cost of living for lower salaried workers in the larger cities remained practically unchanged during the three months ended March 15, 1940.

The only changes of as much as 1 per cent were reported from Portland, Ore., where it declined 1.1 per cent, and Boston, Mass., and Manchester, N. H., where increases of slightly over 1 per cent were noticed.

## BMI Developments

Six more stations have signed subscription and license agreements with BMI, bringing the number of commercial stations who are BMI members to 300. The new stations are:

WBRY—Waterbury, Conn.
WGTC—Greenville, N. C.
WPRO—Providence, R. I.
KFAB—Lincoln, Neb.
KFOR—Lincoln, Neb.
KOIL—Omaha, Neb.

Two other important stations have also been added to the number of those committed to BMI, although their contracts have not yet been received.

---

Printed forms for new ASCAP license contracts were mailed to broadcasters on June 18th accompanied by a lengthy letter from John G. Paine, ASCAP's General Manager. The terms are essentially those contained in the proposals made in March.

The Paine letter does a fairly smooth job of camouflage. It is spotted with enough bouquets and creeping smilax so that the actual shape of the package wrapped up in it becomes apparent only on close inspection.

Example No. 1:

"And with very few exceptions, not a single individual station in the whole United States will be asked to pay us a larger percentage than they paid us in the past," says Mr. Paine.

Of course under the principle of clearance at the source, the individual stations do not pay directly to ASCAP for use of ASCAP music on network broadcasts. Equally as a matter of course, they would have to pay through the networks. Since the proposed terms would make the networks pay "through the nose," the individual stations which carry any network broadcasts are no better off than if ASCAP had slapped its huge increases onto the stations directly.

By his little quibble ASCAP's Paine dresses his bomb up to look at first glance somewhat like a box of candy. No broadcaster, however, is likely to be sufficiently naive to be taken in by the trick. The only real surprise is that Mr. Paine should have thought it worthwhile trying.

Example No. 2:

"We believe in the open door, and we offer every possible encouragement to budding talent. Our records show an impressive list of new members admitted each year," says Mr. Paine.

This cruel joke seems to please the ASCAP officials hugely. They repeat it often. They have recently made quite a splurge of prizes for music written in colleges. But as a matter of standard practice they encourage budding talent by putting every difficulty in the way of the unknown composer—especially (1) by refusing even to consider an application for membership until a writer has published five numbers without compensation for the performance of it, (2) by the practice of ASCAP publishing houses of refusing even to examine unsolicited manuscripts, (3) by their arbitrary system of distribution of the fees collected which works to the disadvantage of the younger writers, (4) by making it as difficult as they know how for the non-ASCAP composer to have his music played in public.

Their records do *not* show an impressive list of new members admitted each year when they are compared with those of performing rights societies in other countries where any writer may join by making application. Their records do not show an impressive list of new members even by comparison with BMI. After a quarter of a century ASCAP had only about 1000 writers; in two months BMI had about 40.

Example No. 3:

"Through personal contact with broadcasting stations and advertising agencies . . . we have found that the great majority realized that if there was no ASCAP they would have to create one themselves, at their own expense. Without such a clearing house they would have the problem of clearing rights, ownership, etc., etc.," says Mr. Paine.

If ASCAP were only a clearing house, the statement would be true. If ASCAP were like any other performing rights society in the world, the present situation would not exist.

Example No. 4:

"ASCAP . . . is merely a voluntary association of men and women who write and compose, and publish music. One hundred per cent of every dollar received belongs to them," says Mr. Paine.

All the publicity for the composers—"Justice for Genius"—but fifty per cent of the profit for the publishers.

While 100% belongs to the members, about 30% goes to various expenses, including the Paine. Of the balance a hundred-odd publishers get one-half; a thousand-odd writers get the other half.

Example No. 5:

"I believe, by the way, that it will interest you to know that the use of music is constantly increasing," says Mr. Paine.

It ought to interest Mr. Paine to know that so far as the radio is concerned, the use of music is decreasing. On NBC total time dropped from more than 67% in 1934 to less than 59% in 1938. On CBS programs devoted exclusively to music dropped from 31% in 1932 to 18% in 1939.

That, according to ASCAP arithmetic, calls for an increase of fees.

## BMI FEATURE TUNES

**June 17-July 1**

1. DON'T THE MOON LOOK PRETTY?
2. PRACTICE MAKES PERFECT
3. WE COULD MAKE SUCH BEAUTIFUL MUSIC
4. WHAT GOOD'S THE MOON?
5. HERE IN THE VELVET NIGHT
6. IN THE SILENCE OF THE DAWN

M. E. Tompkins, BMI's General Manager, announces what he considers the strongest evidence yet given of the strength of the support which BMI is receiving from the broadcasting industry. On June 7th a call was issued for 15% of the license fee, to be payable on June 17th. By June 19th 80% of the total amount had been paid in to the bank. "To get 80% without a second call would have been a good record," said Mr. Tompkins. "To get it in two days is a really remarkable demonstration of the solidarity of the industry behind BMI."

Mr. Tompkins reports that he had letters from several stations expressing such enthusiasm over the work and the record of BMI and such confidence in its future that they offered to pay the full year's license fee at this time. That offer was declined with thanks, but the proof of approval was warmly welcomed. "The nature of this response to what BMI is doing," Mr. Tompkins concluded, "stimulates all of us at BMI to our utmost efforts in behalf of the various stations. This shoulder-to-shoulder work means great achievement for our common enterprise."

## District Meetings

### District 14

Supplementing the account contained in last week's Reports the meeting of the 14th District was one of the most enthusiastic yet held. The account of proceedings was given but following is a list of the registrants:

C. E. Arney, Jr., NAB; W. E. Wagstaff, KDYL; Jack Richards, KEUB; Frank Bishop, KFEL; Gene O'Fallon, KFEL; Frank E. Hurt, KFXD; Charles Howell, KFXJ; Rex Howell, KFXJ; Ed Yocum, KGHL; Jack Burnett, KGVO; A. J. Mosby, KGVO; C. G. Phillips, KIDO, Lloyd E. Yoder, KOA; Arch L. Madsen, KOVO; Clifton A. Tolboe, KOVO; K. O. MacPherson, KPFA-KGIR; Henry H. Fletcher, Ruthe A. Fletcher, KSEI; Earl J. Glade, E. J. Broman, W. E. Groves, Lennox Murdoch, Eugene Pack, Ivor Sharp, Glenn Shaw, Junius R. Tribe, Dan H. Vincent, KSL; Sherman T. Wright, KSUB; John E. Gardner, Mrs. John E. Gardner, KTFI; O. P. Soule, KTFI-KSEI; Reed Bullen, KVNU; William D. Pyle, KVOD; H. L. McCracken, KVRS; Carl Haverlin, BMI; Gerald King, Standard Radio; W. H. Beltz, RCA; S. S. Fox, KDYL; and Frank C. Carman, KUTA.

### District 6

Sixth District broadcasters met at the Peabody Hotel in Memphis on Thursday, June 20. Joseph L. Miller, NAB Labor Relations Director, represented headquarters at this meeting.

### District 2

The 2nd District will hold its convention at the Sagamore Hotel in Rochester on Saturday, June 22. District Director Wilder anticipates a full attendance.

## Sales

### "RADIO FOR RETAILERS" DISCUSSED AT NRDGA CONVENTION

The National Retail Dry Goods Association again considered radio advertising in an informal panel-type discussion, at its mid-summer convention which came to a close at the Palmer House, Chicago, June 19. The radio meeting was in the form of a "mock trial," with prominent retailers and radio station men sitting on opposite sides of a jury to discuss the problems of retail radio advertising. The discussion was arranged by Joseph Hanson, Manager, Sales Promotion Division, NRDGA, in cooperation with the NAB Bureau of Radio Advertising.

The subject for decision was: "Can Radio Help the Retailer Fortify for the Forties?" G. R. Schaeffer, Publicity Director, Marshall Field & Company, Chicago, served as judge and chairman for the meeting, with Samuel J. Henry, Jr., of the Bureau of Radio Advertising, acting as prosecutor and master of ceremonies. The jury of expert witnesses for radio and retailers were:

*RADIO*

Charles Caley, Commercial Manager
WMBD, Peoria, Ill. (Foreman)
Ford Billings, Commercial Manager
WOWO, Fort Wayne, Ind.
Edward Y. Flanigan, Commercial Manager
WSPD, Toledo, Ohio.

*RETAILERS*

J. M. Ellis, Sales Promotion Manager
G. C. Murphy Stores, McKeesport, Pa. (Foreman)
Maurice Chait, Director of Publicity
P. A. Bergner & Company, Peoria, Ill.
Clarence Zeisel, Sales Promotion Manager
Zeisel Brothers, Elkhart, Ind.

This was the second radio meeting at an NRDGA convention this year, demonstrating the increasing interest of retailers and department stores in the broadcast medium. A full transcript of the "trial," covering both pro and con discussion and comments, will be made available to stores and NAB stations later on.

## BROADCASTERS COMPLETE PLANS FOR AFA CABARET NIGHT

The Sales Managers' Division of the National Association of Broadcasters, in cooperation with Chicago member stations and the networks has completed final plans for Broadcasters' Cabaret Night, to be held Tuesday evening, June 25th, at the 36th Annual Convention of the Advertising Federation of America. The event will take place in the ballroom of the Hotel Sherman, Chicago, where the AFA meets June 23-27.

The following outlines the evening's entertainment, together with committees in charge, under the active direction of William R. Cline, WLS, Chicago, who is national chairman of the NAB Sales Managers' Division.

9:00 P. M.

BROADCASTERS' CABARET PARTY

GRAND BALLROOM—HOTEL SHERMAN

*Tuesday, June 25, 1940*

A gay evening of dancing and radio-stage entertainers furnished by the Columbia Broadcasting System, Mutual Broadcasting System, National Broadcasting Company and Radio Stations WBBM, WENR, WGN, WLS, and WMAQ, Chicago, in co-operation with the National Association of Broadcasters—Sales Managers' Division.

CBS-WBBM
- George Watson, Master of Ceremonies
- Bill Bunt's Sing Orchestra
- The Swing Quartet
- Dale Evans, Soloist

MUTUAL-WGN
- The Three Graces
- Tom, Dick and Harry
- Bob Trendler, Pianist

NBC-WENR-WMAQ
- Bob Brown, Master of Ceremonies
- William (Elmer) Short
- Escorts and Betty
- Vagabonds, Novelty Quartet
- Ransom Sherman
- Don McNeil
- Gerry Moore

STATION WLS
- Jack Holden, Master of Ceremonies
- Pat Buttram, Winston County Flash
- WLS Rangers
- Yodeling De Zurik Sisters
- Hoosier Hot Shots
- Ramblin' Red Foley

---

Harry Kogen and his 20-piece radio-dance orchestra.
Dancing 9:00 p. m. to 1:00 a. m.
Furnished by CBS-MBS-NBC.

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Compliments Hotel Sherman, Frank Bering, Mgr.
Mrs. Frank Bering (Joan Winters, popular radio actress) presents her famous educated horse, "PETER PAN," equine star of the movies.

COMMITTEE ON ENTERTAINMENT:
- Jules Herbuveaux—NBC—WENR-WMAQ, Chairman
- Stuart Dawson—CBS—WBBM
- Frank Schreiber—MBS—WGN
- Bradley R. Eidmann—WAAF
- Harold Safford—WLS

COMMITTEE ON INVITATIONS AND RECEPTION:
- J. Oren Weaver—CBS—WBBM, Chairman
- Frank Schreiber—MBS—WGN
- E. C. Carlson—NBC—WENR-WMAQ
- Don E. Kelley—WLS
- Arthur F. Harre—WAAF

## SALES MANAGERS SESSIONS AT AFA

For the business sessions on radio advertising, the NAB Sales Managers' Division plans a closed meeting Monday morning, June 24, when all sales managers present will meet with NAB and Bureau of Radio Advertising representatives to discuss current industry sales problems. Tuesday, June 25, the meeting will be open to AFA members as well, and questions and answer discussion will be in order, under the chairmanship of William R. Cline. The agenda includes:

- The Proposed Unit Plan of Measuring Radio Advertising Volume
- Radio's Obligations to the Consumer
- The Significance of BMI to the Radio Advertiser
- The Commercial Section of the NAB Code—(Effective October 1, 1940)
- What the Bureau of Radio Advertising Means to Advertisers
- NAB Department Store Survey

## RESULTS FROM RADIO

"Results from Radio," Vol. 1, No. 7, has been released to all members by the Bureau of Radio Advertising.

The latest trade study is based on the "Cilco Town Crier" program, sponsored daily for five years over WMBD, Peoria, Illinois, by the Central Illinois Light Company. The account recently renewed its contract for the sixth consecutive year.

Member stations who have not ordered their supply of the Bureau's success stories are requested to do so at once, using the order form which accompanies the No. 7 study.

# Promotion

## RADIO FESTIVAL

WGY—Schenectady

Schenectady's Radio Festival Week begins Monday, June 24, and continues through the following Friday. During this period WGY will sponsor "A Get Acquainted Week." The station will salute the boys and girls, young men and women of the school system and will extend hospitality to visitors.

Build-up for the week is to begin with a special program at 6:30 p. m., Saturday, June 22, with short talks by Mayor Mills TenEyck, Robert Peare, of General Electric, and Colin Hager, station manager. The Mayor's Radio Festival Proclamation has been distributed to all pupils in the schools. Air announcements invited listeners to visit the station.

WGY secured the cooperation of the radio set dealers and the servicemen. On special programs will be discussed the care of radio sets. Leading set dealers will be interviewed by W. J. Purcell and Bernard Cruger. Next Saturday's feature is the "Get Acquainted with the Announcer" theme. Staff announcers will be present with names on lapel to exchange greetings, autographs, etc., with visitors. Overflow visitors are to be welcomed and entertained by the announcers in other studios.

### WCMI—Ashland-Huntington

Richard Westerkamp, program director, WCMI, says that the Radio Festival Week was a huge success for the station and the tri-state area of Ashland, Huntington and Ironton.

"We sincerely believe," he said, "that our audience is much more conscious of radio, its advantages and the necessity of preserving its democratic right of free speech. Our Festival Week was complete from Monday through Saturday with a special program on the air every night and spot announcements concerning radio service and free speech throughout each day.

"Visitors were invited to inspect our studios and there was a magnificent turnout, a continual stream each day. The Mayors of both Huntington and Ashland proclaimed Radio Festival Week."

The opening Monday night featured "outstanding musical talent from the entire area, such as the Lion's Club Quartet. There were talks by the presidents of the Junior Chamber of Commerce of Ashland and of the Huntington Parent-Teachers Associations."

"Radio Station At Work" was on the Tuesday bill-of-fare while Wednesday night had two special programs of an educational nature in connection with the Festival. One was a remote broadcast from the postoffice steps welcoming the Louisville Board of Trade; and the other a concert by the Ashland High School Band.

The Thursday night Festival feature was for women only—a style show from Chesapeake, Ohio. Friday night was turned over to the various program services. Saturday's Festival program found the youngsters participating in the weekly "Kiddies Party" which, for the occasion, was extended to an hour.

### WOPI—Bristol

W. A. Wilson, president of WOPI, can always be found pitching for a sound radio promotion. He's in there pitching this time for Radio Festival. Exactly what he's doing, we'll find out during his next visit to headquarters. Luck to you, Mr. Wilson.

### WBT—Charlotte

"We feel that the week of June 3-8 promoted considerable good will for radio in this community."—William Winter, publicity director, WBT.

Because of early final examinations school authorities suggested that WSOC and WBT delay the essay contest until fall "which we agreed to do."

Both Charlotte radio stations took turns in delivering talks on the "ABC of Radio" before a number of clubs in the city. At the conclusion of each talk, a demonstration was presented showing how electrical transcriptions were made. Portable recording equipment was used and various members of the audience talked into the microphone. On several occasions some of the members led the rest in singing "God Bless America." The recordings were made on 78 r.p.m. discs and the discs were presented to the club.

### WMAQ—Chicago

WMAQ marshalled the students of seventeen Chicago high schools into participation in Radio Festival. Hundreds of essays were entered in the essay contest. A committee selected 17-year-old Harry O'Brien, a senior at Fenger High School, and Eleanor Gaworski, also 17, a senior at Lindblom High School, as essay winners.

The station presented each of the seventeen schools with a portable radio and the two winners were given substantial checks which they were to use this summer to pay for attendance at summer school. Mr. O'Brien and Miss Gaworski were presented with their checks during the WMAQ high school studio party, Saturday, June 15, by Judith Waller, educational director, NBC central division. On Saturday, June 22, they are to appear on Club Matinee over the Blue Network.

### WHIO—Dayton

"We have received many favorable comments on our Radio Festival programs and announcements." . . . J. M. LeGate, general manager, WHIO.

WHIO's Festival ran from June 2 to 8. The air program was amply supported with 500 line copy insertions in "The Dayton Daily News;" and the radio column also carried the story.

On the 9:30-10:00 p. m. show were featured a WHIO chorus of fourteen girls from the Centerville High School, a fourteen year old Dayton high school boy as soloist, a combination of organ piano, vibraharp and celeste; songs of the Southland by Little Tom and songs of the West by Lew Wampler and his ridge runners.

Another interesting show was scheduled on June 2, 7:00 to 7:15 p. m. It featured patriotic American music. Four to five 1-minute announcements daily throughout Festival Week stressed the advantages of the American system of broadcasting.

### WSAZ—Huntington

A full page in color in "The Herald-Advertiser," Sunday morning, June 16, was used by WSAZ as additional promotion to tell the one hundred thousand residents of the listening area of the highlights of the station's Radio Festival program.

Every night in the week there was a special 30-minute or an hour broadcast with an additional featured program on Monday and Wednesday afternoons. On the latter afternoons H. R. Pinckard delivered an address on "Freedom of Press and Radio." The opener was set for 1:30 p. m. on Monday "Behind the Mike at WSAZ." On this show there were interviews by staff members from the maintenance man to the station manager.

#### *Promotes Circulation*

In the full page copy WSAZ paid special attention to building radio circulation. Radio sales were promoted in one box as follows:

> "By the way, will your radio bring in the programs we offer in clear, toneful reception? Our new equipment insures perfect broadcasting service, but if your programs are not as clear as they should be, perhaps you would profit by visiting your nearby radio dealer. . . . He'll help you choose a new set—and take your old one in trade!"

Radio service was promoted in a second box in this fashion:

> "Perhaps your set, if it is not more than a year old, needs servicing. . . . The radio service firms in Huntington will be glad to inspect your set, in order that proper adjustments or replacements may be made—for finer, clearer reception of the many programs and news features now on the air. . . . Call him tomorrow, for expert aid!"

### WJTN—Jamestown

"We would like to take this opportunity to express our gratitude to the NAB for fostering National Radio Festival Week. We have received many definite indications that it has done a lot of good from a number of angles, and we're looking forward to a repeat performance next year." . . . Marshall B. Shantz, Jr., program director.

### WCAE—Pittsburgh

During Radio Festival Week at WCAE the management used the staff orchestra's various programs to project an understanding and appreciation of the American System of Broadcasting. Reports have it that this promotion with the background of music by "The Airliners" was well received throughout the service area. Thank you, Jim Murray, for keeping us posted.

## WFAA PROMOTES CIRCULATION WITH TWO MUSICAL SHOWS PER WEEK

Every Tuesday and Thursday afternoon for the summer, 4:00-4:15 WFAA, Dallas, is on the air with a program designed to stimulate greater use of portable and auto radios.

These 15-minute shows feature Craig Barton, his orchestra and vocalist, Bert Dodson, and were arranged by Ralph W. Nimmons, program director. The show is labelled "Vacation Varieties."

Here's one of the word pictures introduced after patter between two characters in the script:

"Ah don't let that happen to you neighbor . . . get friend wife one of those handy little pack portables so she can strap it on her back like a papoose. Then, while she does the daily chores she can listen to the trials and tribulations occuring in the eventful story of her favorite radio serial . . . listen to her favorite crooner even with one eye on the clock. I smell a music cue coming up.

That cue being that Craig Barton and the orchestra are going to play a nifty novelty called 'Watching the Clock.'"

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And at another point listeners are advised:

"In the good old summertime . . . the zephyr like breezes . . . the tang of the great outdoors . . . and out in the woods for a picnic. And the ants . . . the good old ants. But wait! Here's a helpful hint . . . take along a portable radio . . . put it down along side the picnic table and tune in the latest bulletins on the European situation. Naturally, the ants will all run over to see how the battle is coming out, then while they have their ears glued to the radio, you quick spread the festive board and enjoy the gastronomic delights to the fullest. It's a dirty trick to play on the ants . . . but there'll be some crumbs left and while the ants devour those you can take your turn at the radio and if your turn happened to be right now, you'd be hearing Craig Barton and the orchestra playing 'That's My Weakness Now.'"

Opening announcement after theme, "'S Wonderful," reads:

"It's Downbeat Time alright . . . but with a difference. For even tho' the official unveiling is still a fortnite away, Craig begins a new summer series of Vacation Varieties today. Brother Barton and his boys will still be in there pitching with their stellar syncopation . . . Bert Dodson will still be supplying sweet song stylings . . . but in addition, there'll be a word or two . . . a warning or two . . . on how you can get a little more out of that annual two-week outing . . . namely and to wit . . . take along a portable or an automobile radio. No need to miss your favorite program . . . the latest bulletins from the war zones . . . or whatever your listening fancy may dictate. Now just for instance if you were out in the wide open spaces right now without a radio you might be able to hear the 'Woodpecker's Song' and while the little red-headed rascal can tap out a fair tempo on his own, he just ain't got the rhythm of the Barton bounce. Craig, illustrate for the folks what they'd be missing."

### WHEC USES FULL COLUMN ADS TO PROMOTE AUTO AND PORTABLE SET LISTENING

Gunnar O. Wiig, general manager, WHEC, continues to make life interesting for listeners on the Rochester radio front. He keeps on promotin' summertime listening with admirable perseverance and admirable results.

One of his salvos is an illustrated full column in the Rochester papers which bracketed the problem. Five lines in the display head read: "They Sure DO Listen in the Summer."

Then came two paragraphs:

"Yes, and they sure should! The good old summertime, contrary to old-fashioned opinion, is one of the healthiest and most robust periods of the whole year for radio!

Listeners follow summer radio because summer radio follows listeners! Summer cottages, resort hotels and increasing thousands of cars are equipped with radios these days, not to mention the portable receivers one sees everywhere, from picnic grounds to canoes!"

Three individual pen and ink drawings with appropriate copy complete this example of WHEC's newspaper promotion.

### TELEPHONE PROMOTION

Now that the Bell System is on the air, the ice has been broken in a big way and it is logical to expect that individual telephone operating companies will more frequently let the hand slip and sign more contracts with individual stations. For that reason we are mentioning the fact that a telephone broadcast, 9:30-10:00 p. m., Monday, June 3, was a part of the civic observance which WJTN, Jamestown, N. Y., packed into National Radio Festival Week.

This broadcast involved action on two floors. It included interviews, described demonstrations, with explanations of technical procedure.

It was highlighted by the placing of five long distance calls which were patched into the broadcast circuit and went over the air in their entirety. It satisfied all concerned.

## Research

### NAB RESEARCH COMMITTEE MEETING

A meeting of the NAB Research Committee was held in the NAB Headquarters in Washington, Tuesday, June 18th. Mr. William J. Scripps, Chairman of the committee, presided over the meeting with H. M. Beville, Jr., NBC Research Manager, Dr. Frank N. Stanton, CBS Research Director, Theodore C. Streibert, Vice-President of Radio Station WOR, C. E. Arney, Jr., NAB Assistant to the President, Edward M. Kirby, NAB Director of Public Relations and Paul F. Peter, NAB Director of Research, in attendance.

The principal subjects discussed at the meeting were Station Coverage Measurement Methods, Audience Measurement Methods, the Reporting of Radio Advertising Volume—Unit Measurement, the 1940 Census, Future Estimates of the Number and Distribution of Radio Sets, and Listening Habit Surveys.

The committee voted to hold its next meeting in Washington, July 10, 1940.

## Miscellaneous

### STATE LEGISLATION

LOUISIANA:

S. 332 (Ott) RACING INFORMATION—Relating to the furnishing by telephone, telegraph and radio information on race results.

### MEMBERSHIP CAMPAIGN

Five of the ten releases planned for the two months' membership drive have been sent to non-member stations. The 58 state and area chairmen as well as the District Directors are all functioning effectively. It is gratifying to report that the first two weeks resulted in the acquisition of fifteen new members as follows:

KCRC—Enid, Oklahoma
KIDO—Boise, Idaho
KRIC—Beaumont, Texas
WBNY—Buffalo, New York

WJHP—Jacksonville, Florida
WKPT—Kingsport, Tennessee
WMAN—Mansfield, Ohio
WMBC—Detroit, Michigan
WMFF—Plattsburg, New York
WOLF—Syracuse, New York
WPRP—Ponce, Puerto Rico
WSKB—McComb, Mississippi
WSLB—Ogdensburg, New York
WTRY—Troy, New York
WTSP—St. Petersburg, Florida

Members are urged to make it their especial job to contact the operators of non-member stations and add their effort to secure affiliation with NAB. With the critical national situation now existing and rapidly developing on all fronts, the need for a united radio industry is greater than ever. Every broadcaster in the United States should be an active, militant member of NAB. Let's all go to work and bring in the remaining stations.

### CONVENTION

Plans for the Eighteenth Annual Convention to be held in San Francisco, August 4 to 7, inclusive, are shaping up splendidly. Howard Lane, Director for the 15th District, and other northern California broadcasters who will serve as hosts, are leaving no stones unturned in perfecting the finest possible arrangements.

All hotel reservations thus far received from member stations have been cared for. Lincoln Dellar, KSFO, San Francisco, and chairman of the Housing Committee, this week sent to all members an urgent request for immediate attention to their hotel requirements. He warns that after July 1, it will be "first come, first served" regardless of NAB membership. Members should, even though a bit doubtful about actually attending, make their hotel reservations. Requests for reservations should be sent direct to the St. Francis Hotel.

Arrangements to hold the banquet on Treasure Island, scene of the Golden Gate National Exposition, have been completed. Plans for the entertainment feature are developing in splendid fashion and a riotous performance is promised. It will be something entirely out of the ordinary.

Ralph Brunton, KJBS, San Francisco, who has served as entertainment chairman, has lined up a marvelous evening at the Fair. All registrants at the convention will be admitted as guests to the Folies Bergere, Billy Rose's Aquacade, and the Cavalcade of America. These are the three outstanding Fair attractions.

In addition, the San Francisco Press Club, through Chairman Brunton, has invited news and special events broadcasters as their guests at a cocktail party in the Press Club rooms on Sunday evening.

These are just a few of the highlights. The program is shaping up nicely and all of those matters that are of primary concern to broadcasters will be given thoughtful and constructive attention.

## The Commission

### FCC ORDER AMENDED

FCC has announced that paragraph 4(d) of Administrative Order No. 2 has been amended by the addition of the following language:

> "Applications for consent to assignment of licenses or for consent to transfer of control of licensees of relay broadcast stations, when the Commission has on a prior date consented to a like assignment or transfer of control of the licensee of the standard broadcast station with which the relay stations are affiliated."

### MONITORING STATION IN MASSACHUSETTS

House of Representatives this week passed S. 2611 authorizing the purchase of a site and the erection of a building in Massachusetts by the FCC for use as a radio monitoring station. Provision is made in the bill for expenditure of $30,000.

The bill which has already passed the Senate is as follows:

> "That the Federal Communications Commission be, and it is hereby, authorized to purchase for the United States a suitable site in the State of Massachusetts, provided a suitable site now owned by the Government is not available for the purpose, and cause to be erected thereon, according to plans and specifications to be approved by it, a suitable building or buildings, for use as a radio-monitoring station or to modify or reconstruct existing buildings or facilities on such site for such purpose, and to provide the necessary associated antenna systems, roadways, power, water, and sanitary facilities, including the construction and installation of goniometric apparatus and including necessary outfits, apparatus, and equipment at a total cost of said site, buildings, and equipment of not to exceed $30,000."

### FLY TALKS ON MONOPOLY REPORT

It may be some days before the FCC takes action on the Monopoly Committee's report made public last week, Chairman James Lawrence Fly of the Commission said at a press conference early this week.

Mr. Fly stated that he had not yet had time to read the report. He expected to leave Washington for a few days at which time he said he hoped to have an opportunity to go over the report.

Chairman Fly told the newsmen that the Commission has several other problems to get out of the way first, including the new FM regulations.

### WARNING TO ALL COMMERCIAL RADIO OPERATORS

All classes of commercial radio operators were today formally warned by the Federal Communications Commission to heed the strict letter of the law and international regulations which specifically prohibit superfluous and unnecessary personal chatter by radio. The Commission served notice that it intends to enforce these provisions vigorously and that it will hold station licenses as well as commercial operators strictly accountable for any violation.

This warning applies to radiotelephone and radio telegraph services both. It augments the Commission notice of June 10 which particularly cautioned ship operators and ship station licensees against transmission of superfluous, unnecessary or unidentified conversation.

The full text of today's formal notice follows:

"On June 10, 1940, the Commission issued a warning specifically addressed to ship radio operators and ship station licensees against the transmission of superfluous, unnecessary or unidentified communications. The purpose of this notice is to emphasize the importance of strict compliance with the previous notice and at the same time to call attention specifically that the provisions of statute and treaty prohibiting the transmission of superfluous, unnecessary or unidentified communications apply to *all commercial operators as well as those communicating from ship stations.*

"The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunications Convention (Madrid, 1932), to which this Government is a party, and the Communications Act of 1934, specifically prohibit the transmission of superfluous, unnecessary of unidentified communications. The Commission intends to uphold vigorously these provisions of law and treaty and will hold all commercial radio operators and station licensees strictly accountable for any violations."

## CITIZENSHIP PROOF REQUIRED

Proof of the citizenship of about 100,000 radio operators licensed by the Federal Communications Commission is required under a Commission order announced today.

This new requirement applies to amateur as well as commercial operators, and calls upon them to file such proof in the form of affidavits, fingerprints, and photographs before August 15 next.

The Commission, which licenses citizens only for all classes of radio authorizations, has heretofore depended upon the applicant's own statement as to that fact. It will henceforth require evidence of citizenship on standard forms which the Commission is now sending out as a questionnaire.

The questionnaire, which present operators and future applicants must subscribe to under oath, demands proof of citizenship by birth or naturalization, and also elicits information as to the nationality of immediate relatives, time spent by operator or applicant outside of the United States, and service with this or foreign governments.

No exception to the filing of such evidence is prescribed. However, once the holder of a license has furnished satisfactory identification he will not have to file duplicate papers with subsequent license renewals unless his status as to citizenship undergoes change.

# FEDERAL COMMUNICATIONS COMMISSION

## FINDING OF FACT

The FCC has announced its Proposed Findings of Fact and Conclusions proposing to affirm the recommendations of Commissioner Payne to revoke the license of station KSAM, Sam Houston Broadcasting Association, **Huntsville, Texas.** The station's operating assignment is **1500 kilocycles,** 250 watts, daytime only.

The Commission's conclusions in the proposed findings follow:

1. The respondents, H. G. Webster, Dr. C. N. Shaver and W. Bryan Shaver, co-partners doing business as the Sam Houston Broadcasting Association, in their original application for a construction permit to establish Radiobroadcast Station KSAM at Huntsville, Texas, and the evidence adduced at the hearing on such application, made false and misleading statements and failed to make full disclosure to this Commission of material facts concerning the financing, construction, ownership, management, operation and control of the proposed station. Such acts and conduct on the part of the respondents contitute basis for revocation of the license to operate Station KSAM under Section 312(a) of the Communications Act of 1934, as amended.

2. The respondents, without consent in writing of this Commission, transferred, assigned or otherwise disposed of rights theretofore granted to them by this Commission in the original construction permit and the license to operate Station KSAM to James G. Ulmer and Darrell E. Yates, to whom they had sold and transferred, respectively, a one-half and one-third interest in said station, and to one Harold Scott, to whom they transferred complete authority in the management, operation and control of said station in violation of Section 310(b) of the Communications Act of 1934, as amended, and the Rules and Regulations of the Commission.

3. Subsequent to the grant of the original application and issuance of the license to operate said station the respondents filed with this Commission various applications and reports which failed to disclose material facts concerning the ownership, operation and control of Station KSAM, and did therein make false and misleading statements and representations, which did in fact mislead this Commission concerning the real ownership, operation and control of said station, and also failed to file with the Commission certain contracts and other information affecting and concerning the financing, construction, ownership, operation and control of said station as required by, and in violation of, the Rules and Regulations of the Commission.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments are scheduled to be heard before the Commission in broadcast cases during the week beginning Monday, June 24. They are subject to change.

### Thursday, June 27

Oral Argument Before the Commission

Report No. B-102:

KTBC—State Capitol Broadcasting Assn., Inc., Austin, Tex.—In re: Revocation of Station License of KTBC.

Report No. B-103:

KNET—John Calvin Welch, William M. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Tex. —In re: Revocation of Station License of KNET.

Report No. B-104:

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, Pres.), Lufkin, Tex.—In re: Revocation of Station License of KRBA.

## FUTURE HEARINGS

During the past week the Commission has announced the following future oral arguments in broadcast cases. They are subject to change.

### July 11

Oral Argument Before the Commission

Report No. 92:

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time (requests facilities of KVOS).

KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, **1200 kc.**, 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted consent to voluntary assignment of license of station KTRB from a partnership composed of Thomas R. McTammany and William H. Bates, Jr., to KTRB Broadcasting Co., Inc. (B5-AL-277).

KFH—Radio Station KFH Co., Wichita, Kans.—Granted construction permit to increase night power from 1 KW to 5 KW and install directional antenna for night use; **1300 kc.**, 5 KW watts LS, unlimited (B4-P-2462).

WMAN—George Satterlee, Mansfield, Ohio.—Granted consent to transfer of control of Richland, Inc., licensee of Station WMAN, to Monroe F. Rubin; station operates on **1370 kc.**, with 250 watts power daytime (B2-TC-226).

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted construction permit to increase power to 250 watts day and night and add new transmitter; station operates on **1500 kc.**, unlimited time (B1-P-2598).

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Granted modification of license to increase night power from 100 watts to 250 watts; **1500 kc.**, 250 watts, unlimited time (B5-ML-980).

KFDA—C. S. Gooch, Amarillo, Tex.—Granted consent to transfer of control of Amarillo Broadcasting Corp. (Station KFDA) from C. S. Gooch to J. L. Nunn; station operates on **1500 kc.**, with 100 watts power, unlimited time (B3-TC-200).

W3XP—Philco Radio & Television Corp., Philadelphia, Pa.—Granted modification of license of television broadcast station W3XP to change frequency from **204000-210000 kc.** to **234000-246000 kc.**, change in location to portable-mobile, and authority to use W3XE as a relay station in conjunction with W3XP; power 15 watts visual only (B2-MLVE-23).

WEKT—St. Petersburg Chamber of Commerce (area of St. Petersburg, Fla.), Portable-Mobile.—Granted consent to voluntary assignment of license of relay broadcast station WEKT from St. Petersburg Chamber of Commerce to the City of St. Petersburg, Fla.; station operates on **33380, 35020, 37620, 39820 kc.**, 2 watts power (B3-ALRE-24).

The Western Broadcasting Company of Wyoming, Cheyenne, Wyo.—Granted construction permit for a new station to operate on **1370 kc.**, 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined subject to Commission approval (B5-P-2331).

### DESIGNATED FOR HEARING

Ben J. Sallows, Alliance, Nebr.—Application for construction permit for new station to operate on **1210 kc.**, 100 watts night, 250 watts LS, unlimited time, to be heard in conjunction with the applications of Paul R. Heitmeyer and Frontier Broadcasting Company for new stations in Cheyenne, Wyo.

### MISCELLANEOUS

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted license to cover construction permit for installation of new transmitter and changes in antenna; frequency **1210 kc.**, 100 watts, 250 watts LS, unlimited time (B4-L-1159).

The Associated Broadcasters, Inc., Portable-Mobile (area of San Francisco, Calif.).—Granted construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 15 watts (B5-PRY-221).

WHPR—WHP, Inc., Portable-Mobile (area of Harrisburg, Pa.).—Granted license to cover construction permit for new relay broadcast station, frequencies **33380, 35020, 37620, 39820 kc.**, power 25 watts (B2-LRE-306).

W3XMC—McNary and Chambers, Washington, D. C.—Granted license to cover construction permit for move of transmitter locally.

W2XWE—WOKO, Inc., Albany, N. Y.—Granted license to cover construction permit for move of transmitter locally (B1-LFB-25).

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Granted special temporary authority to operate a 50-watt television transmitter on frequencies **60000-86000 kc.**, at 515 Madison Ave., New York City, for the purpose of conducting field tests, for a period not to exceed thirty days.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 8 to 9:15 p. m., CST, on July 7, 14, 21, and from 2 to 3 p. m., CST, on July 1, 2, 3, 8, 9, 10, 11, 15, 16, 17, 18. 22, 23, 24, and 25, 1940, in order to permit WNAD to broadcast special educational programs; to operate from 7:15 p. m. to 9:15 p. m., CST, on July 4 and 30, and from 8:15 p. m. to 9:15 p. m., CST, on July 31, 1940, in order to permit WNAD to observe the vacation periods at the University.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate during above periods (provided KGGF remains silent), in order to broadcast educational programs; to remain silent as above in order to observe the vacation periods at the University.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion for leave to file amendment to application for construction permit requesting different facilities.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted motion for continuance of hearing from July 10, 1940, to an indefinite date, in re application for construction permit to change hours of operation.

KTBC—State Capitol Broadcasting Assn., Inc., Austin, Tex.—Scheduled for oral argument on June 27, 1940, in re proposed findings of fact on revocation of station license (B-102).

KNET—Palestine Broadcasting Assn., Palestine, Tex.—Scheduled for oral argument on June 27, 1940, in re proposed findings of fact on revocation of station license (B-103).

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Scheduled for oral argument on June 27, 1940, in re proposed findings of fact on revocation of station license (B-104).

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted license to cover construction permit for new broadcast station, frequency **1500 kc.**, 100 watts, 250 watts LS, unlimited time (B3-L-1160).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted modification of construction permit which authorized changes in antenna and hours of operation, for extension of commencement date from June 4, 1940, to October 4, 1940, and completion date from December 4, 1940, to May 4, 1941; **1500 kc.**, 100 watts, unlimited time (B3-MP-989).

WAFK—A. Frank Katzentine (area of Miami Beach, Fla.), Portable-Mobile.—Granted modification of construction permit which authorized a new relay broadcast station, to change frequencies from **1646, 2090, 2190, 2830 kc.** to **1622, 2058, 2150, 2790 kc.**, and extend commencement date from June 11, 1940, to 30 days after date of grant.

WABJ—Pensacola Broadcasting Co., Pensacola, Fla.—Granted special temporary authority to operate ship station WFLT on **1622, 2058, 2150** and **2790 kc.**, on June 15 and 16, 1940, in order to relay broadcast the annual fishing rodeo from the Gulf to radio station WCOA.

KTRB—Thomas R. McTammany and Wm. H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 9 p. m., PST, to the conclusion of the Stanislaus County Hairdressers Association Hair Style Show on June 20, 1940, in order to broadcast the show only.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (June 8 p. m., EST) to midnight, EST, on June 19, 1940, in order to broadcast a special Red Cross subscription drive.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 10 p. m. to 11 p. m., EST, on June 16, 1940, in order to broadcast a portion of the Bunker Hill Day patriotic dinner to be held in Boston.

W7XSW—Symons Broadcasting Co., Spokane, Wash.—Granted modification of construction permit for new facsimile broadcast station to extend commencement date from March 24, 1940, to September 1, 1940, and completion date from September 24, 1940, to January 1, 1941 (B5-MPFB-8).

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Granted modification of construction permit for changes in directional antenna for both day and night and move of transmitter and studio, for extension of completion date from June 10, 1940, to September 10, 1940 (B1-MP-981).

WKBB—Sanders Bros. Radio Station, Dubuque, Iowa.—Dismissed petition for reconsideration and further hearing filed by WKBB in re application of Telegraph Herald, Dubuque, Iowa, for a new station to operate on **1340 kc.**, 500 watts, daytime only, which was granted by the Commission July 2, 1937.

Jansky & Bailey, Georgetown, D. C.—Cancelled modification of license authorizing change in frequency of high frequency broadcast station W3XO, which was granted May 15, 1940, since licensees do not at this time desire to change the frequency of station (B1-MLHB-24).

Congress Square Hotel Co., Transferee.—Denied request of Congress Square Hotel Company, Transferee, for hearing in re application of Thompson L. Gurnsey and Congress Square Hotel Company for consent to transfer control of the Main Broadcasting Corporation, licensee of WLBZ, Bangor, Maine, which application was dismissed by the Commission March 22, 1940.

Radio Voice of Springfield, Inc., Springfield, Ohio.—Adopted final order (B-100) GRANTING the application of Radio Voice of Springfield, Inc., Springfield, Ohio, for construction permit for new broadcast station to operate on **1310 kc.**, with 100 watts power, unlimited time, upon the condition that permittee file an application for modification of construction permit, specifying the exact transmitter location and antenna system within two months.

C. L. Weathersbee, W. H. Nichols, C. L. Pickler and E. M. Thompson, d/b as Albemarle Broadcasting Station, Albemarle, N. C.—Adopted final order (B-98) DENYING the application for construction permit for new broadcast station to operate on **1370 kc.**, with 100 watts power, daytime only.

Bellingham Broadcasting Co., Inc., Bellingham, Wash.; and KVOS—KVOS, Inc., Bellingham, Wash.—Scheduled for oral argument July 11, 1940, the Proposed Findings of Fact (No. B-92) on the application of Bellingham Broadcasting Co. for construction permit for new broadcast station, and application of KVOS, Inc., for renewal of license of station KVOS.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts from 7:30 p. m., CST, to the conclusion of church services on July 7, 14, 21, 28, 1940, in order to broadcast church services only; also from 7:30 p. m. to conclusion of political broadcasts on June 28, 29, July 1, 2, 3, 4, 5, 6, 8, 9, 10, 1940, in order to broadcast political rallies only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m., EST, for the period June 28, 1940, to not later than July 29, 1940, in order to broadcast musical programs as described in letter dated June 14, 1940 (provided WSVS remains silent).

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 p. m. to 10:15 p. m., CST, on July 13, 1940, in order to broadcast the Purdue University Music Festival only.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent from June 17, 1940, to not later than July 16, 1940, pending the filing of modification of license and completion of arrangements with station KWLC.

WSVS—Seneca Vocational High School, Buffalo, N. Y. (Elmer S. Pierce, Principal).—Granted modification of license to change name to Board of Education, City of Buffalo (B1-ML-1003).

KLS—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 (B5-Z-405).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Construction permit to install new transmitter, directional antenna for use day and night, increase power from 1 to 5 KW.

### 610 Kilocycles

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—License to cover construction permit (B5-P-335) as modified for increase in power.

### 700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authorization to transmit facsimile signals from 12 midnight to local sunrise, EST, using 50 KW power, period beginning 8-1-40.

### 740 Kilocycles

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Authority to transfer control of corporation from H. J. Wilson to R. G. Le Tourneau, 4 shares common stock.

### 780 Kilocycles

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Authority to determine operating power by direct measurement of antenna power.

### 830 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—Construction permit to install new transmitter and vertical radiator and increase power from 1 KW to 1 KW night, 5 KW day. Requests Class II station. Amended to increase power to 5 KW day and night.

### 850 Kilocycles

WKAR—Michigan State College, E. Lansing, Mich.—License to cover construction permit (B2-P-2746) to install new equipment, changes in antenna system, increase power and move transmitter.

WKAR—Michigan State College, E. Lansing, Mich.—Authority to determine operating power by direct measurement of antenna power.

WESG—Cornell University, Ithaca, N. Y.—Modification of license to move studio from Mark Twain Hotel, Elmira, N. Y., to Cornell Campus, Ithaca, N. Y.

### 930 Kilocycles

KMH—May Broadcasting Co., Shenandoah, Iowa.—Construction permit to install directional antenna for night use; increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended: Filed in new name and requests Class III-A station.

### 940 Kilocycles

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for a new broadcast station to be operated on **940 kc.**, 500 watts night, 1 KW day, unlimited time. Class III-B station. Amended to change location of studio and transmitter.

### 1040 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Extension of special experimental authority to operate on **1060 kc.**, simultaneous with WBAL from 6 a. m. to local sunset daily, suspend until 8 p m., and unlimited time from then until midnight, period 6-1-40 to 7-1-40. Amended: Simultaneous with WBAL from local sunrise to local sunset daily, suspend until 8 p. m., and unlimited time from then until midnight, period 8-1-40 to 2-1-41.

### 1100 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1140 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension of special experimental authority to operate unlimited time, using directional antenna night, period beginning 8-1-40.

### 1200 Kilocycles

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Modification of construction permit (File No. B4-P-2367) as modified for a new broadcast station, requesting extension of completion date from 7-14-40 to 10-1-40.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Voluntary assignment of license from Hammond-Calumet Broadcasting Corp. to O. E. Richardson and Fred L. Adair.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Authority to determine operating power by direct measurement of antenna power.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—License to cover construction permit (B2-P-2340) as modified for a new broadcast station.

KFXD—Frank E. Hurt, Nampa, Idaho.—Construction permit to change frequency from **1200** to **990 kc.**; increase power from 250 watts to 1 KW; equipment changes; move transmitter; install new antenna, and request Class II station. Amended to give transmitter site and specify type of antenna.

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—License to cover construction permit (B2-P-794) as modified for new broadcast station.

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Authority to determine operating power by direct measurement of antenna power.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—License to cover construction permit (B2-P-1475) as modified for a new broadcast station.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Authority to determine operating power by direct measurement of antenna power.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Construction permit to install new antenna, move studio and transmitter, and increase power from 100 watts night, 250 watts day, to 250 watts day and night.

### 1220 Kilocycles

KWSC—State College of Washington, Pullman, Wash.—Authority to install automatic frequency control apparatus.

### 1260 Kilocycles

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Modification of construction permit (B1-P-2415) for changes in directional antenna, using both day and night, and move of transmitter and studio, requesting extension of completion date from 6-10-40 to 9-10-40.

### 1270 Kilocycles

NEW—Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.—Construction permit for a new broadcast station to be operated on **1270 kc.**, 1 KW, daytime. Amended to request **1000 kc.**, antenna changes, and to specify transmitter and studio sites.

### 1310 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—Construction permit to install new transmitter; install directional antenna for night use; increase power from 100 watts to 1 KW; and change frequency from **1310** to **880 kc.**, and move transmitter. Amended: Changes in directional antenna for day and night use.

Radio Corporation of Annapolis, Annapolis, Md.—Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time, Class IV station. Amended re antenna and specify transmitter site.

WSGN—The Birmingham News Co., Birmingham, Ala.—License to cover construction permit (B3-P-2558) to install new antenna, increase power, and move transmitter.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Modification of construction permit (B3-P-2442) for a new station, requesting approval of transmitter and studio sites at General Tyler Hotel, West Point, Ga., approval of antenna, and install new transmitter.

### 1370 Kilocycles

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Authority to determine operating power by direct measurement of antenna power.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Modification of license to change name from Elmer S. Pierce, Principal, Seneca Vocational High School, to Board of Education, City of Buffalo.

NEW—J. Cecil Bott, H. L. McCracken, Matilda Lannen, and Nettie Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 100 watts night, 250 watts day, unlimited time. Amended to omit name of H. L. McCracken from partnership and request **1370 kc.**, 250 watts, change type of equipment, and specify studio site.

WJHO—Yetta G. Samford, C. S. Shealy, Thos. D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Authority to determine operating power by direct measurement of antenna power.

WJHO—Yetta G. Samford, C. S. Shealy, Thos. D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—License to cover construction permit (B3-P-2373) as modified for a new broadcast station.

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit (File No. B3-P-2117) as modified for change in frequency, increase power, unlimited time, move transmitter, new transmitting equipment, installation of directional antenna for night use, requesting extension of completion date from 6-19-40 to 7-19-40.

### 1390 Kilocycles

WHK—United Broadcasting Co., Cleveland, Ohio.—Extension of special experimental authorization to transmit facsimile signals from 1 a. m. to local sunrise, using 1 KW power, for period beginning 8-1-40.

### 1420 Kilocycles

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Amended to move location of transmitter (same address).

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—License to cover construction permit (B1-P-2446) as modified for a new broadcast station.

### 1500 Kilocycles

NEW—Robert V. Lee, Bradenton, Fla.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time, Class IV station. Amended to change location of transmitter, and antenna changes.

NEW—Leonard L. Abess, Miami Beach, Fla.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Requests facilities WKAT, contingent on WKAT being granted change in frequency. Amended to give location of transmitter and studio and omit request for facilities of WKAT.

WGTC—J. J. White, tr. as Greenville Broadcasting Co., Greenville, N. C.—Authority to determine operating power by direct measurement of antenna power.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Construction permit to increase power from 100 watts to 250 watts and install new equipment.

WGTC—J. J. White, tr. as Greenville Broadcasting Co., Greenville, N. C.—License to cover construction permit (B3-P-2053) as modified for a new broadcast station.

### 1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Modification of construction permit (B2-PSB-14) for a new station, requesting installation of new transmitter, changes in directional antenna system, using day and night, move transmitter and extend commencement date to 30 days after grant and completion date 60 days thereafter.

### MISCELLANEOUS

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Construction permit to change frequencies from **6100, 17780 kc.** to **6100, 11820, 21630 kc.**, power from 35 to 50 KW, and make equipment changes.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Construction permit to change frequencies from **9670, 21630 kc.** to **9670, 17780 kc.**, power from 35 to 50 KW, and make equipment changes.

WTNK—WOAX, Inc., Portable-Mobile.—License to cover construction permit (B1-PRY-193) for a new relay broadcast station.

NEW—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Construction permit for a new international broadcast station to be operated on 50000 watts, **6060, 9590, 21520 kc.** sharing with station WCAB, **11830, 17830 kc.** sharing with station WCBX, **15270 kc.** sharing with stations WCAB, WCBX and WLWO, A3 emission.

WCBX—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Construction permit to increase power from 10 to 50 KW, install new transmitter, and move transmitter from ½ mile from Wayne, N. J., to Brentwood, N. Y.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to add the frequency **11820 kc.** to those already assigned, i.e., **6100** and **17780 kc.**, and make equipment changes.

W1XTG—Worcester Telegram Publishing Co., Inc., Holden, Mass.—License to cover construction permit (B1-PHB-78) as modified for new high frequency broadcast station.

W6XAO—Don Lee Broadcasting System, Hollywood, Calif.—Modification of construction permit (B5-PVB-38) as modified, requesting change in frequency from **44000-50000** to **50000-56000 kc.**, and extend commencement and completion dates from 3-31-40 and 9-30-40 to 60 days after grant and 180 days thereafter.

First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Mich., to Radio Station CKLW, Windsor, Ontario, Canada, for period beginning 8-13-40.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Medicinal Products, Inc.**—Misrepresentation in the sale of a drug preparation recommended for weight reducing, is alleged in a complaint issued against American Medicinal Products, Inc., 6630 Santa Monica Boulevard, Los Angeles. The complaint also names as a respondent Ernest G. Rurup, trading under the names Scientific Laboratories of America and California Sunshine Products, Inc., and as an officer of American Medicinal Products, Inc.

It is alleged that in newspaper, periodical and circular advertising matter the respondents advertised their product "Re-Duce-Oids" as a cure, remedy, and safe, competent and effective treatment for obesity, when such is not a fact. The complaint alleges that the product is composed principally of desiccated thyroid, whole pituitary substance, ovarian substance, potassium iodide, and phenolphthalein; that preparations containing thyroid have been used to treat certain types of obesity due to endrocrine disfunction, but that, when so used, the patient must be constantly under specialized medical supervision to avoid serious injury to health.

The complaint further charges that the respondents disseminated false advertisements through failure to reveal to purchasers that use of "Re-Duce-Oids" under conditions prescribed in the advertisements or under customary or usual conditions may result in serious injury to health in that the preparation contains the dangerous drug thyroid. Continued ingestion of thyroid, according to the complaint, accelerates the rate of metabolism, thereby burning the body tissues, especially fat tissue, in excess of that which is normal, and might cause other serious injury to health. It is further alleged that because of the potassium iodide content, use of the preparation would be definitely harmful to persons ill of goiter or pulmonary tuberculosis. (4159)

**California Sunshine Products, Inc.**—See American Medicinal Products, Inc.

**Radio Distributors**—A complaint charging the use of lottery methods in connection with the sale of radios and other merchandise to ultimate consumers has been issued against Leona Johnson and Aubrey M. Graff, individually and trading as Radio Distributors, 30 North Dearborn St., Chicago.

The complaint alleges that the respondents, in connection with the sale of their merchandise, furnish various devices and merchandising plans involving games of chance, one of which included a push card bearing 58 feminine names with concealed numbers. Instructions on the card read, in part: "Nos. 1-39 pay what you draw. All others 39¢. None higher." Purchasers of the name corresponding to that concealed under a master seal on the card received a radio and purchasers of certain designated numbers drew other prizes, wholly by lot or chance, according to the complaint. (4157)

**Reva Company**—Misrepresentation of a cosmetic preparation for the hair and scalp is alleged in a complaint issued against Cecil Dwight Kitchen, trading as The Reva Company, 4234 Lincoln Ave., Chicago.

The respondent is alleged to have represented that his preparation "Reva" is not a hair dye, but that it substitutes or replaces the pigment in hair necessary to give it color, and that it stimulates hair growth and restores natural youthlike color. The respondent, it is alleged, also advertised that use of his preparation would produce no harmful effects and that it is a cure, remedy and competent treatment for dandruff, scalp eczema and falling hair.

However, the complaint alleges that the respondent's product is a lead sulphur dye which dyes the exterior of the hair shaft and that the color produced by its use is that of an artificial dye. The preparation, it is alleged, will not accomplish the other results claimed; has no therapeutic value in excess of affording temporary relief from itching in some instances, and its use is not safe or harmless, but may cause injury in that its application to skin or scalp where abrasions are present might result in absorption of lead into the system. (4158)

**Scientific Laboratories of America**—See American Medicinal Products, Inc.

**Thyrole Products Company**—Alleging violation of the Federal Trade Commission Act in the sale of a medicinal preparation recommended for reducing overweight, a complaint has been issued against I. Ralph Weinstock, trading as Thyrole Products Company, 34th and Chestnut Sts., Philadelphia.

The complaint alleges that the respondent advertised "O.B.C. Reducing Capsules", otherwise known as "O.B.C. Capsules", as being a cure or remedy, and a safe, competent and effective treatment for obesity, when such is not a fact.

False advertising is also alleged in that the respondent failed to reveal that use of the capsules under conditions prescribed in the advertisements or under customary and usual conditions, might cause serious and irreparable injury. The respondent's preparation, according to the complaint, contains powdered strychnine alkaloid, powdered extract belladonna, aloin, phenolphthalein and thyroid.

The United States District Court, Eastern District of Pennsylvania, on petition of the Commission, recently enjoined the respondent from certain advertising of his preparation pending issuance of the Commission's complaint and final determination of its proceeding. (4160)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Capital City Candy Company**—See Midwest Merchandise Co.

**Evans Candy House**—See United Candy Company.

**Gair Manufacturing Company**—Orders have been issued directing two Chicago merchandise distributing organizations and a Philadelphia dealer to discontinue use of lottery methods in the sale of their products to ultimate consumers. The respondents are Frank E. Gairing, individually and trading as Gair Manufacturing Company, 1446 Summerdale Ave., and Robert C. Bundy, individually and trading as Jackson Sales Company, formerly of 53 West Jackson Boulevard, Chicago, and Meyer R. Eisenbrock, individually and trading as Marhar Sales Company, 1322 West Girard Ave., Philadelphia.

The Commission case against Robert C. Bundy, trading as Jackson Sales Company, originally included Belmont Sales Company, a corporation, formerly of 53 West Jackson Boulevard, now dissolved and out of business, and Robert C. Bundy and Mildred Bundy, individually and as officers of Belmont Sales Company. Commission findings are, however, that evidence received does not support the allegations of the complaint against Mildred or Robert C. Bundy as officers of the corporation so that the Commission's findings and order refer only to the acts and practices of Robert C. Bundy, individually and trading as Jackson Sales Company. The Commission closed without prejudice its case against the dissolved corporation and against Mildred Bundy.

The Commission order directs that Frank E. Gairing, trading as Gair Manufacturing Company, in the sale of watches and other merchandise, and Robert C. Bundy, trading as Jackson Sales Company, in the sale of bedspreads, silverware and other articles, cease supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices for use in selling merchandise to the public by means of a lottery; discontinue shipping to agents, distributors, or members of the public such devices so prepared or printed that they may be used in selling merchandise to the public, and desist from selling or otherwise disposing of any merchandise by means of lottery devices.

The order against Frank E. Gairing, trading as Gair Manufacturing Company, also directs that use of the word "Manufacturing" in that respondent's trade name be discontinued, unless and until he actually owns, operates or controls a factory in which the products he sells are made. (3672 and 3422)

The order against Meyer R. Eisenbrock, individually and trading as Marhar Sales Company, Philadelphia, dealer in blankets, bedspreads and other merchandise, directs that he cease supplying to or placing in the hands of others any merchandise, together with a sales plan or method involving the use of a lottery scheme or game of chance by which such articles may be sold to the purchasing public, and to discontinue selling or otherwise disposing of any merchandise by use of such lottery scheme.

Commission findings are that the respondent Eisenbrock, prior to December, 1937, distributed various "Club Plans" for use in selling his merchandise through churches, fraternal organizations or clubs. Findings are that under such a club plan, each member paid a fixed amount each week for a period usually not exceeding 22 weeks; that at the end of each week the member whose name or number was drawn would receive an article of merchandise for the amount paid in up to the time of drawing; that at the end of the period all remaining members would receive an article but that by that time they had paid the face value. Thus the amount paid, according to findings, was determined wholly by lot or chance. (3773)

**Jackson Sales Company**—See Gair Manufacturing Co.

**Marhar Sales Company**—See Gair Manufacturing Company.

**Midwest Merchandise Company**—Dealers in Kansas City and Atlanta to discontinue lottery methods in connection with the sale of their products to ultimate consumers. The respondents are C. I. Levin and Edward Johnson, individually and trading as Midwest Merchandise Company, 1006 Broadway, Kansas City, Mo., distributor of knives, watches and other merchandise, and R. L. Jackson, individually and trading as Capital City Candy Company, 506-508 Decatur St., S. E., Atlanta, Ga.

The Commission order directs the respondents to cease selling or distributing merchandise so packed and assembled that sales may be made by means of a lottery; to cease supplying to or placing in the hands of others assortments of merchandise, together with push or pull cards, punch boards or other lottery devices which may be used in selling products to the public; to cease supplying to or placing in the hands of others such lottery devices, either with assortments of merchandise, or separately, which devices may be used in selling merchandise to the public, and to discontinue selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4058-4092)

**General American Sales Corp.**—See Square Deal Candy Co.

**National Sure-Fit Quilting Company, Inc.**, 40-20 Twenty-second St., Long Island City, N. Y., has been ordered to discontinue misrepresentations in the sale of bed comforters.

Commission findings are that the respondent company and local distributors, in advertising the respondent's comforters, featured the name "Villadown," tending to mislead buyers into believing that these articles were filled wholly with down. The facts were, according to findings, that the filler consisted of only 5 per cent down and 95 per cent cotton, but that this was explained only in small lettering in the advertisements.

The Commission order directs the respondent corporation to cease using the term "Villadown" or any other term which includes the word "down" or any colorable simulation of it or any term of similar meaning to describe a quilt, comforter or other similar product the filler of which is not composed wholly of down, the light fluffy undercoating of the waterfowl. The order provides, however, that if such term is employed to describe a filler composed in part of down and in part of materials other than down, the term must be immediately accompanied by a word or words of equal size or conspicuousness designating the substance, fiber or material of which the filler is composed, with designation of each constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent. (3728)

**Square Deal Candy Company**—A Los Angeles candy dealer and a Chicago distributor of merchandise have been ordered to discontinue lottery methods in connection with the sale of their products to ultimate consumers. The respondents are Warren Watkins, individually and trading as Square Deal Candy Company, 768 Merchant St., Los Angeles, and General American Sales Corporation and David C. Baskin, its president, 32 West Randolph St., Chicago.

The order against Warren Watkins, trading as Square Deal Candy Company, directs that he cease selling or distributing candy or other merchandise so packed and assembled that sales may be made by means of a lottery. The orders direct the respondents in each case to cease supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards or other lottery devices which may be used in selling such products to the public; to cease supplying to or placing in the hands of others such lottery devices, either with assortments of merchandise, or separately, which devices may be used in selling articles to the public, and to discontinue selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

The Commission closed without prejudice its case against Arnold and Faye Simon, who had been named respondents individually and as officers of the corporation in the General American Sales Corporation case. Findings are that the evidence did not support the allegations of the complaint as to these two individuals. (3405-3706)

**United Candy Company**—Two candy distributors, one in Charlotte, N. C., and the other in Atlanta, Ga., have been ordered to discontinue lottery methods in connection with the sale of their products through dealers to ultimate consumers. The respondents are E. T. James, Jr., individually and trading as United Candy Company, 1507 West Trade St., Charlotte, and William C. Evans, individually and trading as Evans Candy House, 309 Marietta St., Atlanta.

The Commission order directs the respondents to cease selling or distributing candy or other merchandise so packed and assembled that sales may be made by means of a lottery; to cease supplying to or placing in the hands of others assortments of candy or other merchandise, together with push or pull cards, punch boards or other lottery devices which may be used in selling such products to the public; to cease supplying to or placing in the hands of others such lottery devices, either with assortments of candy or other merchandise, or separately, which devices may be used in selling such articles to the public, and to discontinue selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4060-4102)

**United Factories, Inc.**—Prohibiting misrepresentation of a product advertised as a "reconditioner of automotive engines", a cease and desist order has been issued against United Factories, Inc., Kansas City, Mo.

"Micaseal", the respondent corporation's product, was found to have been advertised in a manner tending to mislead purchasers into believing that its use will effect substantial economies in operating automobiles and other accomplishments not justified by the facts.

The Commission order directs the respondent to cease representing that use of "Micaseal" will decrease the oil or gas consumption of a motor, increase engine compression or check excessive oil pumping, or that its use will check excessive carbon formation or add speed, power or smoothness to the operation of old motors. The order also prohibits the representations that use of the preparation will recondition a motor or produce results equal to or comparable with a mechanical reconditioning of an automobile engine, and that nationally known laboratories have made impartial tests of "Micaseal" and have certified that it has merit when used in an automobile engine. (3797)

**U. S. Drug Laboratories**—See U. S. Drug & Sales Co.

**U. S. Drug & Sales Company**—Edward L. Leisenring, trading as U. S. Drug & Sales Company, U. S. Drug Laboratories, and U. S. Drug Company, and Gordon Leisenring, both of 1534 Lawrence St., Denver, Colo., have been ordered to cease and desist from misrepresentation of medicinal preparations sold and distributed by them.

The Commission finds that the respondents have been engaged in the sale of various medicinal preparations including one advertised as "Man's Pep Tonic" and as "Man's Tonic," and sold as "U. S. Special Tablets," and a preparation advertised as "Man's Pep Tonic (Double Str. Capsule)" and as "Man's Tonic (Double Str. Capsule)," and sold as "Sextogen Capsules for Men or Women." The preparations were found also to have been advertised as being safe, competent and reliable tonics; as effective, safe and scientific aphrodisiacs and scientific treatments for strengthening and rejuvenating the glands, and as possessing therapeutic value in the treatment of debility.

Last February Judge Symes of the U. S. District Court for the District of Colorado, issued a restraining order on petition of the Federal Trade Commission, forbidding the respondents from further dissemination of certain false advertising of the preparations. The Court found that the advertisements were false in that they failed to reveal that the preparations contained, among other ingredients, the dangerous drugs zinc phosphide, extract of damiana, extract nux vomica, and yohimbine hydrochloride, and that use of the preparations under such conditions as are customary or usual might result in serious and irreparable injury to the health of users. The Court order was granted pending the issuance of a complaint under the regular Commission procedure and until such complaint was dismissed by the Commission, set aside by the Courts or until the order of the Commission to cease and desist became final.

In the cease and desist order now issued the respondents are forbidden to disseminate or cause to be disseminated any advertisements representing that the preparations are safe, competent or reliable tonics; safe, effective or scientific aphrodisiacs; safe or scientific treatments for strengthening or rejuvenating the glands or sexual organs of men or women; or that the preparations possess any value in the treatment of debility, or which advertisements fail to reveal that use of the preparations may result in serious or irreparable injury to the health of the user. (4053)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Artmoore Company, Inc.,** 108 North Water St., Milwaukee, in the sale of the "New Art Cleaner," agrees to cease advertising that prospective agents can make profits or earnings in a specified period which exceed average net profits or earnings consistently made in like periods by the respondent's full time salesmen; that no investment is required for one to sell the "New Art Cleaner," and that one will have no competition in such sale. (02580)

**Danville Knitting Mills, Inc.,** also trading as Master Knit Hosiery Mills, Danville, Va., engaged in the manufacture and sale of hosiery products, has agreed to cease and desist from representing on its transfers, brands, in its advertising matter, or otherwise, that its "Master Knit Hose," or any product of similar construction or composition, has toes and/or heels of linen or is made with linen toe and/or heel, and has toe and/or heel of 3-ply construction, or reinforced gore of toe and/or heel. (2838)

**Detrola Corporation,** 1501 Beard Ave., Detroit, radio and camera manufacturer, has entered into a stipulation in which it agrees to cease advertising that its "Detrola Candid Camera" or other camera having an actual shutter speed of 1/100th of a second, has a shutter speed of 1/200th of a second; or in any other way representing that the shutter speed of a camera which it sells is in excess of the actual speed attained. (2836)

**Dixie Dale Company**—Michael Michalik, trading as Dixie Dale Company, 43 East Ohio St., Chicago, agrees to discontinue representing that "Dixie Dale De Luxe Hair Preparation" will grow hair or speed its growth, stop hair from falling out, give to hair strength or life, make hair softer, and end dandruff troubles. (02581)

**Eagle Mattress Co., Inc.**—See R. C. Heller Co., Inc.

**Editors & Publishers Service Co.**—Charles A. Roberts, doing business as Editors & Publishers Service Co., 25 West Broadway, New York, engaged in selling lists and bulletins containing information relating to slogans, titles and names which have been successful in winning prizes in various competitive contests, agrees to discontinue representing, by unqualified statements such as "You can win" or "You cash in on our knowledge of what it takes to win," or in any other manner, that the reader of the advertisement is assured of winning any contest, cash or prize by reason of buying material composed by, or information furnished by, Editors & Publishers Service Co., or that the material or information furnished will definitely enable one to win, or constitutes more than the assistance of Editors & Publishers Service Co. to the readers in competing for such cash or prizes. (02579)

**Ellis Hosiery Mills**—Ellis Mills and Marvin T. Reavis, copartners trading as Ellis Hosiery Mills, Hickory, N. C., manufacturers and distributors of hosiery products, have agreed to desist from certain methods of competition.

English ribbed hose, the stipulation points out, is a distinctive type and quality of hosiery originating in England, manufactured there under a patented process and imported into the United

States, where it has long been favorably known and recognized by the trade and the purchasing public. Later English machines for this type of hosiery were imported into the United States, and are used by some hosiery mills. Similar machines are now also manufactured in America, on which hosiery in simulation of the English rib is made for the domestic market. Among many purchasers there is a preference first for the English made imported product, and second for such product made on machines imported from England. This has in some cases resulted in a false branding of an American machine product as being made on machines imported from England.

Ellis Mills and Marvin T. Reavis, in connection with their sale and distribution of hosiery products, have agreed to cease and desist from the use, on their transfers, brands or other markings, of the words "Genuine 6 x 3 Rib" as descriptive of hose that is but an imitation of English rib, or the words or legend "Made on machines imported from England"; or representing or characterizing such product in any other way that may import or imply the belief that the hosiery is either of a style and quality known to the trade and public as genuine English rib hose, or is manufactured by English made machines. (2840)

**Louis Fenster & Brother, Inc.**, 333 Seventh Ave., New York, engaged in the sale and distribution of fur garments, has agreed to cease and desist from invoicing or otherwise designating or referring to coats or other articles made or manufactured from the peltries of Chinese lamb as "Blk. Pers.," "Black Persian Caracul," "Blk. Persian Caracul," "Krimmer Caracul," or other use of the words "Persian" or "Krimmer," either with or without the explanatory clause "Dyed Lamb." The respondent corporation has also agreed to desist from representing directly or inferentially, or placing in the hands of others a means to represent, that coats or other articles made or manufactured from Chinese lamb peltries are made or manufactured from the peltries of Persian lambs or Krimmer lambs, or otherwise making representations which convey or tend to convey a misconception as to the character, name, nature, breed or zoological origin of any fur products offered for sale or sold by it. (2833)

**Hall Gentry Studios**—Maurice W. Teplow, trading as Hall Gentry Studios, 1705 Pacific Ave., Dallas, Tex., has entered into a stipulation to discontinue certain respresentations in the sale of photographic portraits.

Among representations which the respondent agrees to discontinue are that his regular method of sale is a "special offer;" that the "regular value" of $1 photographs is $5 or any amount in excess of the price customarily charged, and, through advertising literature containing the descriptive language "Goldtone Featherweight Oil Colored Print" and "Black and White Vignette Etching" or expressions of similar import, that sepia print photographs are "Goldtones" or are "Goldtones Oil Colored," and that ordinary black and white photographs are "Vignette Etchings" or etchings of any kind. (2834)

**Hamilton Mills**—Joseph D. Miller and David L. Davis, copartners trading as Hamilton Mills, 1450 Broadway, New York, engaged in the sale and distribution of garments designated "Sportswear," have agreed to cease and desist from use of the word "Mills" as part of their trade name, and of the words "Mill" and "Manufacturers" as descriptive of their business; and from the use of other words of similar implication, the effect of which tends or may tend to convey the belief that they make or manufacture the products sold by them or that they actually own and operate or directly and absolutely control a plant or factory in which such products are made or manufactured. (2832)

**R. C. Heller Co., Inc.**—A Baltimore and a Boston mattress manufacturer have entered into stipulations to discontinue certain representations in the sale of their products. The respondents are R. C. Heller Company Inc., 34 South Frederick St., Baltimore, and Eagle Mattress Company, Inc., 42 Everett St., Boston.

Each respondent corporation agrees to cease employing designations implying that products sold by it have been designed by or under the supervision of a doctor of medicine. R. C. Heller Company, Inc., stipulates that it will cease using the word "guaranteed" or words of similar meaning in connection with sales of mattresses unless accompanied by clear disclosure of exactly what is offered by way of security, as for example, refund of purchase price, and Eagle Mattress Company, Inc., agrees to cease employing any language implying that its products are endorsed or guaranteed by a member of the medical profession. (2835-2841)

**Katz Drug Company**, 1130 Walnut St., Kansas City, Mo., agrees to cease representing that "Perma Tonic" is a health builder, unless it is explained in direct connection therewith that Perma Tonic of itself does not build health; that the system needs the ingredients contained in the product, and that the preparation is a competent treatment or effective remedy for headaches or billiousness, unless limited to temporary relief of these conditions when they are due to constipation, and for constipation, unless limited to temporary relief. The respondent corporation also agrees that in connection with use of the word "Tonic" as part of the trade name for its product it will insert the word "Gastric" immediately prior thereto. (02583)

**Lefton Textile Corporation**, 39 West 38th St., New York, has entered into a stipulation in which it agrees to cease certain representations in the interstate sale of ribbons.

The respondent corporation agrees to desist from advertising, branding, invoicing, selling or offering for sale any product composed in whole or in part of rayon unless full and nondeceptive disclosure of the fiber and other content is made by clearly naming each constituent fiber in the order of its predominance by weight, and by giving the percentage of any fiber present in less than a substantial amount or in any case less than 5 per cent.

Use of the word "Velvet" or other word signifying pure silk to describe products not made wholly of silk, is a further representation which the respondent agrees to discontinue. The stipulation provides that if the word "Velvet" or a similar word is properly used as descriptive of the type of construction only, of a fabric or product containing fiber other than pure silk, then such word is to be immediately accompanied by other words clearly disclosing the constituent fibers or material in the order of their predominance by weight.

A further practice which the respondent agrees to discontinue is the advertising, branding, invoicing, selling or offering for sale of ribbons having cut edges or made by the adhesion of separate layers of fabric, unless full and nondeceptive disclosure of such manufacturing process is made by clearly designating such process by use of some generally understood descriptive term such as "cut-edge" to describe ribbons having cut (not woven or selvage) edges, and "pasted-back" to describe ribbons made by the joining of two separate layers of fabric. (2837)

**Master Knit Hosiery Mills**—See Danville Hosiery Mills, Inc.

**O'Dea, Sheldon & Canaday, Inc.**, 400 Madison Ave., New York, engaged in conducting an advertising agency which disseminated advertisements for a root beer beverage designated "Hires R-J Root Beer" on behalf of The Charles E. Hires Company, Philadelphia, has agreed that it will cease from disseminating or causing to be disseminated any advertisements which represent directly or by implication that Hires R-J Root Beer will preserve the alkaline reserve; that Hires R-J Root Beer has the same alkaline reaction as orange juice and in the same manner aids in maintaining the alkaline balance; that the root beer is healthful because it is not acid-forming, or is a health protecting beverage, and that it agrees with foods because it is not acid-forming. (02585)

**Reliable Radio Company**—Louis Jutze, trading as Reliable Radio Company, 7710 South Bishop St., Chicago, agrees to desist from advertising that the "Tee-Nie" crystal radio set is designed to operate in one's pocket or without ground or aerial connections; that it gives clear reception, implying that reception is obtainable without earphones; that he has sold any number of Tee-Nie radios in excess of the number actually sold; that the instrument's principle of operation is new or different, or that the product is more effective than other types of radios. (02582)

**Sunclean Products Company**—Roy Quinlan, trading as Sunclean Products Company, 551 Fifth Ave., New York, in the sale of "Safe-Clean Laxatives," agrees to cease advertising that it is a "wonderful discovery" producing "amazing results," or that its results are different from those of competing laxatives; that it will end constipation, contains nothing injurious and is not habit-forming; that its use will keep the intestines clean and healthy, and that it has any appreciable effect on the functioning of the liver or kidneys. In his stipulation the respondent admitted, among other things, that a laxative is contraindicated under certain conditions, in which cases this preparation would not be safe for use. (02578)

**Mrs. L. H. Tillotson,** 95 South State St., Painesville, Ohio, stipulates that she will desist from advertising "Black Drops" as being a "specific" for neuritis of the sciatic nerve, for kidney trouble, or for any other disease, and as being a cure for any sickness or disease. She also agrees to cease representing that the product contains no drugs and is sold by a medical doctor. (02584)

## FTC CASE CLOSED

The Federal Trade Commission has closed without prejudice its case against the K. K. Importing Corporation, 45 John St., New York, which was charged with violating the Federal Trade Commission Act in the sale of optical lenses. The respondent company has been dissolved and is no longer in business.

The Commission closed the case without prejudice to its right to reopen it for further proceeding should future facts so warrant.

NAB Reports
The National Association of Broadcasters
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 26, June 28, 1940

## THE WEEK IN WASHINGTON

Neville Miller, in a special message to all broadcast station executives, gives a detailed analysis of new ASCAP contract.

"ASCAP has refused to negotiate with the industry; behind closed doors it has drawn the terms of surrender, and John Paine urges you to come singly to his office and capitulate," Miller says. (p. 4365)

The radio blank of the Republican platform says that radio should be free as the press. (p. 4363)

NAB convention is set for San Francisco on August 4. The program is near completion. Proposed amendments to the By-Laws are in this issue. (p. 4370)

The NAB Board of Directors expresses the view that political broadcasts should be limited to speakers, interviews, announcements and broadcasts of bona fide political meetings held outside the studios. (p. 4370)

The Board also urges all broadcasting stations carrying foreign language programs to exercise "extreme precaution" to prevent the broadcasting of propaganda "inimical to the interests of the United States." (p. 4371)

The NAB Board meets with the BMI Board in New York and discusses important BMI policy. Samuel R. Rosenbaum, WFIL, resigns from the BMI Board because of the pressure of other business. (p. 4372)

The NAB intends to appear July 25 at a hearing called by the Wage and Hour Administration to consider proposals for redefining the classes of employees exempt from the 42-hour limit on the regular work week. (p. 4372)

The FCC makes an interesting decision involving the "economic injury" question. (p. 4372)

The RMA recommends radio advertising by radio dealers. (p. 4373)

NAB Sales Managers Division entertains 1500 at the Advertising Federation of America convention in Chicago. (p. 4374)

The current series of District meetings comes to a close with meetings in Rochester, Memphis and Los Angeles. (p. 4375)

The FCC issues its FM rules. (p. 4376)

The Commission gets $1,600,000 for "defense" work and announces some of its plans. Chairman Fly says a "defense committee" will be set up. (p. 4380)

## Republicans Declare For Radio Freedom

Radio should be as free as the press.

That is the sense of the Republican Party, expressed in its platform adopted June 26 in Philadelphia.

The text of the radio plank:

### *FREE SPEECH*

*The principles of a free press and free speech, as established by the Constitution, should apply to the radio. Federal regulation of radio is necessary in view of the natural limitations of wave lengths, but this gives no excuse for censorship. We oppose the use of licensing to establish arbitrary controls. Licenses should be revocable only when, after public hearings, due cause for cancellation is shown.*

Adoption of this plank followed an appearance before the convention resolutions committee last week by Neville Miller, John Kennedy, WCHS; Harry Butcher, CBS; Frank M. Russell, NBC, and Russell P. Place, NAB counsel.

The committee will ask the Democratic Party to put a radio plank in its platform at the Chicago convention next month.

## The Convention

Just five weeks from next Monday, Neville Miller will drop the gavel for the opening session of the NAB's Eighteenth Annual Convention at the St. Francis Hotel, San Francisco.

The convention is definitely set for the Golden Gate. The Board, meeting last week in New York, decided against any change.

Every member will want to attend. A bang-up busi-

*(Continued on page 4364)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## THE CONVENTION

*(Continued from page 4363)*

ness schedule is being arranged. Pacific Coast broadcasters, elated to play hosts to their Eastern and Mid-Western friends promise a grand time for everyone.

The complete program for the convention, slated to start Sunday, August 4, will be announced in about two weeks.

Meantime, every member should make his plans to be on hand. The NAB promises a convention that should never be forgotten.

## HOW ARE YOU GOING?

We know there are a lot of miles between some of you broadcasters and San Francisco. We know, too, that in past years there were a lot of miles between western broadcasters and the places where the conventions were held. These westerners came in goodly numbers and now they are extremely anxious to have their eastern friends in the broadcasting industry see the west, partake of their hospitality and benefit by being at the convention.

Have you made your plans? Through Raymond-Whitcomb, Inc., of Baltimore, we have worked out arrangements for some "all-expense" tours. The routes are alternative and were based upon expressions made by broadcasters in response to a preliminary questionnaire. There are three alternate schedules for the outbound trip. On the homeward trek, you have five alternatives. The following skeleton outline sets forth the choices. All schedules call for departure from Chicago. One, on Saturday, July 27, and the other two on Sunday, July 28. All will "land" you in San Francisco at 8:00 a. m. on Sunday, August 4, the day the convention opens. You have been sent and, if you desire, will again be provided complete outlines of the routes, services and costs of these tours. Here is the skeleton outline.

TOUR NO. 1

| | | |
|---|---|---|
| Lv. Chicago | Sunday, July 28 | —12:35 p. m. |
| Ar. San Francisco | Sunday, August 4 | — 8:00 a. m. |

(This tour via Denver, Salt Lake City and Los Angeles)

TOUR NO. 2

| | | |
|---|---|---|
| Lv. Chicago | Sunday, July 28 | —10:30 a. m. |
| Ar. San Francisco | Sunday, August 4 | — 8:00 a. m. |

(This tour via Colorado Springs, Grand Canyon and Los Angeles)

TOUR NO. 3

| | | |
|---|---|---|
| Lv. Chicago | Saturday, July 27 | —12:35 p. m. |
| Ar. San Francisco | Sunday, August 4 | — 8:00 a. m. |

(This tour via Denver, Salt Lake City, Cedar City and the North Rim of the Grand Canyon and Los Angeles)

RETURNING: Any who desire, may come direct from San Francisco to Chicago leaving on Western Pacific at 9:00 p. m., Thursday, August 8, and arriving in Chicago at 11:55 a. m., Sunday, August 11.

For those who wish to see the Pacific Northwest and visit either Yellowstone National Park or Glacier National Park, the following homeward schedule has been arranged.

| | | |
|---|---|---|
| Lv. San Francisco | Thursday, August 8 | — 5:00 p. m. |
| Ar. Portland | Friday, August 9 | —12:30 p. m. |
| Lv. Portland | Friday, August 9 | —11:30 p. m. |
| Ar. Seattle | Saturday, August 10 | — 6:45 a. m. |

Those who desire to go by way of the Canadian Rockies will leave Seattle, Sunday, August 11, by Canadian Pacific Railway at 9:00 p. m., stop in Victoria, Vancouver, Banff and Lake Louise, and arrive in Chicago, Saturday, August 16, at 2:40 p. m.

Those desiring to return by Yellowstone or Glacier National Parks will have choice of the following alternative schedules:

> On Saturday a one day trip to Victoria, B. C., leaving Seattle at 9:00 a. m. and returning at 9:00 p. m. Sunday will be spent in sight-seeing in Seattle, then the alternative tours leave as follows:
>
> 1. Leave Seattle, Sunday, August 11, Northern Pacific, 9:45 p. m., by way of Yellowstone National Park, arriving Chicago, Saturday, August 17, 8:45 a. m.
> 2. Leave Seattle, Sunday, August 11, Chicago Milwaukee and St. Paul Railway, 10:30 p. m., by way of Yellowstone National Park, arriving Chicago, Saturday, August 17, 8:55 a. m.
> 3. Leave Seattle, Sunday, August 11, Great Northern Railroad, 10:15 p. m., by way of Glacier National Park, arriving Chicago, Friday, August 16, at 8:40 a. m.

Here you have a choice between a two weeks' and a three weeks' excursion. The arrangements are de luxe. Your time will be your own, but every consideration has been given to means through which you may be able to make thorough arrangements that will make possible your enjoyment of the scenic attractions of the West.

The Pullman Company, rail carriers and hotels, which have set aside facilities for the groups who go on these tours, must know not later than July 10 what our requirements will be. If you haven't made your selection of a tour yet, you are requested to do so right away so that you may be included. Remember the deadline for reservations is July 10. You may address communications direct to Raymond-Whitcomb, Inc., Baltimore, or to headquarters office. Let us hear from you.

## STATION PROMOTIONAL MATERIAL

At past conventions space has been provided for the display by stations of promotional material. In order that plans may be made to effectively handle this matter at the San Francisco convention we sincerely request the management of all stations desiring to make a display of their promotional material at San Francisco to immediately advise headquarters. Give us complete explanation of the type of material you plan to show and the form in which you would like to show it. We are par-

*(Continued on page 4370)*

# THE ASCAP CONTRACT

June 27, 1940.

## Important to All Broadcast Station Executives:

On Friday, June 21, the Boards of the National Association of Broadcasters, the Independent Radio Network Affiliates and Broadcast Music, Inc., held an all day session in New York. Of the thirty-five persons who make up the joint boards, thirty-three were present, representing all classes of stations and all interests in broadcasting. Without a dissenting vote, a new plan for the future financing of BMI was adopted, and the plan is based on BMI's permanent organization on a basis which contemplates meeting the economic needs of stations in the small income level, as well as for providing an economic basis for stations in the higher income level.

I know you would have been impressed by the seriousness and optimism of that meeting. The progress of BMI to date clearly demonstrates that we can solve our music problem and the action taken at the meeting indicated the confidence which broadcasters have in BMI. The solution which broadcasters have sought for years is now within our grasp—provided we do not abandon our efforts to create a pool of music and accept the bait dangled before our eyes by ASCAP in the form of the proposed contract supposedly favorable to stations, but which actually is illusory.

Simultaneously with this meeting of broadcasters, ASCAP sent out its proposed form of contract which the joint meeting unanimously found to be disadvantageous to broadcasters, no matter where situated, nor in what income category.

I enclose an analysis of the "single station" license agreement. The basic abuses inherent in ASCAP's organization and its method of levying charges upon broadcasters are well known, and are not discussed here, as they would exist even if the form of contract was satisfactory. I urge you to study the contract in the light of this analysis.

I call your particular attention to the fact that ASCAP has drawn a one-sided contract for you to sign. ASCAP requires a lot in the way of payment, it guarantees little; ASCAP may cancel the contract, but the broadcaster is bound for five years; there are no provisions for lessening the cost upon failures by ASCAP to deliver, but there are many provisions for levying increased toll upon broadcasters; the percentage of payment is lessened in some cases, but the base is broadened to include not only time sales, but talent costs, line charges, etc.; none of the present abuses are eliminated; the question whether you have the right to make an arrangement is left unanswered, undoubtedly for a purpose; the indemnity clause does not protect the sponsor or the agency; and there are many other interesting features which ASCAP has thought up for "your benefit".

More important than the form of the contract, more basic than the question of whether this station or that may obtain a temporary financial saving, is the true underlying problem. The industry's action at this time will determine whether broadcasters can obtain music in a free competitive market, or continue to sign on a dotted line laid before them by a music monopoly.

ASCAP has refused to negotiate with the industry; behind closed doors, it has drawn the terms of surrender, and John Paine urges you to come singly to his office and capitulate.

Very truly yours,

Neville Miller

*President, National Association of Broadcasters.*

## ANALYSIS OF "SINGLE STATION" LICENSE AGREEMENT TENDERED TO BROADCASTERS BY ASCAP

The new ASCAP contract will prove, when analyzed, to afford no protection whatsoever to broadcasters. It obligates broadcasters for a period of five years, but it imposes no obligation on ASCAP to furnish any specified body of music at any specified price. In other words the proposed contract will not give any station which was induced to sign it protection for any portion of the term of the contract. The apparent protection which it gives and the apparent rights which it grants are in fact entirely illusory. It is not possible in a brief memorandum to set forth all of the disadvantages of the ASCAP contract, but the following are the chief means by which ASCAP accomplishes the result of binding the station while leaving itself free to do anything it wants.

### I—The Broadcaster Who Signs the ASCAP Contract Does Not Know What, if Anything, He Will Be Getting for His Money

Previous contracts between broadcasters and ASCAP have defined the body of music which is licensed, by having ASCAP agree during the term of the contract to maintain for the service of the broadcaster substantially its catalogue of compositions as of the date on which the contract was signed. In other words broadcasters knew what they were getting. *The proposed contract omits this provision and substitutes nothing in its place.* ASCAP makes no representation as to the extent of the catalogue which it will give you. ASCAP can substantially reduce its catalogue prior to the date on which the broadcaster signs. Publishers and writers may withdraw. *Indeed, it is known that important publishing houses have not yet committed themselves to ASCAP for a further term.* If these houses do not join ASCAP, broadcasters who sign now will still pay the full amount under the proposed contract.

Not only that, but ASCAP can reduce the repertory even during the term of the contract. ASCAP has committed itself to no agreement to maintain its repertory for your needs. On the contrary, ASCAP has affirmatively stated that it reserves the right to discontinue all of ASCAP's contracts with its foreign affiliated societies, including all of the compositions of Argentine, Belgian, Brazilian, Bulgarian, Czecho-slovakian, Danish, English Finnish, French, German, Hungarian, Italian, Yugoslavian, Norwegian, Portuguese, Roumanian, Spanish, Swedish and Swiss composers and publishers. ASCAP has always represented that there were 45,000 composers whose works were made available to you through foreign catalogues as against only 1,000 American composers who are members of ASCAP. Yet ASCAP gives itself the right to withdraw all of these musical compositions from the operation of the license with the broadcaster and says that this "shall not affect the license *or the compensation payable hereunder.*" Since ASCAP remits money to foreign societies, it would actually be in ASCAP's interest to reduce its repertory because this would mean that the money which it collected from broadcasters could be divided among even fewer persons than in the past.

In addition to all of these rights to reduce in advance or to diminish during the term of the new contract the body of music which broadcasters think they are getting, ASCAP, for the first time, gives itself the right to assign the contract to any person, firm or corporation or association it wants to assign it to, and provides that the contract will inure to the benefit of the person to whom the contract is assigned. This means that you may make your contract with ASCAP but that you may find yourself doing business with somebody else, perhaps a person or firm or corporation of no financial responsibility with very limited music rights. In other words, you may make a contract, paying a price that you think ASCAP is entitled to, and then find that you have your contract with some new corporation to whom you would not, in the first instance, have agreed to pay a penny.

To sum up, under these new provisions ASCAP reserves to itself the right to give the broadcaster who signs the contract *as much music or as little music as ASCAP pleases.* In other words, the broadcaster who signs this contract is "buying a pig in a poke."

### II—ASCAP May Restrict Its Entire Catalogue Without Any Recourse on the Part of the Broadcaster

The provisions in previous contracts with respect to the restriction of musical numbers have been extremely unfavorable to broadcasters. ASCAP publishers have been restricting the use of their compositions as a means of obtaining additional compensation from broadcasters, not by way of cash, but by way of free advertising for motion pictures, theatrical attractions, etc. Under the old contract, at least, the broadcaster had the right to cancel his contract in the event that any musical composition was withdrawn, which meant that the broadcaster could stop his payments if the catalogue became useless to him. *ASCAP has found a way to make this bad provision worse.*

The proposed contract gives ASCAP the affirmative right to withdraw any thousand numbers that it wishes to restrict. These may be the thousand best numbers, and ASCAP may demand additional payment for their performance. Much worse than this, however, is the situation of broadcasters if more than a thousand numbers are withdrawn. In order to indicate what the provisions of the ASCAP contract really accomplish, let us examine a concrete case.

We will assume that ASCAP restricts 10,000 compositions. The broadcaster then has only one right. He may give sixty days notice of cancellation. During these sixty days he cannot use the 10,000 numbers which constitute the only useful part of the ASCAP repertory. On the fifty-ninth day ASCAP may reduce the number of restricted compositions to 1,000. The notice then becomes entirely inoperative. A few days later ASCAP can again restrict 10,000 compositions. The broadcaster again has no right other than to give sixty days notice. During these sixty days he cannot use the compositions, and at the end of the sixty days ASCAP can restore the numbers to the repertory for a few days and then begin the performance all over again. This can continue until the broadcaster runs out of postage stamps, and, with the exception of a few intervals of a few days at a time, the broadcaster will continue to pay his full license fee on his entire gross business, but get no real value out of the ASCAP catalogue whatsoever.

### III—The Proposed Contract "Freezes" the Broadcaster's Present Status

The proposed license relates only to "non visual broadcasting" and it specifically excludes any transmission of sound in synchronization or simultaneously with visual images. In other words, television has to be paid for separately, but the broadcaster is not relieved of the obligations of the contract even though it becomes useless to him because television has become commercial within the period of the agreement.

For the first time the new form of license restricts the broadcaster not only to a single enumerated broadcasting station but even to studios specifically enumerated in the contract. *Frequency Modulation is not covered by the agreement.* A new contract at ASCAP's own terms is needed for F.M., and nothing in the contract relieves the broadcaster from any payment under the contract which he now is asked to sign. Even the moving of a studio to a new location or the building of a new studio would leave the broadcaster at ASCAP's mercy, since he has no legal right to originate from such point without ASCAP's consent.

Moreover, network broadcasting is entirely excluded. This applies to a broadcast program which is simultaneously broadcast over as few as two stations. If two stations simultaneously broadcast an athletic event, a parade or a presidential inauguration, they are not covered by their contracts, and ASCAP can make new and greater demands for the privilege of doing this. Indeed, if a network takes out an ASCAP license, *network programs can be carried over the stations even if the station has never signed the single station license agreement.* Furthermore, if a broadcasting station which signs this agreement wishes to originate a program which will be heard over any other broadcasting station, the station which has already signed the single station license is required to sign the 7½% network license in the regular form. This applies equally to originations by a station which is a network affiliate for the purpose of putting a program for other stations on the network, or to a temporary hook-up under which a station would wish to make an athletic or similar event available to another station. In other words, the station is making payment purely for individual local origination. If it is apparently paying less, it is certainly getting much less.

## IV—ASCAP Has Deprived the Station of All Escapes from the Contract But Has Given Itself Additional "Outs"

Previous contracts have contained provisions under which the broadcaster can cancel his contract if the broadcaster's license is terminated, cancelled, revoked or suspended, or if radio broadcasting is supported from other sources or operated by other than private interests. *This clause has been omitted, and nothing has been substituted in its place.* In other words, if the broadcaster loses his license, or if war conditions bring about some drastic change in our industry, the broadcaster, nevertheless, and for the first time, has no right to cancel his contract.

When the shoe is on the other foot, the contract operates quite differently. For instance, if the state or county or city in which the broadcasting station is located passes any law which ASCAP doesn't like, ASCAP reserves the right to terminate the agreement with the broadcaster. The broadcaster cannot terminate the agreement with ASCAP if any laws are amended by the government. The law to which ASCAP objects may have been something with which the broadcaster had nothing to do. The broadcaster may even have opposed the law. ASCAP, nevertheless, reserves the right forthwith to tear up the broadcaster's contract in the event of a statutory change distasteful to ASCAP. Under this clause an innocent broadcaster may find himself stopped in the middle of a day's broadcasting.

## V—The ASCAP Tax Is Levied Not Only on Time Sales But on Talent Costs, Line Charges, Etc.

For the first time, "broadcasting facilities" are defined to include all regularly employed personnel, including actors, singers, musicians, etc. The only time that the broadcaster can avoid paying ASCAP a percentage on talent costs is where the talent is not regularly employed, where the talent is actually engaged for the sponsor for a specific program and where the talent is actually paid separately for specific commercial services. *This means that all of the money which a broadcaster gets from selling his house band to a sponsor, through furnishing the services of regularly employed announcers, etc., is income on which ASCAP collects its percentage.*

Not only does ASCAP collect on talent *but also on line charges, etc.* This result is accomplished by having the agreement provide that the broadcaster is *not* required to "account for sums received from religious broadcasts where the amount paid is solely in reimbursement for the cost of lines, wire charges and technical personnel." There is a further provision that "special line charges, special announcers and extra engineers" may be deducted with respect to "athletic events." This means that the broadcaster *must* pay the percentage on all costs of lines, wire charges and technical personnel except religious broadcasts, and must pay his percentage on all extraordinary expenses such as special line charges, special announcers and extra engineers on all programs except athletic events.

Even in the limited cases in which deductions are allowed, they can be made only if the broadcaster has charged the sponsor "the highest rate charged for a similar given period of time." This means the national rate, so that *no deduction may be taken on any program broadcast for a local sponsor.* In fact ASCAP must be paid on at least the highest card rate applicable to a similar period of time even if payment is made in some medium other than cash or notes, namely, free rent of a studio located in a hotel for which daily announcements are given, etc.

Indeed, "broadcasting facilities" by express definition includes services and "services" by express definition includes not only wire service and electrical transcriptions but "service of every nature." This means that the ASCAP tax is levied not only on sale of time, not only on personnel, not only on wire charges, but on every merchandising and other service of any nature whatsoever which a broadcaster may render to an advertiser.

When these factors are weighed, the apparent temporary savings to some broadcasters will, it would appear certain, be greatly reduced.

## VI—The Proposed Contract Does Not Cure the Essential Defects of the Existing Contract

Since the last ASCAP contract was drawn abuses have arisen and threats been made, which any new contract, which properly protects broadcasters, should correct. ASCAP fails to correct and, in fact, it perpetuates all of the clauses under which a nullification of the ASCAP contract was threatened. Some of these are:

(a) There was no specific clause in the last ASCAP license giving broadcasters the right to perform "special arrangements" of ASCAP compositions and permitting them to make any written copies of parts for their files. Broadcasters took it for granted (as they had a right to) that a license to perform carried with it the normal rights which would make such license usable. As every broadcaster knows, the right to perform ASCAP compositions precisely as they are printed is not worth anything because every band and every performer adapts the composition to specific needs. To the amazement of broadcasters, ASCAP publishers, since the last contract was executed, have claimed that under the ASCAP license the ASCAP publisher is still free to exact a special charge in any amount the publisher wishes for the right to arrange the musical composition. There is now pending a test suit against a phonograph record company in which a leading ASCAP publisher makes precisely this claim—the claim that a broadcaster can perform a phonograph record only if the tune has been recorded precisely as printed. The viewpoint so put forward has been supported by ASCAP publishers and writers as a whole and by the special organizations of publishers and writers who are included within ASCAP. ASCAP has refused to oppose these claims of its members but has, indeed, said that ASCAP does not own the right to arrange compositions and has said that it could not grant this right even if it wanted to. Under these circumstances, the proposed ASCAP contract means that broadcasters are buying a law suit and that if the law suit is won, the whole ASCAP contract is robbed of its usefulness. This would not mean that broadcasters could stop paying under the proposed contract. They would have to continue to pay their full percentages, but they would have to pay as much more as the ASCAP members wanted to exact.

(b) When an attempt was recently made to exact special charges from stations for the right to perform phonograph records the music publisher members of ASCAP, through their official organization, Music Publishers' Protective Association, were quick to assert that they were entitled to special compensation from broadcasters from the the performance of phonograph records. A law suit is now pending to determine whether broadcasters must make special payment for the right to perform records. If this law suit should be decided adversely to broadcasters, music publishers would assert under the foregoing "arrangement" claim that they were entitled to a part of the revenue. The proposed contract gives no protection against the making of any such claim.

(c) The present indemnity clause in the ASCAP contract has long been unsatisfactory because it does not protect broadcasters who perform a foreign composition contained in the ASCAP repertory. During the last few years, however, a new abuse has arisen. Persons who have sued for infringement have, in some cases, sued not broadcasters but sponsors and advertising agencies. ASCAP's counsel have consistently taken the position that the ASCAP indemnity protects only the broadcasting station, and they have refused to defend the law suits against the advertising agencies and sponsor or to indemnify agencies and sponsors against damages. This means that the broadcaster has had to assume the defense at the broadcaster's expense or possibly deter a client from using his station. A new contract with ASCAP should provide that not only the broadcaster but his advertising agencies and sponsors are protected if they play a number which ASCAP represents as being in the ASCAP repertory.

THE FOREGOING ANALYSIS DOES NOT ATTEMPT TO DISCUSS THE BASIC ABUSES INHERENT IN ASCAP'S ORGANIZATION OR ITS METHOD OF LEVYING CHARGES UPON BROADCASTERS. THESE BASIC DEFECTS WOULD EXIST EVEN IF THE FORM OF CONTRACT HEREIN DESCRIBED WERE SATISFACTORY. THIS ANALYSIS SHOULD, THEREFORE, BE CONSIDERED AS CONSTITUTING ADDITIONAL REASONS WHY BROADCASTERS SHOULD CAREFULLY CONSIDER THEIR COURSE OF ACTION.

## STATION PROMOTIONAL MATERIAL

*(Continued from page 4364)*

ticularly anxious to get the dimensions of the space which you will require. Naturally it may be necessary to make some adjustments to conform all the exhibits to the space available. To every extent possible, however, the wishes of the individual broadcaster will be accommodated. Let us hear from you promptly.

## AMENDMENTS TO BY-LAWS

Two proposals to amend the By-Laws of the National Association have been authorized for submission by the Board of Directors.

Article XIII of the By-Laws requires that proposed changes shall be "submitted by mail to the last recorded address of each member at least 30 days before the time of the meeting which is to consider the change". The meeting to consider the change is the Eighteenth Annual meeting to be held at San Francisco, August 4 to 7, inclusive. This is, therefore, your notice of the following proposed amendment.

That Article VII, Section 1, of the By-Laws be amended to read as follows:

"DIRECTORS:

"Section 1. Number. The business and affairs of the Association shall be managed by and under the direction of a Board of Directors of (twenty-three) *twenty-six* members, to be selected as hereinafter provided, each of whom shall be an Active Member of the Association or a representative actually engaged in the business of an Active Member."

That Article VII, Section 2, of the By-Laws be amended to read as follows:

"Section 2. Classification of Directors. There shall be one Director from each District, referred to hereinafter for purposes of convenience as District Directors. There shall be six additional Directors, referred to hereinafter for purposes of convenience as Directors-at-Large, two of whom shall be representative of large stations, two of whom shall be representative of medium stations, and two of whom shall be representative of small stations, operating power to govern these classifications. *There shall be three additional Directors, referred to hereinafter for purposes of convenience as Network Directors, one of whom shall be representative of Columbia Broadcasting System, Inc., one of whom shall be representative of Mutual Broadcasting System, Inc., and one of whom shall be representative of National Broadcasting Company, Inc.*"

That Article VII, Section 4, of the By-Laws be amended to read as follows:

"Section 4. Nomination of Directors-at-Large *and Network Directors.* The District Directors shall constitute a Nominating Committee which Committee shall meet in advance of the annual membership meeting and shall nominate two persons for each of the six Directors-at-Large, *and two persons for each of the three Network Directors* as defined in Section 2 above. Such nominations shall be reported to the membership during the first session of the annual meeting."

That Article VII, Section 5, of the By-Laws be amended to read as follows:

"Section 5. Election of Directors-at-Large *and Network Directors.* Election of Directors-at-Large *and Network Directors* shall proceed as follows:

"A. The President shall appoint an Elections Committee of three persons.

"B. The Elections Committee shall prepare ballots upon which there shall be arranged the names of the twelve nominees for Directors-at-Large in six groups of two names each, *and the names of the six nominees for Network Directors in three groups of two names each.*

"C. The Elections Committee shall compile a list of Active Members eligible to vote in the elections.

"D. The Elections Committee shall distribute ballots.

"E. The Elections Committee shall on the second day of the membership meeting announce a time and place for balloting and shall supervise such balloting.

"F. Immediately after the conclusion of balloting, the Elections Committee shall proceed to count ballots and announce the results.

"G. The nominee receiving the highest number of votes in each of the (six) *nine* groups shall be declared elected."

That Article VII, Section 6, of the By-Laws be amended to read as follows:

"Section 6. Tenure. All Directors-at-Large *and Network Directors* shall be elected to hold office until the conclusion of the membership meeting to be held next after their election. District Directors shall assume office at the first meeting of the Board of Directors following the meeting of the membership held after their election and shall hold office until the close of the second annual meeting after assuming office; provided: that District Directors elected at the 1938 annual membership meeting by District 1, District 3, District 5, District 7, District 9, District 11, District 13, District 15 and District 17, shall serve until the close of the 1939 membership meeting and that District Directors elected at the 1938 annual membership meeting by District 2, District 4, District 6, District 8, District 10, District 12, District 14, and District 16, shall serve until the close of the 1940 membership meeting."

(EXPLANATION: Matter in italics is new; matter in parentheses is to be omitted.)

The second amendment is as follows:

That Article III, Section 2, of the By-Laws be amended by striking therefrom the following: "(licensed within the band 550 to 1600 kilocycles)" and inserting in lieu thereof the following: "the term 'radio broadcasting' as used herein is defined as the free dissemination to the general public, by means of electromagnetic waves, of intelligence and entertainment appealing either to the aural or visual senses or both."

The section, as amended, will read as follows:

"Article III. Membership and Districts. . . .

"Section 2. Active members. Any individual, firm or corporation engaged in the operation of a radio broadcasting station within the United States or its dependencies shall be eligible to Active Membership in the Association to the extent of one membership for each radio broadcasting station which it operates. The term 'radio broadcasting' as used herein is defined as the free dissemination to the general public, by means of electro-magnetic waves, of intelligence and entertainment appealing either to the aural or visual senses or both."

## POLITICAL BROADCASTS

Following a thorough discussion of the subject, the Board of Directors, at a meeting held in New York last Saturday, expressed the view that political broadcasts should be limited to speakers, interviews and announcements, and to broadcasts of bona fide political meetings or rallies held outside the studio.

It was the feeling of the Board that stations and networks will find that the best interests of the industry will be served by a broadcasting policy which would bar the following: dramatizations of political issues, either in the form of announcements or programs; studio political "rallies"; audience participation programs such as the

"Man on the Street" type; anonymous, simulated and unidentified voices at any time.

The Board discussed the matter of the sale of time on election day, and came to the conclusion that this is a subject, in some states affected by law, within the decision of the individual broadcaster. They also discussed but took no action on the matter of limitation to not more than one hour in any one evening to any one candidate.

### FOREIGN LANGUAGE BROADCASTS

The Board of Directors urges all broadcasting stations carrying foreign language programs "to exercise extreme precautions against the use of their facilities, wittingly or unwittingly, to promote propaganda inimical to the interests of the United States."

The Board, at a meeting in New York, adopted the following resolution:

> "RESOLVED, that the Board of Directors of the National Association of Broadcasters recognizes the importance of preserving freedom of speech and radio, and the necessity of serving the interests of that segment of the listening public which is most effectively reached by broadcasts in foreign languages. During the present period of emergency, stations carrying foreign language broadcasts are urged to exercise extrem precautions against the use of their facilities, wittingly or unwittingly, to promote propaganda inimical to the interests of the United States. Scripts should be carefully scrutinized in advance by station managers, and appropriate measures should be taken to guard against deviation from approved scripts."

In connection with the resolution, Neville Miller issued the following statement:

> "The Board, mindful of the traditions of free speech and free radio, and of the value of foreign language broadcasting to reach important groups of citizens, urgently recommends to all stations carrying foreign languages that in advance of their presentation,
>
> "(1) All scripts in foreign languages be carefully read and appraised in the light of American national defense;
>
> "(2) After the station's approval of such scripts, adequate and capable linguists in whom complete confidence may be reposed, shall be utilized to supervise active presentation on the air to prevent possible ad lib insertions or deviations from the scripts;
>
> "(3) A complete file of continuity and script of all foreign language broadcasts should be kept.
>
> "The Board further is of the opinion that the licensees of broadcasting stations operating in the foreign language field are capable of handling this problem intelligently and voluntarily and their service to national defense, both potential and actual, in maintaining intimate contact and understanding with foreign language groups should be maintained."

## BMI Developments

Two more stations are welcomed to the list of BMI subscribers and licensees:

KVOD—Denver, Colorado.
WGRC—New Albany, Indiana

On June 21 there was a joint meeting of the BMI board of directors with the NAB directors and representatives of IRNA and NIB at the Waldorf-Astoria Hotel in New York. The meeting was devoted to a consideration of various BMI matters and resulted in a unanimous expression of approval of the BMI work to date and of the general project of financing the expanded activities of BMI. Details of the expansion project were left to the judgment of the BMI board.

Trade papers have recently published stories about the proposed acquisition by BMI of the Robbins, Feist, and Miller catalogues (all controlled by Metro-Goldwyn-Mayer Pictures, Inc.) at a sum in excess of $4,000,000. It has been common knowledge on Tin Pan Alley that BMI representatives have been carrying on negotiations with representatives of these and other ASCAP music publishers. No negotiations have been consummated or deals concluded with any music publishing houses, other than those already announced, and BMI members can be assured that authoritative statements will be given to members of BMI through the usual channels at least as soon as to the press, in the event that BMI concludes outstanding catalogue acquisitions with any publishing houses either within or without ASCAP.

At the Waldorf meeting BMI officers received further strong confirmation of the desire of BMI subscribers for an increased amount of BMI and other non-ASCAP music in transcribed form. M. E. Tompkins, BMI's General Manager, gave assurances that transcriptions would be made available to meet this demand. For this purpose he is inviting representatives of the various transcription companies to meet with him in the near future. At this meeting plans and arrangements will be made so that the transcription industry, in cooperation with BMI, may furnish an ample supply of music in recorded form suited to the needs of all stations.

One ASCAP official excused the delay in issuing the proposed license contracts on the ground that every time the committee met to approve the release of the contracts they got some new ideas about them.

On that point broadcasters seem to be, for once, in the same position as ASCAP officials. Now that the contracts have been released, every time a broadcaster looks at them he can think of new things to say—most of them unprintable.

Among the six or eight hundred manuscripts that BMI's editors receive each week there are some choice items which the public will probably never see. Some sort of prize for originality must be awarded to the ambitious writer who submitted a manuscript which proved to be the music of "The Star-Spangled Banner" decorated with new words. A Rand-McNally atlas might be a fitting prize for another writer who had the palms of Hawaii waving against the blue skies of Tahiti. And certainly a consolation prize ought to go to the songbird who sang, "I'm Only An Egg In A Love Nest."

## BMI FEATURE TUNES
### July 1-July 8

1. DON'T THE MOON LOOK PRETTY?
2. PRACTICE MAKES PERFECT
3. WE COULD MAKE SUCH BEAUTIFUL MUSIC
4. WHAT GOOD'S THE MOON?
5. HERE IN THE VELVET NIGHT
6. IN THE SILENCE OF THE DAWN

Samuel R. Rosenbaum, WFIL, resigned with regret last week as a BMI director. Mr. Rosenbaum notified Neville Miller that the pressure of other business matters in Philadelphia made it impossible for him to attend board meetings regularly, and that he thought he should make way for someone who could. The board elected Paul W. Morency, WTIC, to succeed Mr. Rosenbaum.

# Labor

## NAB TO ASK REDEFINITION OF "EXECUTIVE" JULY 25

The NAB intends to appear July 25 at a hearing called by the Wage and Hour Administration to consider proposals for redefining the classes of employees exempt from the 42-hour limit on the regular work week.

The Wage and Hour Act exempts bona fide executives, professional workers, outside salesmen and certain other classes. The Administration has so defined "executive," however, that very few broadcasting executives are exempt.

The most burdensome provision in the Administration's definition of "executive" is the requirement that an executive "does no substantial amount of work of the same nature as that performed by non-exempt employees."

The NAB intends to ask for removal of that requirement.

Last week, Joseph L. Miller, NAB labor relations director, sent out a questionnaire for information necessary to presenting the industry's case.

Failure of a substantial majority of all stations to answer this questionnaire would not only make presentation difficult but also make it appear that the industry was not interested in any change.

The present definition of "executive":

> The term "employee employed in a bona fide executive (and) administrative * * * capacity" in section 13(a)(1) of the Act shall mean any employee whose primary duty is the management of the establishment, or a customarily recognized department thereof, in which he is employed, and who customarily and regularly directs the work of other employees therein, and who has the authority to hire and fire other employees or whose suggestions and recommendations as to the hiring and firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight, and who customarily and regularly exercises discretionary powers, and who does no substantial amount of work of the same nature as that performed by non-exempt employees of the employer, and who is compensated for his services at not less than $30 (exclusive of board, lodging, or other facilities) for a workweek.

# Legal

## "ECONOMIC INJURY"

Broadcasters interested in the "economic injury" question will read with interest the FCC's summary of its decision in an Erie, Pa., case:

> Congress intent would be nullified and Supreme Court declaration concerning the desirable effects of competition would be meaningless if the FCC were required to deny a radio station entry into the field merely because it would have an adverse effect on an existing station, declares the Commission in denying petition for a rehearing filed by WLEU Broadcasting Company, Erie, Pa., on the Commission's grant of a construction permit to the Presque Isle Broadcasting Co. for a new station at that place. To quote from the Commission's decision:
>
> "It is a direct contradiction of the proposition that free competition is the basic principle of the American system of broadcasting to contend that the Commission is under a duty to consider the effect which competition may have upon the ability of an existing licensee to continue to serve the public. It is implicit in the idea of free competition that public interest cannot possibly be adversely affected by the failure of an existing station to survive due to increased competition, because this result cannot follow unless the new station's competitive efforts enable it to render a superior public service.
>
> "The Supreme Court has made it perfectly clear that 'Congress intended to leave competition in the field of broadcasting where it found it' and to permit 'a licensee to survive or succumb according to his ability to make his programs attractive to the public.' A licensee is not entitled to be protected from competition and the Commission is under no duty to make findings on the effect of such competition on the licensee."
>
> The Commission notes a vital distinction between the situation where an applicant is not financially qualified and the case where the applicant is so qualified, but points out that the petitioner does not allege that this applicant is not financially qualified but bases its complaint on the possible effect of competitive effort. The statute does not require the Commission to consider the latter factor but makes success or failure in the broadcasting business depend solely on a licensee's "ability to make his programs attractive to the public."
>
> WLEU, the only broadcast station in Erie at the present time, operates on 1420 kilocycles with 250 watts, unlimited time. It devotes approximately 40 per cent of its time to NBC Blue Network programs. The Presque Isle Broadcasting Co., which received a construction permit March 13, proposes a local program service. There are 75 churches, 25 charitable organizations, 30 educational institutions, and more than 100 civic or social organizations in Erie. The Presque Isle Broadcasting Co. proposes to operate on 1500 kilocycles with 250 watts day and 100 watts night.

Russell P. Place, NAB counsel, made the following comment:

> In the Saunders Brothers decision the Supreme Court, in addition to the quotation given by the Commission, said:
>
> "We hold that resulting economic injury to a rival station is not in and of itself, and apart from considerations of public convenience, interest or necessity, an element the Commission must weigh and as to which it must make findings in passing on an application for a broadcast license."

The Court went on, however, to make the following observations:

"This is not to say that the question of competition between a proposed station and one operating under an existing license is to be entirely disregarded by the Commission, and, indeed, the Commission's practice shows that it does not disregard that question. It may have a vital and important bearing upon the ability of the applicant adequately to serve his public; it may indicate that both stations,—the existing and the proposed,—will go under, with the result that a portion of the listening public will be left without adequate service; it may indicate that, by a division of the field, both stations will be compelled to render inadequate service. These matters, however, are distinct from the consideration that, if a license be granted, competition between the licensee and any other existing station may cause economic loss to the latter."

It would therefore appear that the second sentence quoted above from the Commission's decision may indicate a lack of appreciation of all that the Court said in the Saunders Brothers decision. The Commission's statement that "It is implicit in the idea of free competition that public interest cannot possibly be adversely affected by the failure of an existing station to survive due to increased competition, because this result cannot follow unless the new station's competitive efforts enable it to render a superior public service" overlooks the views of the Supreme Court that it is possible for both stations to go under and that a division of the field may compel both stations to render inadequate public service.

## LIBEL LAW UNCONSTITUTIONAL

On June 21, Judge Shields of the Circuit Court for Duval County, Florida, held that the Florida radio defamation statute, Chapter 19616, Acts of 1939, is unconstitutional. In denying the defendant Florida Broadcasting Company's motion to dismiss the declarations in the three companion libel cases of Boyd, Haimowitz and Nooney vs. Brown Whatley and Florida Broadcasting Company, Judge Shields said:

"1. By said motion to dismiss, which raises the same defense to plaintiff's declaration as the 25th ground of said Florida Broadcasting Company's demurrer, said Company moved the Court to dismiss it from this cause because, 'By the express terms of Chapter 19616 Laws of Florida, which was in full effect and operation when the alleged libelous statements were published or uttered by defendant Brown Whatley in a radio broadcast over the broadcasting station owned and operated by this defendant, this defendant is not liable for any damages for any defamatory or libelous statements so published or uttered.

"It appears that the practical effect of the Act relied on would be to prohibit the recovery from a Radio Broadcasting Company of any damages of any kind, including actual or compensatory damages, for any libelous statement which might be uttered as part of a radio broadcast from its station.

"The Act clearly violates the spirit and the letter of Sections 1, 4, 12 and 13 of the Declaration or Rights of the Constitution of Florida which provide: That all men are equal before the law and have certain inalienable rights, among which are those of enjoying life and liberty, acquiring, possessing and protecting property; that all Courts in this State shall be open, so that every person for any injury done him in his lands, goods, person or reputation shall have remedy by due course of law; that no person shall be deprived of life, liberty, or property without due process of law; that every person may fully speak and write his sentiments on all subjects, being responsible for the abuse of that right. It is, therefore, the opinion of the Court that said Act is unconstitutional and void, and that said motion to dismiss should be, and the same is hereby denied."

On other points, Judge Shields ruled with the defendants and sustained their demurrers. These cases will be appealed to the Supreme Court of Florida in due course.

The Florida statute is as follows:

"The owner, lessee, licensee or operator of a radio broadcasting station, and the agents or employees of any such owner, lessee, licensee or operator, shall not be liable for any damages for any defamatory or libelous statements published or uttered in or as a part of a radio broadcast, by one other than such owner, lessee, licensee or operator, or agent or employee thereof, unless the said owner, lessee, licensee and operators or agent or employee affirmatively declares that such statements are made for and in behalf of such owner, lessee, licensee or operator of such radio station or its agent or employee."

## "LEGALLY QUALIFIED" CANDIDATES

Members desiring information as to whether or not political candidates are legally qualified in their State should communicate with the Legal Department.

## BBC REBROADCASTS

The NAB has been advised by Gerald Cock of the British Broadcasting Corporation, 620 Fifth Avenue, New York, that any station wishing to rebroadcast BBC direct from Europe should communicate with him.

# Promotion

## RMA RECOMMENDS RADIO ADVERTISING BY DEALERS

The RMA is on record with its members on the matter of broadcasting. Definite recommendations are made. The text of RMA's communication to members, as received by Arthur Stringer, appears below.

The idea behind the letter is to give assistance to NAB member stations in the solicitation of cooperative advertising from radio distributors and dealers.

A copy of General Electric's folio of spot broadcasting announcements, featuring its 1941 Golden Tone radio line, has just come off the press. One of the first copies has been received at headquarters. The announcements are exceptionally well done and will deliver.

Announcements of other radio manufacturers are undoubtedly in process of production or distribution.

Remember, the key man in securing broadcast business in the field is not at the factory. He is in your territory and is waiting to be sold.

Receiver spot business is getting better each year. 1940-41 should make a record.

Aside from station income, there is another reason for getting set accounts on the air. They help in building better circulation. The owner of a new set listens longer than the owner of a worn out receiver. Reception is also better.

When reallocation comes, about 2 million sets will become obsolete so far as being able to get the entire spectrum from 550-1600 kilocycles.

Most all of the sets, if not all, to be sold this year will be able to get all standard stations after the change, though of course the new push button sets will have to be reset.

Several stations have already reported signing radio business. Nathan Lord, WAVE, Louisville, is one. The account is Philco Sales & Service, Philco distributors.

The RMA letter to members reads:

"Action by RMA members, especially large companies, is recommended by the RMA Board of Directors for further cooperation in the joint radio promotion campaign of the National Association of Broadcasters and RMA.

"The broadcasters of NAB, local stations as well as networks, have been and now are giving splendid service to the radio industry with many special programs, spot announcements, promotion features and other activities—all aiding manufacturers, distributors and dealers to sell more radio sets and also increase the unit of sale.

"Local broadcasters desire to be placed at least on an equal basis of competition with newspapers, in respect to the cooperative advertising allowances of manufacturers to their distributors and dealers. The RMA committee in the joint promotion campaign, and also our officers and directors who have held conferences with the NAB, agree that we should assist local stations to solicit part of the cooperative advertising allowances of distributors and dealers. This can be accomplished if RMA members will supply *to their distributors* advertising material, such as forms of spot announcements, continuity, etc., similar to the advertising material furnished to distributors for *newspaper* use. This is recommended so that local broadcast stations may better solicit such local advertising from radio distributors and dealers.

"Also it would be effective if you would send your distributors a letter reiterating your company's faith in the power of radio broadcast advertising, especially for replacement sales. Such a letter might well point out the close community of interest existing between radio distributors and dealers and the local broadcast stations, together with the necessity of their working closer together for their mutual interests. Such an expression would be in accordance with the views expressed by members of the RMA committee and RMA Board of Directors who were appointed to work out the joint national campaign of industry cooperation with NAB. If you will send your distributors (or so interest your advertising agency) samples of the suggested distributor-dealer spot announcements, continuity, etc., and suggest their use on broadcasting stations, it would be most helpful.

"It is now desired that RMA members demonstrate to NAB and its members that they are doing their part by encouraging their distributors and dealers to place cooperative advertising with local stations. The broadcasters are helping your sales. Please do your part to help them."

## RADIO FESTIVAL

STATION MANAGERS:

Please mail your Radio Festival prize winning essays to headquarters. So as not to disbar late contestants, the time to receive essays is hereby extended to July 15, 1940.

FRIENDLY VIRGINIANS:

Virginians are friendly folks, just how friendly was evident during National Radio Festival week in Richmond. How they feel on this subject is seen from the broadcast of Walter R. Bishop, director of public relations, WRVA, in welcoming to the airlanes the new radio station, WPID, Petersburg:

"Sometimes our contemporaries," said Mr. Bishop, "are designated as our 'competitors' in the field of broadcasting. We always think of them as our 'neighbors,' and as we salute WPID, our new neighbor, this evening, we express the sincere hope that our future relations may merit for us both the title of 'good neighbors.'"

"It seems appropriate that during the week which has been set aside as National Radio Festival Week, this station should make its debut and take its place among the 800 broadcasting establishments of the nation at a time when the public is invited to become better acquainted with the American system of broadcasting, operating under the plan of private competition in contrast to the European system, controlled by governments which formulate policies and supervise selection of the material which is broadcast under the system of giving the listeners what these governments think they should hear, rather than what the listener may prefer. WRVA welcomes WPID as we share together the responsibility of serving an audience deserving the best, and we know that this new station will assist in upholding the traditions of the American system of broadcasting."

Mr. Bishop, as other Virginia broadcasters, is especially gratified over the action of Gov. James H. Price in officially proclaiming National Radio Festival Week in Virginia.

"We consider this a recognition of broadcasting," he said, "since the Governor does not issue these proclamations upon every request."

LISTENING POSTS:

WGAR broadcasts Radio Newsreel, 5:45—6:00 p. m., Thursdays and Saturdays, in behalf of Fleetwing Corp., whose gasoline service stations dot the landscape in Cleveland and elsewhere.

The unusual thing about this news show is that each gas station turns on a powerful set to broadcast the programs—always to a crowd. According to Carl George, WGAR program manager, Fleetwing is receiving much additional public approval on account of the establishment of listening posts at their service stations.

GAS STATIONS HELP:

This year, it is observed, that a great many more gasoline service stations throughout the United States, than last year, are selling auto radio sets. It is realized that this activity by others has added hundreds of thousands of additional listening hours.

SPECIAL TOURS:

WSPD is increasing its public prestige in Toledo through the promotion of a series of all expense-personally conducted tours to the New York World's Fair.

As outlined by Russell Gohring, program manager, the $39 cost covers round trip rail fare, meals in dining car, room at hotel with bath and radio (two in room), all breakfasts, transfer, sightseeing trips, from departure Saturday night to return on Wednesday morning. The only extras are for three luncheons and Monday dinner.

ON THE AIR:

WDZ's program manager, Hank Fisher, Tuscola, Ill., is using his 1,000 watts to good advantage this summer to increase the use of auto and portable sets. Referring to NAB's May 29 mailing, he says:

"These announcements have already been placed on our schedule and will be run until their completion. If WDZ may be of any assistance to you in the future, please don't fail to call on us."

# Sales

## BROADCASTERS' CABARET PARTY HUGE SUCCESS

More than 1,500 members and guests of the Advertising Federation of America enjoyed a three-hour radio program they couldn't have bought Tuesday, June 25, when the NAB Sales Managers' Division presented its Broadcasters' Cabaret Party in the Grand Ballroom of the Hotel Sherman, Chicago, at the 36th Annual AFA Convention.

Featuring twenty separate acts with over fifty well-known radio entertainers contributed by Chicago members and the networks, the gala affair was the NAB Sales Managers' salute to the AFA and affiliated advertising clubs throughout the country. A twenty-piece orchestra provided jointly by CBS-MBS-NBC played for dancing from 8:30 to 1 a. m., and, judging from attendance and enthusiasm shown, the Radio Party was a huge success. Planned to accommodate 850, the ballroom was packed by 9 p. m. Additional tables were hastily set up in the halls and lobbies of the hotel and later arrivals overflowed into the balconies. At midnight, when the last radio act had been presented and dancing had resumed, there was still not a table to be had.

In charge of the affair and largely responsible for its success were William R. Cline, Commercial Manager of WLS, Chicago, who is national chairman of the Sales Managers' Division, and his committee of Chicago broadcasters headed by Jules Herbuveaux, NBC, and J. Oren Weaver, CBS. Harold Safford, WLS Program Director, and his assistant, Al Boyd, handled production on the show and kept the large and varied cast moving smoothly.

A souvenir program, including pictures of the talent and brief, pertinent facts on radio as an advertising medium, was presented to everyone attending the show. NAB members who would like a copy of the program should write to Samuel J. Henry, Jr., NAB Bureau of Radio Advertising. Also representing NAB at the party were Ed Kirby, Public Relations Director, and Carl Haverlin, BMI Stations Relations Director. In addition to the AFA Board of Directors, invited convention speakers and their guests totaling over one hundred, many prominent advertising and agency executives, as well as broadcasters, were present.

### Sales Managers Meet at AFA

The business sessions of the NAB Sales Managers' Division, held June 24 and 25 in conjunction with the 36th Annual AFA Convention, drew a representative audience of sales managers and AFA members. The meetings were held under the chairmanship of William R. Cline, WLS, Chicago, who is national chairman of the Sales Managers' Division.

More than twenty-five NAB Sales Managers met Monday morning and afternoon in a closed business session to discuss current industry sales problems. The commercial men urgently recommended the immediate adoption of a complete "Media Records" for radio, along the lines of the proposed unit plan for measuring radio advertising volume. At the open meeting Tuesday morning, more than forty were present, including agency time buyers, station and network representatives and members of the trade press. They heard Carl Haverlin, BMI Station Relations Director, in an interesting presentation of current BMI developments and their significance to advertisers. NAB was represented at the business sessions by Samuel J. Henry, Jr., NAB Bureau of Radio Advertising, and Ed Kirby, who discussed the commercial section of the NAB Code, paid political broadcasts and other developments.

## District Meetings

### DISTRICT 2

Clarence Wheeler, WHEC, Rochester, was elected director of District 2 at its meeting last week. Colonel Harry Wilder, who has been District Director since the NAB reorganization, was not a candidate for reelection. He received a unanimous vote of appreciation for the work he has done on behalf of the broadcasters in New York State. The District also enthusiastically endorsed BMI. Carl Haverlin, BMI Station Relations Director, and Ed Kirby, NAB Director of Public Relations, were guest speakers.

Those present: Samuel Woodworth, WFBL; E. K. Johnson, WIBX; Kolin Hager, WGY; S. D. Gregory, WJZ; J. G. Gude, WABC; F. S. Brauner, WABC; John T. Calkins, WENY; H. T. Woodman, WEAF; Clarence Wheeler, WHEC; E. M. Stoer, Hearst Radio; Jack Kennedy, WHAM; Roy L. Albertson, WBNY; Harold E. Smith, WOKO; Harry L. Goldman, WABY; Simon Goldman, WJTN; G. O. Wigg, WHEC; William Fay, WHAM; E. H. Twamley, WBEN; E. A. Hanover, WHAM; Frank A. Seitz, WFAS; Mary A. Seitz, WFAS; Thomas L. Brown, WHDL; William I. Moore, WBNX; W. G. Eckman, WJTN; Harry C. Wilder, WSYR, WTRY; H. J. Frank, WSLB; Gene Thomas, WOR; Frederick L. Keesee, WMBO; Cecil Mastin, WNBF.

### DISTRICT 6

Edwin W. Craig, WSM, was reelected District 6 Director at a meeting June 20 in Memphis. Joseph L. Miller, NAB Labor Relations Director, and Carl Haverlin, BMI Station Relations Director, were guest speakers. Members present unanimously adopted a resolution introduced by H. W. Slavick, WMC, and seconded by H. W. Wheelahan, WSMB, giving BMI "their complete confidence." Those present:

W. H. Summerville, Louis Read, WWL; F. C. Sowell, F. D. Binns, WLAC; Storm Whaley, KVOA; Ralph Wentworth, Lang-Worth; Harold Wheelahan, T. J. Fontelieu, H. G. Nebe, WSMB; John C. McCormack, KWKH and KTBS; Ed Zimmerman, C. K. Beaver, KARK; H. R. Krelstein, WMPS; Carl Haverlin. BMI; H. W. Slavick, E. Brom, Jr., John Cleghorn, WMC; E. A. Alburty, WHBQ; Wiley P. Harris, WJDX; Joe Eggleston, WMC; Raymond F. Hufft, WNOE; O. W. Jones, WQBC; F. A. Cavey, WWL; George Blumenstock, WSKB; Hollis R. Wooten, WREC; J. H. DeWitt, Jr., WSM; Hoyt B. Wooten, WREC; Jack M. Draughon, WSIX; Edwin W. Craig, WSM; Harry Stone, WSM; Gustavus Reiniger, REL.

### DISTRICT 16

At a well-attended Los Angeles meeting, Harrison Holliway, KECA-KFI, was elected District 16 Director on June 17. Carl Haverlin, BMI Station Relations Director, was guest speaker.

### 17 NEW MEMBERS APPROVED

At its meeting in New York, Saturday, the 22nd, the Board of Directors accepted and approved the applications of seventeen new NAB member stations as follows:

KCRC—Enid, Oklahoma
KIDO—Boise, Idaho
KRIC—Beaumont, Texas
WBNY—Buffalo, New York
WJHP—Jacksonville, Florida
WKPT—Kingsport, Tennessee
WMAN—Mansfield, Ohio
WMBC—Detroit, Michigan
WMFF—Plattsburg, New York
WOLF—Syracuse, New York
WPRP—Ponce, Puerto Rico
WSKB—McComb, Mississippi
WSLB—Ogdensburg, New York
WTRY—Troy, New York
WTSP—St. Petersburg, Florida
WESG—Ithaca, New York
WTNJ—Trenton, New Jersey

The Board expressed appreciation of the splendid work done by the membership chairmen in the various states and areas. They pledged themselves as Directors, to increased activity in behalf of new members and called upon all members of the Association to assist.

The drive to obtain at least fifty new members by convention time is on. This goal can be reached if every member will make it a part of his daily duty to solicit non-member stations. We are sending out weekly releases from headquarters which have aroused the interest of many non-member stations and should be increasingly effective. To get the desired result, your personal cooperation is earnestly requested.

## FM Rules

Frequency modulation—now popularly known as FM—formally takes its place in the ranks of recognized commercial broadcasting as a result of initial rules governing regular program service of this type, the FCC announced this week. This new service will be known as "high frequency broadcast" to distinguish it from standard broadcast.

Rapid development of FM stations throughout the nation is expedited by Commission action in apportioning frequencies and otherwise stipulating operation of FM so as to make such broadcast available to as many American homes as possible. Under the rules just approved, FM facilities are, in effect, available to every community in the land.

Important in these rules is the requirement that the program service shall embody presentation particularly adapted to the high fidelity quality of this new method of broadcast. This, with its staticless qualities, assures the listening public an improved type of service.

Unlike standard (amplitude modulation) broadcast stations, FM stations will be licensed to serve a specified area in square miles. In places where one or more FM stations are located, their radius of service will be made as comparable as possible. Such parity of service is feasible because FM is not subject to objectionable interference as in the case of the older long distance type of broadcasting.

The public is assured of a reasonable amount of FM program service initially by the Commission requiring a daily, except Sunday, minimum operating schedule of at least three hours during the day and three hours at night. FM stations are further obligated to devote at least one hour each day and one hour each night to programs not duplicated simultaneously in the same area, which means programs distinct from standard broadcast. The latter provision is intended to demonstrate the full fidelity of the FM system.

Since facsimile makes its commercial debut under FM auspices, the Commission may now grant authority to a high frequency broadcast station for the multiplex transmission of facsimile and aural broadcast programs, provided the facsimile transmission is incidental to the aural broadcast and does not reduce the quality of the aural program or the frequency swing required for the transmission of FM or bring about interference on adjacent channels.

In carrying out the principles set forth in the Commission's recent report following enthusiastic praise for FM at the frequency modulation hearing, the band of frequencies extending from 43,000 to 50,000 kilocycles is apportioned for service areas in the following manner:

For cities or towns with a total population of less than 25,000 exclusive of adjacent rural areas, these channels are assigned: 48,900; 49,100; 49,300; 49,500; 49,700 and 49,900. This class of station will have a service area not to exceed 500 square miles except where definite need for a greater area is shown and no objectionable interference will result.

To serve populations of 25,000 or more within areas of less than 3000 square miles, these channels are assigned: 44,500; 44,700; 44,900; 45,100; 45,300; 45,500; 45,700; 45,900; 46,100; 46,300; 46,500; 46,700; 46,900; 47,100; 47,300; 47,500; 47,700; 47,900; 48,100; 48,300; 48,500 and 48,700. In this class, the applicant must specify a service area which shall comprise either a metropolitan district, a city, or a particular district having common cultural, economic, geographical or other characteristics to justify service to the area as a unit.

For areas in excess of 3,000 square miles, the channel assignments are: 43,100; 43,300; 43,500; 43,700; 43,900; 44,100, and 44,300. Here the applicant can serve two or more large cities or metropolitan districts and a large adjacent rural area; or, in exceptional cases, one city or metropolitan district and a large adjacent rural area.

One channel only will be assigned to a station. To avoid possibility of objectionable interference, FM stations serving the same area will not be assigned adjacent channels.

To safeguard the public against monopoly, no person or group can, directly or indirectly, control more than one FM station in the same area. Likewise, no person or group may control more than one such station, except upon showing that such operation would foster competition or will provide a high-frequency broadcasting service distinct and separate from existing services, and that such operation would not concentrate control in a manner inconsistent with public interest, convenience, or necessity. In this connection, the Commission declares that control of more than six stations by the same person or persons under common control is inconsistent with the public interest.

The Commission will not authorize the installation of a transmitter having a maximum rated power more than twice the operating power of the station. In employing transcriptions, methods of making announcements and other routine, high frequency stations will be governed largely by the same rules which apply to standard broadcast stations.

The rules announced today cover the basic principles believed necessary by the Commission to give FM a proper start commercially. They will be supplemented by Standards of Good Engineering Practice for High Frequency Broadcast Stations, to be made available next week, together with a chart to be used for determining the signal range of this type of station. The new application forms for high frequency stations will likewise be available shortly.

As previously announced, applications will not be considered until the engineering standards and the new forms are ready. Thereafter, as soon as applications are received, the Commission will act on them promptly.

Practical operation and progress of FM will undoubtedly result in changes to these rules and standards from time to time. Meanwhile, the Commission insures both public and industry an orderly development of high frequency broadcast stations by requiring proof of performance by FM stations within one year from the date of inauguration of this type of service.

## FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

June 22, 1940.

The existing rules governing standard broadcast stations, and the new rules governing high frequency broadcast stations are to be combined in Part 3 of the Commission's rules, which will be entitled "Rules Governing Standard and High Frequency Broadcast Stations." Subpart A of the rules, applicable only to standard broadcast stations comprises existing rules 3.1 to 3.86 inclusive. Subpart C, containing general rules applicable both to standard and high frequency broadcast stations, will comprise existing rules 3.87 to 3.104 inclusive. Subpart B, comprising the new rules governing high frequency broadcast stations is as follows:

### SUB-PART B. RULES GOVERNING HIGH FREQUENCY BROADCAST STATIONS

### *Definitions*[1]

Sec. 3.201 *High frequency broadcast station.* The term "high frequency broadcast station" means a station licensed primarily for the transmission of radiotelephone emissions intended to be received by the general public and operated on a channel in the High Frequency broadcast[2, 3] band.

Sec. 3.202 *High frequency broadcast band.* The term "high frequency broadcast band" means the band of frequencies extending from 43,000 to 50,000 kilocycles, both inclusive.

Sec. 3.203 *Frequency Modulation.* The term "frequency modulation" means a system of modulation of a radio signal in which the frequency of the carrier wave is varied in accordance with the signal to be transmitted while the amplitude of the carrier remains constant.

Sec. 3.204 *Center Frequency.* The term "center frequency" means the frequency of the carrier wave with no modulation. (With modulation the instaneous operating frequency swings above and below the center frequency. The operating frequency with no modulation shall be the center frequency within the frequency tolerance.)

Sec. 3.205 *High Frequency broadcast channel.* The term "high frequency broadcast channel" means a band of frequencies 200 kilocycles wide and is designated by its center frequency. Channels for high frequency broadcast stations begin at 43,100 kilocycles and continue in successive steps of 200 kilocycles to and including the frequency 49,900 kilocycles.

Sec. 3.206 *Service area.* The term "service area" of a high frequency broadcast station means the area in which the signal is not subject to objectionable interference or objectionable fading. (High frequency broadcast stations are considered to have only one service area; for determination of such area see *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*)

Sec. 3.207 *Antenna Field Gain.* The term "antenna field gain" of a high frequency broadcast antenna means the ratio of the effective free space field intensity produced at one mile in the horizontal plane expressed in millivolts per meter for 1 kilowatt antenna input power to 137.6.

Sec. 3.208 *Free Space Field Intensity.* The term "free space field intensity" means the field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

Sec. 3.209 *Frequency swing.* The term "frequency swing" is used only with respect to frequency modulation and means the instantaneous departure of the carrier frequency from the center frequency resulting from modulation.

Sec. 3.210 *Multiplex transmission.* The term "multiplex transmission" means the simultaneous transmission of two or more signals by means of a common carrier wave. (Multiplex transmission as applied to high frequency broadcast stations means the transmission of facsimile or other aural signals in addition to the regular broadcast signals.)

Sec. 3.211 *Percentage Modulation.* The term "percentage modulation" with respect to frequency modulation means the ratio of the actual frequency swing to the frequency swing required for 100 percent modulation expressed in percentage. (For high frequency broadcast stations, a frequency swing of 75 kilocycles is standard for 100 percent modulation.)

Sec. 3.212 *Experimental period.* The term "experimental period" means that period of time between 12 midnight and sunrise. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any high frequency broadcast station, on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period.

Sec. 3.213 *Main studio.* The term "main studio" means, as to any station, the studio from which the majority of its local programs originate, and/or from which a majority of its station announcements are made of programs originating at remote points.

### *Allocation of Facilities*[1]

Sec. 3.221 *Basis of Licensing High Frequency Broadcast Stations.* High frequency broadcast stations shall be licensed to serve a specified area in square miles. The contour bounding the service area and the radii of the contour shall be determined in accordance with the *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*

Sec. 3.222 *Area Served.* (a) High frequency broadcast stations shall be licensed to serve areas having characteristics falling within the provisions of subparagraphs (a), (b), or (c) of Sec. 3.225 hereof. The Commission, in considering applications for high frequency broadcast stations, will establish service areas.

(b) Where a service area has been established in which one or more existing high frequency broadcast stations are in operation, the contours of any new station proposed to serve such area shall compare with those of the existing station or stations as nearly as possible.

Sec. 3.223 *Time of Operation.* All high frequency broadcast stations shall be licensed for unlimited time operation.

Sec. 3.224 *Showing Required.* Authorization for a new high frequency broadcast station or increase in facilities of an existing station[2] will be issued only after a satisfactory showing has been made in regard to the following matters:

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[1] Other definitions which may pertain to high frequency broadcast stations are included in Sections 2.1 to 2.35 and Sections 3.1 to 3.16, and the Communications Act of 1934, as amended.

[2] See Section 3.226 concerning multiplexing, aural and facsimile programs.

[3] High frequency broadcast stations must use frequency modulation exclusively in accordance with Section 3.228 (d).

[1] The rules relating to allocation of facilities are intended primarily for the information of applicants. Nothing contained in said rules shall be regarded as any recognition of any legal right on behalf of any person to a grant or denial of any application.

(a) That the area and population which the applicant proposes to serve has the characteristics of an area described in subparagraphs (a), (b), or (c) of Sec. 3.225 hereof. The application shall be accompanied by a full analysis of the basis upon which the area as set forth in the application was determined. No application for construction permit for a new station or change of service area will be accepted unless a definite site, full details of the proposed antenna, and a suitable map showing the expected service area are furnished with the application. (*See Standards of Good Engineering Practice for High Frequency Broadcast Stations.*)

(b) Where a service area has been established in which one or more existing high frequency broadcast stations are in operation, that the contours of any new station proposed to serve such area will compare with those of the existing station or stations as nearly as possible, or that the service area already established should be modified.

(c) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweigh the need for the service which will be lost by reason of such interference.

(d) That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference see *Standards of Good Eingineering Practice for High Frequency Broadcast Stations.*)

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*)

(f) That there is a need for the proposed program service in the area to be served.

(g) That the applicant is financially qualified to construct and operate the proposed station; and, if the proposed station is to serve substantially the same area as an existing station, that applicant will be able to compete effectively with the existing station or stations.

(h) That the program service will include a portion of programs particularly adapted to a service utilizing the full fidelity capability of the system, as set forth in the *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*

(i) That the proposed assignment will tend to effect a fair, efficient, and equitable distribution of radio service among the several states and communities.

(j) That the applicant is legally qualified, is of good character, and possesses other qualifications sufficient to provide a satisfactory public service.

(k) That the facilities sought are subject to assignment as requested under existing international agreements and the Rules and Regulations of the Commission.

(l) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

Sec. 3.225 *Channel Assignments.* The channels set forth below with the indicated center frequencies are available for high frequency broadcast stations:

(a) (1) Applicants for licenses to serve cities or towns having a total population of less than 25,000 (approximate) (exclusive of adjacent rural areas) shall apply for one of the following channel assignments:

48900
49100
49300
49500
49700
49900

(2) The application shall specify a service area which shall not exceed 500 square miles, except where a definite need for a greater area is shown and no objectionable interference will result.

(b) (1) Applicants for licenses to serve populations of 25,000 (approximate) or more within areas comprising less than 3,000 square miles shall apply for one of the following channel assignments:

44500
44700
44900
45100
45300
45500
45700
45900
46100
46300
46500
46700
46900
47100
47300
47500
47700
47900
48100
48300
48500
48700

(2) The applications shall specify a service area which shall comprise (i) either a metropolitan district, (ii) a city, (iii) an area which may comprise one or more towns or communities or subdivisions of cities or metropolitan districts having such common cultural, economic, geographical, or other characteristics as to justify service to the area as a unit.

(c) (1) Applicants for licenses to serve areas in excess of 3,000 square miles shall apply for one of the following channel assignments:

43100
43300
43500
43700
43900
44100
44300

(2) The application shall specify a service area comprising two or more large cities or metropolitan districts and a large adjacent rural area; or, in exceptional cases, one city or metropolitan district and a large adjacent rural area.

(d) High frequency broadcast stations shall use frequency modulation exclusively.

(e) Stations serving all or a substantial part of the same area will not be assigned adjacent channels.

(f) One channel only will be assigned to a station.

Sec. 3.226. *Facsimile broadcasting and multiplex transmission.* The Commission may grant authority to a high frequency broadcast station for the multiplex transmission of facsimile and aural broadcast programs provided the facsimile transmission is incidental to the aural broadcast and does not either reduce the quality of or the frequency swing required for the transmission of the aural program. The frequency swing for the modulation of the aural program should be maintained at 75 kc. and the facsimile signal added thereto. No transmission outside the authorized band of 200 kc. shall result from such multiplex operation nor shall interference be caused to other stations operating on adjacent channels. The transmission of multiplex signals may also be authorized on an experimental basis in accordance with Section 3.32, sub-part A.

Sec. 3.227 *Proof of performance required.* Within one year of the date of first regular operation of a high frequency broadcast station, continuous field intensity records along several radials shall be submitted to the Commission which will establish the actual field contours, and from which operating constants required to deliver service to the area specified in the license are determined. The Commission may grant extensions of time upon showing of reasonable need therefor.

Sec. 3.228 *Multiple Ownership.* (a) No person (including all persons under common control)[1] shall, directly or indirectly, own, operate, or control more than one high frequency broadcast station that would serve substantially the same service area as another high frequency broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one high frequency broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among high frequency broadcast stations or provide a high frequency broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of high frequency broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity; *provided, however,* that the Commission will consider the ownership, operation, or control of more than six high frequency broadcast stations to constitute the concentration of control of high frequency broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

Sec. 3.229 *Normal license period.* All high frequency broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time, and will be issued for a normal license period of one year, expiring as follows:

(a) For stations operating on the frequencies 48900, 49100, 49300, 49500, 49700, and 49900, April 1.

(b) For stations operating on the frequencies 44500, 44700, 44900, 45100, 45300, 45500, 45700, 45900, 46100, 46300, and 46500, May 1.

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[2] Special authorizations which do not involve experimental authorization may be granted pursuant to Section 1.365.

[1] The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

(c) For stations operating on the frequencies 46700, 46900, 47100, 47300, 47500, 47700, 47900, 48100, 48300, 48500, and 48700, June 1.

(d) For stations operating on the frequencies 43100, 43300, 43500, 43700, 43900, 44100, and 44300, July 1.

### EQUIPMENT

SEC. 3.241 *Maximum power rating.* The Commission will not authorize the installation of a transmitter having a maximum rated power more than twice the operating power of the station.

SEC. 3.242 *Maximum rated carrier power; how determined.* (a) The maximum rated carrier power of a standard transmitter shall be determined by the manufacturer's rating of the equipment.

(b) The maximum rated carrier power of a composite transmitter shall be determined by the sum of the applicable commercial ratings of the vacuum tubes employed in the last radio stage.

SEC. 3.243 *Frequency monitor.* The licensee of each high frequency broadcast station shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. It shall have a stability of 20 parts per million. For detailed requirements thereof see *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*

SEC. 3.244 *Modulation Monitor.* The licensee of each high frequency broadcast station shall have in operation at the transmitter an approved modulation monitor. For detailed requirements thereof see *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*

SEC. 3.245 *Required transmitter performance.* (a) The external performance of high frequency broadcast transmitters shall be within the minimum requirements prescribed by the Commission contained in the *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*

(b) The transmitter center frequency shall be controlled directly by automatic means which do not depend on inductances and capacities for inherent stability.

(c) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association.

Sec. 3.246 *Indicating Instruments.* The direct plate circuit current and voltage shall be measured by instruments having an acceptable accuracy. (See *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*)

Sec. 3.247 *Auxiliary and Duplicate Transmitters.* See Sections 3.63 and 3.64 for provisions governing the use of auxiliary and duplicate transmitters at high frequency broadcast stations.

Sec. 3.248 *Changes in equipment and antenna system.* Licensees of high frequency broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

1. That would result in the emission of signals outside of the authorized channel.

2. That would result in the external performance of the transmitter being in disagreement with that prescribed in the *Standards of Good Engineering Practice for High Frequency Broadcast Stations.*

(b) Specific authority, upon filing formal application[1] therefor, is required for a change in service area or for any of the following changes:

1. Changes involving an increase in the maximum power rating of the transmitter.

2. A replacement of the transmitter as a whole.

3. Change in the location of the transmitter antenna.

4. Change in antenna system, including transmission line, which would result in a measurable change in service or which would affect the determination of the operating power by the direct method. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method.

5. Change in location of main studio to outside of the borders of the city, state, district, territory, or possession.

6. Change in the power delivered to the antenna.

(c) Specific authority, upon filing *informal* request therefor, is required for the following change in equipment and antenna:

1. Change in the indicating instruments installed to measure the antenna current or transmission line, direct place circuit voltage and the direct current of the last radio stage, except by instruments of the same type, maximum scale reading and accuracy.

2. Minor changes in the antenna system and/or transmission line which would not result in an increase of service area.

3. Changes in the location of the main studio except as provided for in subsection (b) 5.

(d) Other changes, except as above provided for in this section or in Standards of Good Engineering Practice for High Frequency Broadcast Stations prescribed by the Commission may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof, and such changes shall be shown in the next application for renewal of license.

Sec. 3.251 *Operating power; how determined.* The operating power, and the requirements for maintenance thereof, of each high frequency broadcast station shall be determined by the Standards of Good Engineering Practice for High Frequency Broadcast Stations.

Sec. 3.252 *Modulation.* (a) The percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

Sec. 3.253 *Frequency tolerance.* The operating frequency without modulation of each broadcast station shall be maintained within 2000 cycles of the assigned center frequency.

### *Operation*

Sec. 3.261 *Minimum operating schedule; service.* (a) Except Sundays, the licensee of each high frequency broadcast station shall maintain a regular daily operating schedule which shall consist of at least three hours of operation during the period 6 a. m. to 6 p. m., local standard time and three hours of operation during the period 6 p. m. to midnight, local standard time. In an emergency, however, when due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period not to exceed ten days, provided that the Commission and the Inspector in Charge of the radio district in which the station is located[1] shall be notified in writing immediately after the emergency develops.

(a) Such stations shall devote a minimum of one hour each day during the period 6 a. m. to 6 p. m., and one hour each day during the period 6 p. m. to midnight, the programs not duplicated simultaneously as primary service in the same area by any standard broadcast station or by any high frequency broadcast station. During said one hour periods, a service utilizing the full fidelity capability of the system, as set forth in the Standards of Good Engineering Practice for High Frequency Broadcast Stations, shall be rendered. However, the Commission may, upon request accompanied by a showing of reasons therefor, grant exemption from the foregoing requirements, in whole or in part, for periods not in excess of three months.

(c) In addition to the foregoing minimum requirements, the Commission will consider, in determining whether public interest, convenience, and necessity has been or will be served by the operation of the station, the extent to which the station has made or will make use of the facility to develop a distinct and separate service from that otherwise available in the service area.

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## FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

### *Notice Concerning High Frequency Broadcast Stations*

In connection with the revised rules and regulations governing High Frequency Broadcast Stations, which place FM (frequency modulation) on a commercial basis, the Commission will, at an early date, repeal Sections 4.111-4.117 of its rules which have heretofore governed the experimental operation of such stations.

Section 4.114 of the rules to be repealed allocates frequencies in the band 25,300-26,900 kilocycles for the use of High Frequency Broadcast Stations, and there are outstanding licenses issued on an experimental basis, subject to cancellation, for the operation of stations using these bands. The Commission contemplates that these frequencies will be made available, by revision of rules to be promulgated shortly, for Developmental Broadcast Stations covered by the provisions of Sections 4.151-4.157 of the rules.

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[1] See *Standards of Good Engineering Practice for High Frequency Broadcast Stations* for specific application form required.

[1] See Appendix No. 3, Part 1.

Thereafter, the Commission does not contemplate the granting of any application for the use of frequencies in the 25,300-26,900 band for experimentation looking to the establishment of any commercial domestic broadcasting service. Existing stations in this band may apply for modification of licenses to permit continued operation on their present frequency assignments under the classification of Developmental Broadcast Stations, or they may apply, under the provisions of the new rules covering High Frequency Broadcast Stations, for licenses authorizing commercial operation on the frequencies 43,000 kilocycles and above now assigned for such service.

# The Commission

## FCC EXPANDING FIELD FORCE FOR DEFENSE EMERGENCY

Effective policing of communications under the coordinated national defense program necessitates the Federal Communications Commission moving to augment its field force with additional fixed monitoring stations as well as new bases of operation for mobile units. Under this expansion program, which begins immediately, several hundred inspectors and other experts will be employed. President Roosevelt has allocated $1,600,000 from his $132,000,000 "blank check" defense fund for this purpose.

The additional force is needed to maintain a comprehensive 24-hour surveilance of all communication channels, inclusive of broadcast and other radio transmission. Present radio monitoring facilities will be supplemented with ten primary long-range direction-finder stations. These stations determine the bearings of unauthorized or otherwise suspicious communications. The mobile equipment, which includes direction finding apparatus, traces the origin of such transmissions.

In addition to increased monitoring duties, the field division will be required to watch radiotelegraph and radiotelephone circuits for superfluous signals, record same, and translate foreign language broadcast material. It must also make certain of the citizenship of several hundred thousand persons now charged with the responsibility of communications, as well as of their immediate families. This figure covers about 100,000 licensed radio operators, including amateurs; a like number of cable and wire operators, and other employees such as those of broadcast and other radio stations. It is necessary to know more about the private communications employees who daily handle official dispatches and other Government messages.

Another emergency task will be to guard against the possible misuse of electrical apparatus, including diathermy devices (now employed in many thousand offices of physicians), as transmitters in a manner which might jeopardize the nation's security. Still another undertaking will be to keep tab on possible use of transmitters which have been manufactured but not sold or licensed for authorized communication purposes.

The Commission now operates seven monitoring stations, in various parts of the country, which are largely devoted to making routine measurements of frequencies and determining the quality of emissions, as well as spotting interference. In the course of such work, they observe unlicensed operation incidentally. However, these monitoring stations as now manned and equipped could not cope with the additional work contemplated.

Congress recently authorized a new monitoring station for Massachusetts, but this is to relocate and improve the existing one. The new bases for mobile operation are being established at strategic points throughout the United States and its possessions.

Routine functions of the field division, which now numbers less than 200 persons, embrace inspection of all classes of stations licensed by the Commission, and the issuance of licenses; investigation of complaints of interference and illegal operation; conducting field strength surveys and analyzing signal characteristics; inspecting ship and other marine radio stations, and general regulatory supervision.

During the last fiscal year the Commission investigated more than one thousand complaints of unlicensed operation, and the number of cases pressing for investigation is growing under the present situation. Experience gained in past investigation of unlicensed stations, particularly in the use of the ultra high frequencies, has demonstrated the advantage of an inter-radio communication system for the purpose of synchronizing operations and exchanging intelligence. The prospective new primary monitoring stations and mobile units will be equipped with transmitters and receivers so as to be able to more quickly run down unlawful operation.

Since the Commission is under Civil Service, the additional personnel will come from those rolls.

## NEW "DEFENSE COMMITTEE"

A Defense Communications Committee is going to be set up by the Government, it was announced Monday by FCC Chairman James Lawrence Fly at his press conference. Mr. Fly was not disposed to go into the details of the Committee or its objectives. Mr. Fly said that the Committee would undoubtedly be set up "pretty soon."

When asked for specific purposes of the setup of the Committee, Mr. Fly said that "it seemed pretty obvious." However, he stated that he was not prepared at that time to discuss specific features. On being pressed by the newsmen he said that he didn't feel that he could be expected at the present time to tell of any specific plans. He intimated that these plans would be taken up from time to time with the broadcast and other interested industries. The industries, he said, would cooperate with the Committee and the plans might not be confidential later. He was asked if the new Committee would cooperate with the National Defense Committee and Mr. Fly replied that no doubt it would.

It was intimated during the course of the conference that the new Defense Committee will consist of Government officials, including the FCC, Army, Navy, State and Treasury departments.

Neville Miller, Harry Butcher, CBS; Theodore Streibert, MBS, and Frank M. Russell, NBC, conferred with Chairman Fly this week about these matters.

## WCBD PETITIONS DENIED

There is no statutory or other requirement that the FCC withhold action on a broadcast application, which it deems in the public interest, in order to consider such application on a comparable basis with some pending application. So the Commission stated in denying a petition filed by Station WCBD, Chicago, for rehearing of the grant, on May 8, of application by the Evangelical Lutheran Synod for modification of license for its Station KFUO, Clayton, Mo., to change frequency from 550 kilocycles to 830 kilocycles, with 1 kilowatt power to local sunset at Denver, and a petition for return of KUFO's subsequent application to increase power to 5 KW as a Class II station.

Station WCBD is scheduled for hearing on its application to change its frequency from 1080 kilocycles to 830 kilocycles, with 5 kilowatts power daytime. In denying WCBD's first petition, the Commission commented:

> "Before petitioner's application can be denied, it must be afforded an opportunity to be heard on any grounds which we have for denying the application, and if the only basis for denying petitioner's application is the superiority of the service rendered or possessed by Evangelical Lutheran Synod (KFUO), petitioner will have ample opportunity to show that its operation as proposed will better serve the public interest than will the operation of KFUO as authorized by the instant grant. The grant herein to KFUO does not preclude the Commission at a later date from taking any action which it may find will serve the public interest."

## BROWN CONFIRMATION DELAYED

The term of Col. Thad H. Brown as a member of the FCC expires on June 30. Owing to the Congressional recess, the Senate will not be able to take action on his nomination for reappointment before that time. Congress returns from its recess on July 1 and it is assumed that action will be taken shortly thereafter.

## FROM THE FCC MAIL BAG

A Trenton, N. J., man is under the mistaken notion that records of all broadcast programs are filed with the Commission. It is suggested that he write to the particular station which broadcast the particular program in which he is interested.

Likewise, a Brooklyn, N. Y., man is informed that the Commission does not require a broadcast station to file an indemnity bond to cover possible damages sustained by sponsors.

Nor can the Commission help a Norfolk, Va., individual collect a $1,000 prize which he claims is due him from a certain network sponsored program.

It suggests that a Philadelphia non-baseball radio fan squawk direct to the local station which he takes to task for cancelling network programs in order to broadcast baseball scores.

A New Yorker complains to the Commission that he is being made the victim of "heat and death rays," and seems to hold radio transmissions indirectly responsible. The Commission is unable to offer help, but a doctor might.

While appreciating the patriotic motive, the Commission can only file the letter of a South Ozone Park, N. Y., man urging the Commission to require the playing of the national anthem by all broadcast stations upon going on or off the air.

## ADMINISTRATIVE ORDER NO. 3

At a recent meeting FCC adopted Administrative Order No. 3 as follows:

*It Is Ordered,* That, whenever the Chairman or Acting Chairman of the Commission shall determine a quorum of the Commission is not present, he is authorized to place the following provisions in effect for the period during which such absence or inability to act may continue:

(1) There is hereby assigned and referred to a Board consisting of all members of the Commission present and able to act, all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission assigned and referred to the respective Boards and individual Commismissioners as provided in Administrative Order No. 2, as amended; *Provided, however,* that this authority shall not extend to investigations instituted upon the Commission's own motion or, without consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by the Communications Act of 1934, as amended.

(2) The Board created by sub-paragraph (1) acting by a majority thereof, shall have power and authority to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by said Board in respect of any matters so assigned or referred shall have the same force and effect, and may be made, evidenced and enforced in the same manner as if made, or taken by the Commission.

(3) Any party affected by any order, decision or report of said Board may file a petition for rehearing by the Commission, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, and every such petition shall be passed upon by the Commission.

This Order shall become effective on the 1st day of July, 1940.

## BROADCAST MEASUREMENTS

During the month of May, FCC experts measured 708 broadcast stations with 120 not measured.

Six hundred and fifty-seven stations showed a maximum deviation within 0-10 cycles; 47 stations a deviation within 11-25 cycles; 3 stations a deviation within 26-50 cycles; no stations with a deviation over 20 cycles; and one station showing a deviation over 50 cycles.

## ADMINISTRATIVE ORDER AMENDED

FCC has amended Paragraph 4(d) of Administrative Order No. 2 by adding the following language after the phrase, "applications for relay broadcast stations":

> "Applications for consent to assignment of licenses or for consent to transfer of control of licensees of relay broadcast stations, when the Commission has on a prior date consented to a like assignment or transfer of control of the licensee of the standard broadcast station with which the relay stations are affiliated."

## MONITOR STATION

President Roosevelt on Tuesday signed the bill authorizing the expenditure of $30,000 by the FCC to establish a monitoring station in Massachusetts.

## REMOVAL OF WREN DENIED

Holding that showing of need is related to the protection of listeners and not solely to the protection of private interests, the FCC has announced proposed denial of the application of radio broadcast station WREN, at Lawrence, Kans., to move its transmitter from a point near Tonganoxie to Kansas, that State, and to establish its main studio in Kansas City, Mo.

"The primary purpose of removal of WREN to Kansas City is to obtain a larger population coverage of Kansas City and its environs in order to increase its advertising revenues and serve as a more effective outlet of the Blue Network," comments the Commission in its Proposed Findings of Fact and Conclusions (No. B-99). "If the transmitter is moved as proposed in the application, station WREN would deliver satisfactory service throughout the Kansas City metropolitan area, but its service to Lawrence and other small communities in Kansas would be less satisfactory, and some rural portions of the present service area would be entirely deprived of service."

The Commission points out that the Kansas City metropolitan area is already served by at least six stations. "The essence of the applicant's proposal, therefore, is to move its transmitter to a large metropolitan area, which already receives service from an ample number of stations, from a semi-rural area where the existing service is relatively inadequate." Concludes the Commission:

> "In view of the loss or diminution of broadcast service to the area theretofore served, it is incumbent upon a station proposing such a change to establish a greater need for additional broadcast service in the new area proposed to be served than may exist in the area previously served. The question of need is an important consideration under such circumstances in order that certain areas may not, by a too liberal assignment of frequencies, have the benefit of an unduly large proportion of the limited broadcast channels available to the prejudice of other districts. (F. W. Meyer, Docket No. 5074, decided November 15, 1939.) It is true that the Commission stated in the *F. W. Mayer* case that the showing of a public need for additional broadcast facilities is not an essential prerequisite to support the grant of an application for a new station. However, this principle is not applicable in a case such as the present where an existing station proposes to change its location, and the respective interests of different communities and areas are, therefore, involved.
>
> "The showing made by the applicant in support of the proposed change was predicated upon two factors: First that the applicant operates on a regional frequency and should, therefore, be regarded as a station established to serve the metropolitan district of Kansas City primarily; and second, that the increase in coverage which would result from the removal of its station to the Kansas City area would make the station a more effective outlet for the Blue Network programs of the National Broadcasting Company. In so far as the first factor is concerned, it does not follow from the fact that a station is assigned a regional frequency that it must serve a metropolitan district regardless of other considerations which may be involved. The classification of stations under the Commission's rules and standards of engineering practice is purely for the administrative convenience of the Commission in allocating frequencies and is not a source of any right in licensees or applicants. Indeed, the simple answer to WREN's claim is that the applicant, having once asked the Commission to assign a regional station to the City of Lawrence, now takes the curiously inconsistent position that, by reason of that very assignment, this station should now be assigned to Kansas City. In so far as the second factor is concerned, this is related more to the private interests of the applicant and the National Broadcasting Company than it is to the interests of the communities involved. The mere fact that the applicant hopes to better itself financially by moving from a small city to a large city is not a controlling consideration in determining whether public interest, convenience, or necessity would be served by permitting such a move.
>
> "Although an increase in the population served by WREN would result from its proposed change of site, this is not, in the instant case, sufficient to support a finding that public interest, convenience or necessity would be served by a grant of the application. The listeners who would gain such service at night are already served by six or more other stations, and the applicant has failed to make a showing concerning the present service to areas which would gain daytime service. Certain areas in Kansas which now receive service from WREN will lose such service and a number of communities, including Lawrence would be served with an inferior signal. As far as the record shows, these areas now receive service from only two stations other than WREN.
>
> "Notwithstanding the fact that the areas which would lose service or obtain an inferior (and in some instances an unsatisfactory) signal, are smaller in population than the areas which would gain a service or obtain a better signal from WREN, the Commission is unable to find, from the evidence submitted, that the detriments to the former areas are overweighed by the proposed benefits to the latter areas, or, that the proposed change is responsive to any need which is substantial enough to overbalance this consideration. It is, therefore, unable to conclude that public interest, convenience or necessity would be served by a grant of the application of WREN."

No change was requested in the station's operating assignment on 1220 kilocycles with power of 1 kilowatt night and 5 kilowatts until local sunset, sharing time with Station KFKU, University of Kansas, also at Lawrence. Hearing on the application was held in May, 1939. The Commission's proposed findings deny the applicant's motion of March, 1940, to strike out issues relating to the need for additional service in the proposed service area, and further opines that "inasmuch as the elimination of the remaining issues can accomplish no useful purpose in view of this denial, the motion is dismissed insofar as it requests elimination of such other issues."

## STATIONS SOLVE INTERFERENCE

Four unrelated radio stations in various parts of the country wanted to increase their respective power of transmission. To do this involved mutual interference. So, through the medium of the Federal Communications Commission, they worked out a directional antenna system that will enable them to cover more territory yet, at the same time, not "collide" with one another's transmissions.

The result of this get-together was climaxed when the Commission authorized construction permits as follows:

WAAT, Bremer Broadcasting Corp., Jersey City, N. J., to move transmitter to Kearney, N. J., increase power from 500 watts to 1 kilowatt, and increase hours of operation from daytime to unlimited time. WAAT operates on 940 kilocycles.

WAVE, Inc., Louisville, Ky., to move transmitter to near Jeffersonville, Ind., and increase power from 1 kilowatt to 5 kilowatts. WAVE operates on 940 kilocycles.

WCSH, Congress Square Hotel, Portland, Me., to increase power from 1 kilowatt night and 2½ kilowatts day, to 5 kilowatts unlimited time. WCSH operates on 940 kilocycles.

WDAY, Inc., Fargo, N. Dak., to increase night power from 1 kilowatt to 5 kilowatts. WDAY has operated with 5 kilowatts day on the frequency 940 kilocycles.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, July 1. They are subject to change.

### Monday, July 1

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.**, 250 watts, unlimited time.

### Tuesday, July 2

NEW—The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—C. P., **1500 kc.**, 250 watts, unlimited time.

## FUTURE HEARINGS

Following future broadcast hearings and oral arguments have been scheduled before the Commission. They are subject to change.

### July 18

Oral Argument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.**, 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, **1410 kc.**, 1 KW, unlimited time; and auxiliary, **1410 kc.**, 500 watts, 1 KW LS. Time: Auxiliary purposes only.

### August 5

NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—C. P., **1150 kc.**, 250 watts, daytime.

NEW—Helen J. Walton and Walter Bellatti, Jacksonville, Ill.—C. P., **1150 kc.**, 250 watts, daytime.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted construction permit to install new transmitter; increase power and hours of operation from 500 watts, daytime to 6 p. m., to 1 KW unlimited time; install directional antenna for night use; and move transmitter from Jersey City to Kearney, N. J.; station operates on **940 kc.** (B1-P-2704).

WAVE—WAVE, Inc., Louisville, Ky.—Granted construction permit to increase power from 1 KW to 5 KW, on **940 kc.**; install new transmitter and move transmitter site from Louisville to near Jeffersonville, Ind., and install directional antenna for day and night use (B2-P-2531).

WCSH—Congress Square Hotel, Portland, Me.—Granted construction permit to increase power from 1 KW night, 2½ KW day, to 5 KW, on **940 kc.**, and install directional antenna for day and night use (B1-P-2535).

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted construction permit to increase night power from 1 KW to 5 KW, on **940 kc.**, and install directional antenna for night use (B4-P-2530).

Textile Broadcasting Co., Greenville, S. C.—Granted construction permit for new broadcast station to operate on **1500 kc.**, 250 watts, unlimited (B3-P-2738).

WJW—WJW, Inc., Akron, Ohio.—Granted consent to transfer of control of WJW, Inc., licensee of Station WJW, Akron, Ohio, and relay stations WENJ and WENI, from William F. Jones, Ruth Rubin and Edward S. Sheck to William M. O'Neil; **1210 kc.**, 250 watts day and night, unlimited (B2-TC-222).

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted consent to assignment of license of Station WWAE from Hammond-Calumet Broadcasting Corp. to O. E. Richardson and Fred L. Adair; **1200 kc.**, 100 watts day and night, unlimited time day, shares WFAM night (B4-AL-272).

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted construction permit to install new transmitter, increase power from 500 watts to 5 KW, and make changes in directional antenna for night use; **1230 kc.**, unlimited time (B4-P-2510).

WFBM—Radio Station WFBM, Indianapolis, Ind.—Granted modification of license to increase night power from 1 KW to 5 KW, using directional antenna at night; **1230 kc.**, 5 KW day and night, unlimited time (B4-ML-354).

Herald Publishing Co., Albany, Ga.—Granted construction permit for new Class III-B broadcast station, frequency **1230 kc.**, 1 KW, daytime only (B3-P-2774).

MSB Broadcasting Co., Omaha, Nebr.—Granted construction permit for new Class IV broadcast station, frequency **1500 kc.**, 250 watts, unlimited time; exact transmitter and studio sites to be determined with Commission's approval (B4-P-2697).

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted construction permit to install new transmitter, make changes in directional antenna (for night use), and increase power from 500 watts, 1 KW LS, to 5 KW day and night (B4-P-2625).

WHK—United Broadcasting Co., Cleveland, Ohio.—Granted construction permit to increase night power to 5 KW and install directional antenna for night use; **1390 kc.**, 5 KW day and night, unlimited time (B2-P-2670).

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted construction permit to increase night power to 5 KW and install directional antenna for night use; **1390 kc.**, 5 KW day and night, unlimited time (B3-P-2572).

KHUB—M. L. Medley, Cookeville, Tenn.—Granted consent to voluntary assignment of the construction permit for station WHUB from M. L. Medley to WHUB, Inc.; **1370 kc.**, 250 watts, unlimited time (B3-AP-31).

WNEL—Juan Piza, San Juan, P. R.—Granted construction permit to make changes in transmitting equipment; change antenna; increase power from 1 KW night, 2½ KW day, to 5 KW, and move transmitter site locally; **1290 kc.** (B-P-2762).

## DESIGNATED FOR HEARING

Greenville Broadcasting Co., Greenville, S. C.—Application for construction permit for new broadcast station, Class IV, to operate on **1500 kc.**, 250 watts day and night, unlimited time (B3-P-2807).

## RENEWAL OF LICENSES

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Present license extended on a temporary basis for a period of 30 days.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted renewal of license for the period ending October 1, 1940.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only, for the period ending August 1, 1940, pending determination upon application for renewal.

KMA—May Broadcasting Co., Shenandoah, Iowa.—Present license further extended upon a temporary basis only, for the period ending August 1, 1940, pending determination upon application for renewal.

KTW—The First Presbyterian Church of Seattle, Seattle, Wash.—Present license further extended upon a temporary basis only, for the period ending August 1, 1940, pending determination upon application for renewal.

WDSU—WDSU, Inc., New Orleans, La.—Present license further extended upon a temporary basis only, for the period ending August 1, 1940, pending determination upon application for renewal.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Present license further extended upon a temporary basis only, for the period ending August 1, 1940, pending determination upon application for renewal.

WGST & Auxiliary—Georgia School of Technology, Atlanta, Ga.—Present license further extended upon a temporary basis only, for the period ending August 1, 1940, pending determination upon application for renewal.

WMC & Auxiliary—Memphis Commercial Appeal Co., Memphis, Tenn.—Present license further extended upon a temporary basis only, for the period ending August 1, 1940, pending determination upon application for renewal.

KXO—E. R. Irey, F. M. Bowles, El Centro, Calif.—Present license extended upon a temporary basis only, for the period ending August 1, 1940, subject to whatever action may be taken upon pending application for renewal.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Present facsimile broadcast station license extended upon a temporary basis only, for the period ending August 1, pending determination upon application for renewal of license.

W9XG—Purdue University, W. Lafayette, Ind.—Present television broadcast station license further extended upon a temporary basis only, for the period ending August 1, pending receipt of and determination upon application for renewal.

W9XK—State University of Iowa, Iowa City, Iowa.—Present television broadcast station license further extended upon a temporary basis only, for the period ending August 1, pending receipt of and determination upon application for renewal.

W2XDA—General Electric Co., Schenectady, N. Y.—Present high frequency broadcast station license further extended upon a temporary basis only until August 1, pending receipt of and determination upon application for renewal.

## MISCELLANEOUS

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted license to cover construction permit for increase in power; **610 kc.**, 5 KW, unlimited time (B5-L-1163).

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted license to cover construction permit for new broadcast station, **1420 kc.**, 250 watts power, unlimited time (B1-L-1165). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-410).

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-414).

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-412).

KQRR-KQRQ—Sioux City Broadcasting Co., Sioux City, Iowa.—Granted special temporary authority to operate two relay broadcast stations on frequencies listed in Group A and Group D, Section 4.23, power 10 watts, in order to relay broadcast program in connection with the Missouri River barge celebration to Radio Station KTRI on June 26 or 27, 1940.

W2XBU—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate the equipment described in construction permit (File No. B1-PVB-54), on **288 mc.** (channels 18 and 19), at Franklin Field, Philadelphia, Pa., from June 20 to not later than June 23, 1940, in order to make tests, and to June 30, 1940, in order to transmit pictures from Franklin Field to the W2XBT unit at Convention Hall in the manner described in applicant's letter dated June 12, 1940.

KFRO—Voice of Longview, Longview, Tex.—Granted modification of construction permit for increase in power from 250 watts to 1 KW; change in frequency to **1340 kc.**; change in hours of operation from daytime to unlimited; move transmitter; and install new equipment and directional antenna for night use, for extension of completion date from June 19, 1940, to July 19, 1940 (B3-MP-991).

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate unlimited time for the period beginning June 24, 1940, to the conclusion of the Republican National Convention, and from July 15, 1940, to the conclusion of the Democratic National Convention, in order to broadcast programs covering said conventions only.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 7:45 p. m. to 12 midnight, EST, for the period June 24, 1940, to not later than June 29, 1940, in order to broadcast the proceedings of the Republican National Convention.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to the conclusion of the public meeting of the Stanislaus County Peace Officers Association, in order to broadcast said meeting only, on July 2, 1940; to operate from 7:30 p. m. to midnight, PST, on July 4, 1940, in order to broadcast events incident to the Fourth of July celebration in Modesto.

The Mayflower Broadcasting Corp., Boston, Mass., and WAAB—The Yankee Network, Inc., Boston, Mass.—Designated for hearing on July 18, 1940, the proposed findings of fact in re application of The Mayflower Broadcasting Corp. for a new broadcast station to operate on **1410 kc.**, with power of 500 watts night and 1 KW day, unlimited time, requesting the facilities now assigned to Station WAAB, and the application of The Yankee Network, Inc., for renewal of license of Station WAAV for main and auxiliary transmitters (B-107).

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted special temporary authority to operate from 6 p. m. to 6:30 p. m., EST, for a period not to exceed 30 days, in order to broadcast United States Army recruiting publicity.

The Kaw Valley Broadcasting Co., Topeka, Kans.—Denied petition to reconsider and grant application for construction permit to erect a new station in Topeka to operate unlimited time, with power of 250 watts, on the frequency **1500 kc.**, which was designated for hearing on March 29, 1940.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Cancelled authority granted November 27, 1939, for construction permit (B5-P-1497) to install new transmitter, erect a vertical antenna, move transmitter site locally, and increase power from 1 KW to 5 KW, and retired application to closed files.

WLEU—WLEU Broadcasting Co., Erie, Pa.—Denied petition for rehearing in re application of Presque Isle Broadcasting Co. for a new station in Erie, Pa., to operate on **1500 kc.**, 100 watts night, 250 watts LS, unlimited time, which was granted by the Commission on March 13, 1940.

Allegheny-Kiski Broadcasting Co., New Kensington, Pa.—Granted construction permit for new broadcast station, frequency **1120 kc.**, 250 watts, day only; exact site of transmitter and studio locations to be determined subject to Commission's approval; also antenna system (B2-P-2770).

WENR—National Broadcasting Co., Inc., Chicago, Ill.—Granted special temporary authority to rebroadcast programs to be received from State of Illinois National Guard Stations from 9:15 p. m. to 9:30 p. m., CDST, on June 27, 1940, in connection with the Annual Military Show of the Illinois National Guard.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 8 p. m. to 9 p. m., EST, on July 1, 1940, in order to broadcast Americanization Day program.

Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to operate high frequency broadcast station W9XA on frequency **26300 kc.**, using maximum power of 1000 watts, special emission (frequency modulation), in cooperation with the licensee of high frequency broadcast station W2XJI, for a period not to exceed 30 days, to conduct and determine the extent of mutual skywave interference existing between two stations operating with 1 KW on **26300 kc.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via skywave will interfere with program reception of the desired station in its own coverage area.

KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit for new station, for approval of transmitter site, approval of antenna, installation of new transmitter, and move of studio; **1340 kc.**, 500 watts, daytime (B4-MP-987).

KWSC—State College of Washington, Pullman, Wash.—Granted authority to install automatic frequency control apparatus (B5-F-145).

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts, local sunset (June 7:30 p. m., CST) to 10 p. m., CST, on June 24, 1940, in order to broadcast a speech by Congressman Dies and a program sponsored by the American Legion at Elmhurst, Ill.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted modification of construction permit which authorized changes in equipment, for extension of completion date from June 23, 1940, to December 23, 1940; **1210 kc.,** 100 watts night, 250 watts day, unlimited time (B4-MP-995).

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted license to cover construction permit as modified which authorized construction of new broadcast station; **1200 kc.,** 100 watts, 250 watts LS, specified hours (B2-L-1161). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-406).

WGTC—J. J. White, d/b as Greenville Broadcasting Co., Greenville, N. C.—Granted license to cover construction permit for new station to operate on **1500 kc.,** with 250 watts power, unlimited time (B3-L-1168). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-415).

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-422).

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-420).

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-418).

Pawtucket Broadcasting Co., Pawtucket, R. I.—Adopted final order (B-101) GRANTING the application of Pawtucket Broadcasting Co., Pawtucket, R. I., for a construction permit for a new broadcasting station to operate on **1390 kc.,** with power of 1 KW, unlimited time.

KXA—American Radio Telephone Co., Seattle, Wash.—Granted license to cover construction permit as modified for increase in power from 250 watts, 500 watts day, to 1 KW day and night; move of transmitter; changes in equipment; installation of vertical antenna; and approval of studio site; frequency **760 kc.** (B5-L-1158).

KTCH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Granted license to cover construction permit for increase in night power; **1500 kc.,** 250 watts, unlimited time (B-L-1171).

KROD—Dorrance D. Roderick, El Paso, Tex.—Granted license to cover construction permit for new broadcast station to operate on **1500 kc.,** 250 watts power, unlimited time (B3-L-1162). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-407).

WJHO—Yetta C. Sanford, C. S. Shealy, Thos. D. Sanford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Granted license to cover construction permit for new broadcast station to operate on **1370 kc.,** 100 watts, 250 watts LS, unlimited time (B3-L-1169). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-417).

## APPLICATIONS FILED AT FCC

### 590 Kilocycles

WKZO—WKZO, Inc., Kalamazoo, Mich.—Construction permit to increase power from 1 KW to 1 KW night, 5 KW day, and install new transmitter, using directional antenna night.

### 610 Kilocycles

NEW—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Construction permit for a new broadcast station to be operated on **610 kc.,** 1 KW night, 5 KW day, directional antenna night and day, Class III-B station.

### 620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

NEW—William H. Amesbury, Minneapolis, Minn.—Construction permit for a new broadcast station to be operated on **630 kc.,** 500 watts, unlimited time, directional antenna for day and night use. Amended to increase power from 500 watts to 1 KW, and make changes in directional antenna.

### 720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Extension of special experimental authority for transmission of facsimile signals 1 to 6 a. m., CST, using 50 KW, for period 8-1-40 to 2-1-41. Amended to change time of transmission from 1 a. m. to local sunrise, CST.

### 890 Kilocycles

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit to install new transmitter; make changes in antenna (directional antenna night use); change hours from specified to unlimited time; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, and move transmitter. Amended to request Class III-B station.

### 920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Construction permit to install directional antenna for night use, change time from daytime to unlimited, using 1 KW power, and move transmitter. Request Class III-B station.

### 950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1010 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Construction permit to install new transmitter and directional antenna for day and night use; change frequency from **1010** to **1050 kc.;** increase power from 1 KW night, 5 KW day, to 50 KW; and move transmitter. Class II, under terms North American Agreement.

### 1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to change specified hours from: Daily except Sunday, 11:25 a. m. to 12 noon; Sunday, 8:30 to 9:30 a. m.; Friday, 4:30 to 5:30 p. m.; to daily except Sunday, 11:30 a. m. to 12:30 p. m.; Saturday only, 2:30 to 5:30 p. m.; 3 to 6 p. m. daily except Saturday February through September and 2:30 to 5:30 daily except Saturday October through January. Amended to request time daily except Sunday from 7:30 to 9:30 a. m. and 11:30 to 12:30.* (Contingent on KTBC's license being revoked.)

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Modification of construction permit (B4-P-2537) for changes in equipment, requesting extension of completion date from 6-23-40 to 12-23-40.

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—License to cover construction permit (B2-P-1809) as modified for a new broadcast station.

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Authority to determine operating power by direct measurement of antenna power.

### 1240 Kilocycles

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Authority to determine operating power by direct measurement of antenna power.

### 1300 Kilocycles

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—License to cover construction permit (B4-P-2482) as modified for a new broadcast station.

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* In addition to above hours.

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna power.

### 1310 Kilocycles

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Authority to determine operating power by direct measurement of antenna power.

NEW—Butler Radio, Inc., Tyler, Tex.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time.

### 1420 Kilocycles

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Construction permit to move transmitter and install new antenna.

WHDL—WHDL, Inc., Olean, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1440 Kilocycles

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license to change name of licensee from Peoria Broadcasting Company to WMBD Broadcasting Company.

### 1450 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Authority to make changes in automatic frequency control equipment.

### 1470 Kilocycles

WLAC—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

### 1480 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to install new transmitter and directional antenna for day and night use; increase power from 5 to 50 KW; move transmitter. Request Class I-B station.

### 1500 Kilocycles

NEW—James Freeman Holmes, Valdosta, Ga.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 100 watts night, 250 watts day, unlimited time. Requests Class IV station.

KYSM—F. B. Clements & Co., a co-partnership composed of F. Braden Clements, Clara D. Clements and C. C. Clements, d/b as Southern Minnesota Supply Co., Mankato, Minn.—Construction permit to change frequency from **1500** to **940 kc.;*** increase power from 250 watts to 1 KW; install new equipment and directional antenna for night use. Requests Class II station.*

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—License to cover construction permit (B-MP-917) for increase in power.

### MISCELLANEOUS

W9XG—Purdue University, West Lafayette, Ind.—Construction permit to request frequency channel **66000-72000 kc.** for visual and aural power * 3000 watts visual, 750 watts aural, emission A3 and A5; changes in equipment. (* 3000 watts peak power.) FORM 318. Requests Class I television broadcast station.

NEW—South Carolina Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.,** 25 watts, emission A-3, portable-mobile, area Charleston, S. C.

W8XVH—WBNS, Inc., Columbus, Ohio.—License to cover construction permit (B2-PHB-239) to install new equipment.

W2XOR—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Construction permit to install new transmitter, antenna changes, and move transmitter from Carteret, N. J., to New York, N. Y.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Lead Pencil Company**—Six corporations constituting practically all of the manufacturers of rubber erasers in the United States have been served with a complaint alleging a combination and agreement to fix and maintain prices, terms and bids in connection with their sale of such products. The respondents are American Lead Pencil Company, Hoboken, N. J.; Eagle Pencil Company, Inc., New York; Joseph Dixon Crucible Company, Jersey City, N. J.; Eberhard Faber Pencil Company, Inc., Brooklyn, and Weldon Roberts Rubber Company and A. W. Faber, Inc., both of Newark, N. J.

It is alleged that, prior to November, 1935, the respondents entered into an agreement to fix and maintain, and that they have fixed and maintained, the prices at which their product is sold, and the uniform terms and conditions governing such sales, and that they agreed to submit and have submitted, directly and through their agents, uniform and identical bids on their product when requests were made for such bids.

The complaint points out that many firms and corporations and Federal, State and Municipal Governments, because of the substantial quantity of rubber erasers used, purchase them through invitations for bids, and that from these bids are selected the members of the rubber eraser industry from whom purchases will be made for given times or in stated quantities.

The complaint alleges that the effect of the respondents' practices has been to monopolize for them the business of manufacturing and selling rubber erasers; to unreasonably lessen, eliminate and restrain competition in this field in interstate commerce, and to deprive the public of advantages of price, service and other considerations which it would otherwise receive. (4170)

**Art Display Company**—See United Sales Co.

**Augusta Knitting Corporation**—Misrepresentation of the fiber content of ladies' knitted undergarments is alleged in a complaint issued against Augusta Knitting Corporation, Utica, N. Y.

According to the complaint, the respondent misleadingly represented that its knitted undergarments are composed entirely of silk and wool in the proportion of 50 per cent silk and 50 per cent wool, when in truth they have a cotton content ranging from 45 to 57 per cent.

The respondent further allegedly represented that its garments have longer wearing qualities than those of its competitors, when such is not a fact.

The complaint continues that the respondent fails to disclose by appropriate brands or tags attached to its garments all of the fiber constituents from which they are made, and fails to disclose the existence of cotton as a substantial constituent of such garments. (4162)

**Joseph Dixon Crucible Co.**—See American Lead Pencil Co.

**Eagle Pencil Co., Inc.**—See American Lead Pencil Co.

**Eberhard Faber Pencil Co.**—See American Lead Pencil Co.

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* Frequency and class of station under North American Regional Agreement.

**Elgin Razor Corporation**—Charging unfair practices through the unauthoribed use of well known trade names a complaint has been issued against a group of Chicago manufacturing corporations which have operated at different times in cooperation with Henry T. Schiff in the sale of radios, cameras, talking machines, electric sunlamps, clocks, razors and lighters, and electric and other novelties. The complaint also names as respondents various officers of the corporations, several of whom are relatives of the respondent Schiff.

Corporate respondents in the case are Elgin Razor Corporation, Underwood Laboratories, Inc., Underwood Industries, Inc., Match King, Inc., The American Supercraft Corporation, Paris Bead & Novelty House, Inc., The Keen Manufacturing Company, Inc., The Monarch Manufacturing Company, and The American Camera Corporation.

Individual respondents are Henry T. Schiff, president and director of all but three of the corporations, and Frances R. Schiff, his wife; Benjamin A. Schiff, his brother; Robert M. Schiff, his son; Jack Galter, his son-in-law; Dora M. Galter, his daughter; William Galter, brother of Jack Galter and associated with him in business; Harry C. Feinberg, Robert D. Schoenbrod and Arnold F. Shapiro; Max Bressler and his wife, Ruth Bressler; Ralph Korol, Albert I. Leight, Albert J. Tarrson, Ed Cohan and G. T. Bunker, all of Chicago and all of whom are or have been officers, directors, or agents of one or more of the respondent corporations.

It is alleged that the various respondents have conspired and cooperated in a scheme to deceive the public and compete unfairly with other manufacturers and dealers by falsely representing the price of their products and by adopting and using as corporate and trade names and as marks and brands affixed to their products such well and favorably known names as "Elgin," "Underwood," "Remington" and "Hamilton."

The complaint charges that, among other things, the respondents advertised "Elgin Electric Shavers" and "candid type cameras" using the name "Elgin Laboratories," also an "Underwood Electric Dry Shaver" in connection with the corporate name "Underwood Industries, Inc.," and a "Hamilton Electric Shaver." The complaint further charges that the respondents' representations were false and misleading in that their products were not made or sold by corporations, firms or individuals identified in the public mind by the names Elgin, Underwood, Remington and Hamilton; the so-called reduced or special prices advertised were the usual or regular prices; the cameras advertised were not such as could properly be described as "candid," and the respondents did not own, operate or control a properly equipped laboratory, supervised and managed by scientifically trained persons.

The respondent Henry T. Schiff, according to the complaint, has places of business at 711 West Lake St., 429 South Ashland Blvd., 305 West Adams St., 207 East Ohio St., and at other addresses in Chicago and in other cities unknown to the Federal Trade Commission, his connection with which is not revealed to the public.

It is alleged that during the last 20 years he has organized, financed and controlled and is now operating businesses under other corporate, trade and brand names, including: The Elgin Laboratories, Inc., International Merchandise Corporation, International Service Corporation, International Products Corporation, Monument Manufacturing Company, Inc., Underwood Laboratories. Lucky Strike Manufacturing Company, Schafer & Company, Vitaneola Talking Machine Company, Old Reliable Manufacturing Company, Fay Manufacturing Company, General Chromium & Copper Company, Utility Manufacturing Company, Electric Clock Corporation of America, Motor Engineering Company, Atlas Metal Works, Inc., Fire Chief, Inc., Electric Kwik Shave Company, and the brand names Auburn, Regal and many other corporation, company, trade and brand names.

The addresses of these corporations and companies are unknown to the Commission, the complaint continues, and the Commission has been informed that all of them have been engaged in practices similar ot those alleged in its complaint. (4169)

**R. E. Engineers**—See Perfect Mfg. Corporation.

**A. W. Faber, Inc.**—See American Lead Pencil Co.

**L. Hoffman**—Louis Hoffman, trading as L. Hoffman, 459 Broadway, New York, was charged, in a complaint, with the dissemination of certain misrepresentations in the sale of desk pads and other office accessories.

According to the complaint, the respondent represented, by the use of terms such as "Flexhide Calf Finish Leather," "Genuine Top Grain Leather" and "Genuine Top Grain Furniture Leather," that genuine top grain leather is used in his desk pads, and by such words as "Grecian Gold Tooled Border" and "Genuine Gold Tooled Border," that genuine gold leaf is used and applied on the border of his product, when in fact the respondents' desk pads are not composed of top grain leather and in most instances the borders are made of imitation gold, and gold leaf is not used in the process.

It is further charged that the respondent published a pictorial presentation of various styles of desk pads as being offered for sale by him, when in fact he did not sell products of the design depicted and such illustrations, in some instances, were those of a competitor's higher-priced desk pad superior both in design and pattern. The complaint also alleges that the respondent advertised his business as having been established in 1888, when such is not a fact. (4165)

**Magnetic Ray Company**—Alleging violation of the Federal Trade Commission Act in the sale of an electrical device for treating various ailments, a complaint has been issued against Frank B. Moran, trading as Magnetic Ray Company and as Magnetic Ray Clinic, 2023 Main St., Dallas, Texas.

It is alleged that the respondent represented that use of his device, "Magnetic Ray," provides a cure, remedy or safe, scientific. competent and effective treatment for more than 35 ailments, including rheumatism, eczema, diabetes, arthritis, asthma, constipation, hemorrhoids, varicose veins, high and low blood pressure, paralysis, headaches, and neuralgia, when such are not the facts.

The respondent further allegedly represented that his device far exceeds electricity, light, heat, X-rays, radium rays, violet and ultra-violet rays in therapeutic value, when according to the complaint, the heat produced by his device is approximately equal to that produced by a 40-watt bulb, and would therefore be of no therapeutic value nor be comparable to X-ray, radium rays, or violet and ultra-violet rays.

Further allegations made by the respondent are that use of his device stimulates a normal and healthful functioning of the various organs and glands of the body; equalizes circulation of the blood; relieves pain and muscular and nervous tension, and stimulates rapid increase in the oxidation and elimination of accumulated poisons, thereby removing the condition of auto-toxemia, when such are not the facts. (4164)

**National Retail Liquor Package Stores Assn., Inc.**—Complaint has been issued charging the National Retail Liquor Package Stores Association, Inc., New York, and its officers, directors and members, including 29 State or sectional retail dealers' trade associations, with a price fixing combination and conspiracy in the resale of liquors, in violation of the Federal Trade Commission Act.

State or sectional association member respondents are: Greater New York Licensed Liquor Stores Association, New York City; Bronx Wine and Liquor Stores Associates, Inc., Bronx, New York City; Federated Retail Liquor Dealers of Kings County, Brooklyn; Long Island Wine and Liquor Dealers Association, Jamaica, Long Island, N. Y.; Capitol District Liquor Stores Association, Inc., Albany, N. Y.; Central New York Liquor Dealers Association, Syracuse, N. Y.; Dutchess County Retail Liquor Dealers Association, Poughkeepsie, N. Y.; Retail Liquor Stores Association of Western New York, Buffalo, N. Y.; Genesee Valley Retail Liquor Stores Association, Rochester, N. Y.; Southern Tier Retail Liquor Stores Association, Binghamton, N. Y.; Westchester Package Stores Association, White Plains, N. Y.; National Council of State Liquor Dealers Association, Palmyra, N. J.; New Jersey Licensed Beverage Association, Pennsauken, N. J.; New Jersey Retail Liquor Package Stores Association, Paterson, N. J.; and Massachusetts Federation of Retail Package Stores Association, Boston.

Rhode Island Retail Liquor Dealers Association, Providence, R. I.; Connecticut Retail Liquor Package Stores Association, Hartford, Conn.; Baltimore Retail Liquor Dealers Association, Baltimore; D. C. Retail Liquor Dealers Association, Washington, D. C.; Atlanta Retail Liquor Package Stores Association, Atlanta; Retail Liquor Dealers Association of Louisiana, New Orleans; Arkansas Retail Liquor Dealers Association, Little Rock, Ark.; Louisville Retail Liquor Package Stores Association, Louisville, Ky.; Indiana Retail Liquor Dealers Association, Terre Haute, Ind.; Illinois Retail Liquor Package Stores Association, Chicago; Wisconsin Retail Liquor Dealers Association, Milwaukee; Minnesota Council of Wine and Spirits Merchants, Inc., Minneapolis;

Colorado Package Liquor Association, Denver, and South Dakota Retail Liquor Dealers Association, Sioux Falls, S. D.

It is alleged that the various respondents, in seeking to make their combination effective, performed by agreement among themselves the following practices: fixed and maintained uniform prices for their resale of wines, spirits and liquors, under threat of boycott, fixed the prices at which manufacturers and importers shall sell such products and the prices at which both wholesalers and the respondents shall resell; under threat of boycott, compelled and sought to compel manufacturers and importers to sell in States having "Fair Trade" acts, only under resale price maintenance contracts, and at prices and differentials fixed by the respondents, and in like manner compelled manufacturers, importers and wholesalers not to sell to retailers who resell at prices less than those fixed by the respondent national association members and fixed by State "Fair Trade" resale price maintenance contracts.

The complaint further alleges that the various respondents, in seeking to make their combination effective, by agreement among themselves and under threat of boycott, have compelled and sought to compel manufacturers, importers and wholesalers not to sell to retailers who resell at prices less than those fixed by the respondent national association members; to grant to members of the member associations uniform discounts and allowances, and to institute and prosecute suits against retailers for reselling at prices less than those provided for in "Fair Trade" contracts.

It is also alleged that the respondents, by agreement among themselves, have spied upon and reported to manufacturers, importers and wholesalers, those retailers reselling below the fixed prices; have demanded, under threat of boycott, that such manufacturers, importers and wholesalers refuse to further supply such price-cutting retailers, and have attempted to bring about the revocation or suspension of the licenses of retailers who resell at prices lower than those fixed by the members of the member associations.

Among alleged results of the respondents' practices are prevention of price competition, increase of prices to the public, and creation of a monopoly in the respondents. (4168)

**Perfect Manufacturing Company**—Misrepresentation of an electrical and mechanical device for attachment to radio receiving sets is alleged in a complaint issued against The Perfect Manufacturing Company, trading as R. E. Engineers, Madison Road, Cincinnati.

According to the complaint, the respondent represented that its device "Add-A-Tube" will give longer life to radio tubes, will improve radio reception, will make it possible to receive radio broadcasts from domestic and foreign stations which could not be received without use of this device, and will bring the user's radio up to date, when such are not the facts.

It is further alleged that the respondent advertised that use of its device will give any radio the tone, sharpness of selectivity and the static-free reception found in the most expensive radio sets on the market, will improve reception on every type of radio receiving set, will give the user's radio automatic volume control and guarantee clear local and long-distance reception, and will make an old radio receiving set as efficient as modern sets, when actually it will not accomplish all the results claimed.

Through the use of the name "Add-A-Tube," the complaint continues, the respondent implies that its device, when attached to a radio receiving set, gives the set an additional tube, when such is not a fact. (4163)

**Smoke Conditioner Company**—Misrepresentation in the sale of a cigarette holder designated as "Smoke Conditioner" is alleged in a complaint issued against Henry M. Salisbury and Frank R. Johnson, trading as Smoke Conditioner Company, 254 West 31st St., New York.

It is alleged that the respondents represented directly or by implication that their "Smoke Conditioner" embodies entirely new and revolutionary principles in cigarette holders; that it never has a bad odor or taste; that it prevents nicotine and irritating substances in a cigarette from reaching the smoker, and that its use promotes health by eliminating all deleterious substances from the tobacco smoke, when such are not the facts.

The complaint points out that use of the respondent's holder eliminates only a small percentage of nicotine and other deleterious substances present in tobacco. (4166)

**St. Joseph School of Flying**—Misrepresentation in the sale of a correspondence course in aviation is alleged in a complaint issued against Leon Hood, trading as St. Joseph School of Flying, St. Joseph, Mo.

According to the complaint, the respondent misleadingly implied in his advertising that he and his school are connected with or are representative of the United States Government, and that they have been commissioned or authorized by the Government to give instruction to and train civilian pilots; that the correspondence course is given free; that students completing the correspondence course may obtain substantial deductions in the cost of actual flying instruction by virtue of a discount, and that such discount will be allowed by many other aviation schools; that the instruction offered is recognized and endorsed by other aviation schools, and that the respondent's school is officially connected with the municipal airport at St. Joseph, Mo., when such are not the true facts.

Further alleged misleading representations of the respondent are that the school is equipped with offices, shops, equipment, classrooms and personnel for the giving of resident instruction in the scientific and practical features of aviation; that the home study course offered is of such extent and character as to give students a full and complete knowledge of the principles of aviation and comprises complete ground training, and that only picked students of the correspondence course will be permitted to take actual flying instruction, when such are not the facts. (4167)

**United Art Display Co.**—See United Sales Co.

**United Art Display & Sales Co.**—See United Sales Co.

**United Display Company**—See United Sales Co.

**United Sales Company**—Alleging violation of the Federal Trade Commission Act in the sale of photographic enlargements and frames, a complaint has been issued against Max Cohen, trading variously as United Sales Company, United Art Display and Sales Company, Art Display Company, United Art Display Company, and United Display Company, 4042 South Broadway Place, Los Angeles.

It is alleged that the respondent's crews of initial contact salesmen, who are deceptively represented as "operating under the sanction of the United States Supreme Court," make house-to-house canvasses ostensibly to obtain photographs, usually of children, for enlargement, one-half of the price of which is required as deposit at the time the order is taken. These salesmen allegedly represent that the photographs of children are to be sold for advertising purposes to manufacturers of children's products; that there is a large demand for such pictures, and that, in order to obtain acceptable pictures, the respondent is also conducting a contest in which valuable prizes are awarded.

It is alleged that in their sales talks the initial solicitors carefully avoid any reference to frames for the pictures; that the enlargements made by the respondent are of such peculiar shape that frames to fit them can be obtained only from the respondent at the prices exacted, and that after the enlargements have been made, the original pictures and enlargements thereof are sent by the respondent to other salesmen called "proof passers," who deliver them to the customers, collect the unpaid balance and seek to sell frames for the pictures. The complaint points out that the sale of enlargements is merely incidental to the respondent's plan of operation studiously devised for selling frames, and that if a customer refuses to purchase a frame or pay for one after it has been ordered, the respondent in many instances refuses to deliver the original treasured family photograph borrowed from the customer until a frame is ordered or a balance claimed on a frame is paid in full. (4161)

**Weldon Roberts Rubber Co.**—See American Lead Pencil Co.

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Ace Auto Supply Co.**—See Perfect Recondition Spark Plug Co.

**Bauer & Black**—See Kendall Company.

**Henry Bergman**—Misrepresentations in the sale of instruments advertised as useful for locating gold and silver, a booklet known as "Jacob's Rod," and other articles, are prohibited in an order to cease and desist issued against Henry Bergman, 2004 Milton Ave., Springfield, Mo.

The order, among other things, directs that the respondent cease and desist from representing that his treasure locating instrument has any value in searching for hidden treasure; that a person reading the "Jacob's Rod" booklet will be enabled to ascertain his psychic powers, make his own goldometer, or locate hidden treasure, or that there is any basis, in fact, for the statement that the directions given in this booklet were practiced by Jacob or any other ancient patriarch. (4026)

**Crown Distributing Company**—A Los Angeles distributor of radios, cameras, and pen and pencil sets, and a Minnesota dealer in drugs, cosmetics, foods and household novelties, were ordered to discontinue the use of lottery methods in connection with the sale of their products to ultimate consumers. The respondents are Marvin Alan Koolish, trading as Crown Distributing Company and Crown Sales Company, 8742 Holloway Drive, Los Angeles, and Frank Spors, trading as Spors Company, Le Center, Minn.

The orders direct the respondents to cease supplying others with merchandise together with lottery devices which may be used in selling such products to the public; to cease supplying to or placing in the hands of others such lottery devices, either with assortments of merchandise, or separately, which devices may be used in selling articles to the public, and to discontinue selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

Frank Spors, trading as Spors Company, was also ordered to cease using the term "Wholesale Importers and Manufacturers" to describe the character of his business operations, except in connection with such items as are actually manufactured or imported by him; representing that all of the items of merchandise offered for sale are imported or manufactured by him, or that any designated item of merchandise is imported or manufactured by him, when such item has not been so imported or manufactured. The respondent Spors was further ordered to cease representing pictorially or otherwise that his place of business is larger than is actually the fact. (4041-3165)

**Crown Sales Company**—See Crown Distributing Company.

**Gardner Remedies, Inc.,** 2633-50th Ave., S. W., Seattle, Wash., has been ordered to discontinue misrepresentations in the sale of "Gardner's Food Herbs," a medicinal preparation.

The Commission's findings are that the respondent's preparation possesses no therapeutic value except in so far as its small peppermint content might have a slight tendency to aid digestion.

The order directs the respondent to cease advertising that its preparation is a cure or remedy for, or that it possesses any substantial therapeutic value in the treatment of, hyperacidity or excess acid, acidosis, rheumatism, kidney, liver or stomach disorders, stomach ulcers, indigestion, constipation, acid or sour stomach, gas, heartburn, colitis, dizziness, abnormal kidney functions, backache, swelling of the ankles, soreness in the region of the kidneys, soreness or stiffness in the cords or muscles of the neck, hives, skin rashes, heart pains, shortness of breath, high or low blood pressure, or sleeplessness. (3595)

**Kendall Company,** trading as Bauer & Black, of Boston and Chicago, was ordered to discontinue misrepresentations in the sale of a cosmetic preparation, "Velure Vanishing Lotion," formerly designated "Velure Lotion."

The Commission's order directs the respondent to cease advertising that its preparation is a new or scientific discovery; that, when applied to the hands, it acts more quickly in softening and beautifying the skin or achieves beneficial results more rapidly than other competitive products; that the preparation penetrates the skin and leaves no artificial coating or stickiness on the skin, or that it conserves or supplements the natural oils of the skin.

The respondent was further ordered to discontinue representations that its preparation has a bleaching or whitening effect on the skin or makes hands shades whiter or lighter, or that it is more economical or effective in use than competitive hand lotions. (3894)

**Perfect Recondition Spark Plug Co.**—Peter Sanders and Harry Sanders, trading as The Perfect Recondition Spark Plug Company, 1133-39 Bedford Ave., Brooklyn, and Samuel Sanders, trading as Ace Auto Supply Company, 161 B Ave., New York, have been ordered to discontinue certain representations in the sale of used and reconditioned spark plugs.

Findings of the Commission are that the respondents sold spark plugs bearing the brand names "Champion" and "AC" without disclosure that such articles were used or defective and had been repaired and reconditioned.

The order prohibits the respondents from selling any spark plug which has been used and thereafter reconditioned in any manner unless the words "used," "second-hand," "reconditioned," or some other similar words, have been permanently stamped or fixed on each of the plugs in a color in contrast to the surface to which the word is applied and of a size and in such location as to be clearly legible to the purchasers after the plug shall have been installed, and unless there has been plainly printed or marked on the containers of the plugs a notice that they are used, second-hand or reconditioned. (3392)

**Rulo Company**—Norman D. Loughlin, Volney T. James and Page H. Lamoreaux, trading as Rulo Company and the Rulo Corporation, Los Angeles, were ordered to discontinue further misleading representations in the sale of an automotive device known as "Rulo Automatic Injector" and an automotive lubricant, "Rulo Energy Fluid," which had been sold by them prior to January 1, 1938.

The order directs the respondents to cease representing that the use of their device and fluid will effect substantial economies in the operation of an automobile through the lessening of gasoline and oil consumption; will substantially increase the power and compression of the automobile motor; will remove carbon from the motor and prevent carbon formation, or will substantially lessen engine friction and attendant engine wear.

The respondents were further ordered to discontinue representations that use of "Rulo Automatic Injector" and "Rulo Energy Fluid" will eliminate the necessity of grinding the valves, prevent valves from sticking, and can seat valves; will prevent the motor from knocking; will produce first grade or ethyl gasoline performance with gasoline of a lower grade, or will prolong the life of the motor and cause it to operate smoother.

The order also directs the respondents to cease representing that "Rulo Energy Fluid" is scientifically made from a secret formula; that its use removes hard carbon; that it is a perfect heat-resistant lubricant, or that it assures perfect upper cylinder lubrication even when the motor is cold when started.

The Commission dismissed its case against L. E. Ruppe, Bernal H. Dyas and Ruth C. Hemstreet, who had been named respondents in the complaint. (3761)

**Spors Company**—See Crown Distributing Company.

**Westminster Tire Corporation,** 601 West 26th St., New York, engaged in the sale of pneumatic automobile and truck tires, has been ordered to cease and desist from certain representations concerning its products.

The Commission finds that the respondent has made representations concerning the character and quality of its products by means of letters, blotters, signs and price lists, and by means of tire wrappings, markings, insignia and brands appearing on tires, circulated and distributed to dealers located in various States, among which are the placing, fixing or molding into the sidewalls of tires and upon the tire wrappings, encasing the tires, the designation "V-7" in addition to the respondent's name and the size and type of tire.

The Commission finds that such tires are of four-ply bead to bead construction with double breaker strips, white sidewalls, extra material and tread stock, giving them a net weight considerably in excess of the corresponding weight of the first line four-ply tires marketed by other manufacturers and distributors. The Commission also finds that the respondent, because of the unusual character of construction, has made no express declaration as to the ply construction of the tires, and therefore has not disclosed, in the absence of specific inquiry by dealers who purchase the products, that the "V-7" tires are of four-ply construction, and that in the absence of inquiry regarding them, prospective purchasers have not been advised that the "V-7" tires are actually of four-ply construction.

The respondent's acts and practices, the Commission finds, serve to place in the hands of unscrupulous or uninformed retail dealers a means by which the dealers may mislead the purchasing public into the erroneous belief that the "V-7" tires actually contain seven plies.

Westminster Tire Corporation and its representatives are ordered to cease and desist from representing, directly or indirectly, by means of letters, words, figures, markings, insignia or brands appearing in price lists, or on tire wrappings, or on tires, or in any other way, that the automobile and truck tires sold by the respondent contain more plies in their construction than they actually contain, or that the construction of its tires or the materials therein contained are other than the actual construction and materials. (3786)

**Zonite Products Corporation** has been ordered to cease and desist from certain misleading representations concerning the products of its competitors.

Zonite Products Corporation, with offices in the Chrysler Building, New York, and its manufacturing plant in New Brunswick, N. J., through its Larvex Division is engaged in the manufacture of a liquid moth repellent designated "Larvex," for spraying on clothing, upholstered furniture, rugs and other non-washable fabrics, together with a powder also designated as "Larvex," which, when mixed with water as directed is recommended as a rinse for blankets, sweaters, and other washable fabrics. The preparations are designed to protect such articles from the ravages of moths.

The Commission finds that in advertisements published in magazines and other printed matter circulated throughout the States, the respondent has represented, among other things, that:

> "If you, too, want sure protection against moth damage, don't take chances with moth balls, chests, and other makeshift ways. Too much is at stake.
>
> "It is not enough to try with insecticides, bug-killers, moth balls, cedar chests, and tarbags with obnoxious odors, to drive away or kill the flying moth. When you see the flying moth it is too late—she has already laid eggs in your woolen things —and old-fashioned methods don't baffle the hungry mothworms which hatch from the eggs."

By means of these representations, the Commission finds, the respondent has represented that moth balls, cedar oil, tar and various other competitive products fail to give adequate protection against moth damage, and thereby unfairly disparages many of the respondent's competitors and their respective products. The Commission finds that such representations are misleading and deceptive, as there are many such competitive products which, when properly used, will protect fabrics against moth damage.

The respondent is ordered to cease and desist from represntations that moth balls, cedar oil, tar and other products containing pyrethrum, napthalene or paradichloro-benzene will not protect fabrics and garments from damage by moth worms or larvae. (3363)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Jack Barnett Furs, Inc.,** 214 West 29th St., New York, agreed to cease disseminating invoices or other descriptive literature which fail to disclose clearly that the garments designated are manufactured from dyed furs or peltries. (2844)

**Beyda's Linen Shop**—See Esther Shop, Inc.

**John W. Eshelman & Sons,** Lancaster, Pa., has entered into a stipulation in which that corporation agrees to discontinue advertising "Red Rose Laying Mash" as the only feed that will produce or maintain profitable hens; "Red Rose Fattening Mash" as being necessary for obtaining fancy or top-grade broilers, and the same preparation as imparting a delicacy of taste or flavor which cannot otherwise be obtained. (02590)

**Esther Shop, Inc.,** 1225 F St., N. W., and Esther Beyda, trading as Beyda's Linen Shop, 1118 F St., N. W., both of Washington, D. C., have entered into stipulations in which they agreed to discontinue certain representations in the sale of linens and laces.

The Esther Shop, Inc., agreed to cease using the words "Fine Tuscany," "Hand-Made Tuscany" or words of similar meaning, and Beyda's Linen Shop agreed to discontinue use of the words "Tuscany Lace," "Guaranteed Handmade Tuscany Lace," "Tuscany Lace Cloth," or similar words, with or without the explanation "Made in China," as descriptive, respectively, of laces or other articles sold by them which are not true Tuscany lace actually made in Tuscany of linen thread.

Beyda's Linen Shop also stipulated that it will cease using the word "Guaranteed" or any other words of similar meaning in its advertising unless clear disclosure is made of exactly what is offered by way of security, as for example, refund of purchase price. (2846-2847)

**Evenknit Hosiery Mills,** Bay City, Mich., agrees to discontinue employing the designations "Genuine Crepe" or "Crepe" as descriptive of a hose or other product which, due to its construction, cannot properly be labeled "Crepe." The respondent corporation also stipulates that it will cease advertising, branding or selling any product composed in whole or in part of rayon unless complete disclosure of the fiber and other content is made by clearly designating each constituent fiber in the order of its predominance by weight, and by giving the percentage of any fiber present in less than a substantial amount, or in any case less than 5 per cent. (2848)

**Frank & Seder,** Eleventh & Market Sts., Philadelphia, agreed to discontinue use of the term "All Wool" as descriptive of a garment which is not composed entirely of wool, or deceptive concealment of the true fiber content or failure to make full and nondeceptive disclosure in its advertising or other trade indicia of the fiber content of articles purporting to be wool, such fibers to be stated in the order of their predominance by weight, and any fibers present in less than a substantial amount to be indicated by stating the percentage.

Frank & Seder further agreed to cease advertising, branding or selling any product composed in whole or in part of rayon unless full disclosure of the fiber and other content is made by clearly and nondeceptively designating each constituent fiber in the order of its predominance by weight, and by giving the percentage of any fiber which is present in less than a substantial amount, or in any case less than 5 per cent.

It was also stipulated that Frank & Seder will cease selling or offering for sale any silk or silk product, or designating it by the unqualified terms "Silk" or "Silk Crepe," when such article contains any metallic weighting, without full and nondeceptive disclosure of the presence of such metallic weighting, together with its proportion, designated in tags, brands, invoices, and all advertising matter. (2853)

**International Laboratories, Inc.,** Rochester, N. Y., has entered into a stipulation in which it agrees to cease representing that "Dare's Mentha-Pepsin" is a competent treatment or effective remedy for stomach ailments; that any given amount of it will prove its efficacy in a definite time, and that it contains ingredients which will invigorate the stomach generally or are so combined with pepsin as to make the pepsin highly efficacious and speedy in its action. The respondent corporation also agrees to cease further use of the word "Pepsin" alone or with other words, to designate any preparation not containing sufficient pepsin as an active ingredient to possess therapeutic value because of it. (02587)

**Kallman & Morris, Inc.,** 530 Seventh Ave., New York, agreed to discontinue use of the words "Reproduced by Kalmour" or other use of the word "Reproduced" or of any word which imports that the article is a replica or duplicate of an original, as descriptive of dresses which are not in fact true reproductions in all particulars of the types named. The respondent corporation also stipulated that it will cease using, or placing in the hands of others the means to use, pictorial or other representations of dresses which do not accurately or definitely depict the garments offered for sale, or otherwise representing such garments in any way which tends to convey the impression that such dresses are of a value greater than is indicated by the prices, or that dresses actually sold or offered for sale are identical with or of a quality equal to the garments so depicted. (2852)

**Kanner Dress Company, Inc.,** 1350 Broadway, New York, in the sale of dresses, agrees to cease using the words "Crepe," "French Crepe," "Cinderella Crepe," "Acetate Crepe," "Silk Garments," "Silk Weaves," or any other word signifying pure silk to designate any fabric or product not composed wholly of unweighted silk. The stipulation provides that if the word "Crepe" or similar word is used properly as descriptive of the type of construction only, of a fabric or product made of rayon, then such word shall be immediately accompanied by the word "Rayon" in letters equally conspicuous; for example, "Rayon Crepe," "Acetate Rayon Crepe." Other practices which the respondent agrees to discontinue are use of the words "Acetate," "Celanese" or other trade term, alone or in combination with other words, as descriptive of the rayon content of garments, fabrics or material, unless immediately accompanied in equally conspicuous type by the word "Rayon"; selling or offering any product made of rayon without clearly disclosing in all printed matter such rayon content, and use of the word "Guaranteed" unless clear disclosure is made of exactly what is offered by way of security, as for example, refund of purchase price. (2842)

**H. M. Kolbe Company, Inc.,** 48 Leonard St., New York, in the sale of woven fabrics or cloth, stipulates that it will desist from using the descriptive designations "Part Linen," "Part Linen Suiting," or "A Part Linen Fabric" for its "Sagamore" suitings or any other cloth or fabric of similar composition, and from naming or in any way featuring a minor constituent fiber of a mixed fabric offered for sale and sold without first naming also, as a part of such descriptive statement and with equal conspicuousness, the major constituent fibers, all in the order of their predominance by weight. The stipulation points out that the fiber content of the woven fabrics or cloth invoiced and designated by the respondent corporation consisted of cotton and flax, of which the flax or linen content constituted a minor portion. (2845)

**Mollin Company**—Sally Lindner, Sybil Moses and Jean Tanner, trading as Mollin Company, St. Paul, Minn., have entered into a stipulation in which they agreed to discontinue certain representations in the sale of home permanent wave outfits.

The respondents agreed to cease representing that by the use of their "Glamour Permanent Wave" outfit, a permanent wave may be accomplished which will last for six months in every instance, or regardless of the type or kind of hair treated; using the phrase "reconditions the hair," or any similar statement, so as to convey the belief to purchasers that their outfit will restore old, worn or faded hair to its original condition, or using the word "free" as descriptive of their shampoo and wave set, when in fact such items are not given free or as a gratuity but are a part of the outfit and their cost is included in the price charged.

It was further stipulated that the respondents will discontinue use of the words "New York" or "Hollywood" in connection with the words "Milady Hair Specialist" on the box container of the outfit, so as to imply that they are engaged in business in either of such localities.

The respondents also agreed to cease employing the word "Manufacturers" or any similar word, when they do not make the items of which their wave sets are composed and do not actually own, operate or control the plant where such articles are manufactured. (2855)

**Ome Daiber, Inc.,** trading as Royal Feather Quilt Company, 2407 First Ave., Seattle, in the sale of feather quilts and comforters, agrees to cease representing by use of expressions such as "Pre-Season Clearance," "Big Seasonal Reduction," "How I Can Save Money on Pre-Season Sale," or otherwise, that its regular method of sale is a special offer; or, directly or inferentially, that a special price is offered when the regular price is charged, or that some advantage in quality is offered when there is none. The respondent also agrees to discontinue statements such as "While They Last," or "Prompt Action Will Save You 40%" or other representations that an offer or purported offer is open for a limited time so long as any orders received after the expiration of the time limitation, implied or otherwise, are accepted and filled. (2850)

**Peter Paul, Inc.**—See Platt-Forbes, Inc.

**Pickgan Labrofacts, Inc.,** 250 East 43rd St., New York, in the sale of "Allay," agreed to cease representing through the use of such expressions as "pain banisher," "get rid of pain," "insure freedom from pain," "drives away pain," "kills pain," or in any other manner, that its product terminates pain or has any effect on pain in excess of affording temporary relief; that it is safe for use, or that it affords a new method for relieving pain. The respondent further agreed to discontinue representations that "Allay" has any efficacy in preventing the development of colds, or is an effective remedy for colds, or that it acts or commences to act in three seconds after the tablets are taken. This stipulation supersedes and modifies one accepted by the Commission from the respondent corporation concerning the same product in October, 1937. (01906)

**Platt-Forbes, Inc.,** 386 Fourth Ave., New York, an advertising agency, and Peter Paul, Inc., Naugatuck, Conn., dealer in chewing gum, have entered into stipulations in which each agreed to discontinue certain representations.

Platt-Forbes, Inc., advertising on behalf of Peter Paul, Inc., agreed to cease advertising that use of "Ten Crown Charcoal Gum" will make or help make teeth white or otherwise alter their inherent color except to the extent that it may do so through the removal of certain enamel film or debris from the teeth. Peter Paul, Inc., also stipulated that it will discontinue such representations in the sale of its chewing gum. (02589-02588)

**Radio City Thrift Shop**—See Ritz Thrift Shop, Inc.

**Ritz Thrift Shop, Inc.,** and Aaron Kaye and June Jacobs, copartners trading as Radio City Thrift Shop, 153 West 57th St., New York, stipulated that they will cease making representations implying that their second-hand fur garments, or any appreciable proportion of them, are left with them for sale by society women or the ultra-rich, are purchased from society women or the ultra-rich or estates, or otherwise misrepresenting the source of such second-hand garments. The respondents also agreed to cease advertising any special sale of used or second-hand furs or other used goods or merchandise, unless the advertisements clearly indicate that such items offered for sale are used or second-hand. (2843)

**Rose Manufacturing Company,** 37th and Filbert Sta., Philadelphia, stipulated that it will cease representing that its spray, "Tri-Ogen," for plants and flowers, will kill, protect against or repel all insects generally; that it will control, or give complete protection against, all fungus diseases, or give complete plant protection, or that use of this spray will make the plant immune from attacks by all insects and diseases. The respondent further agreed to cease advertising that any results are assured through use of the spray; that it is the most successful and revolutionary discovery ever made in the history of rose culture, or that it is the first definite mildew and black-spot control combined with an insecticide. (02586)

**Royal Feather Quilt Company**—See Ome Daiber, Inc.

**John Shillito Company,** Cincinnati, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of rugs.

In its stipulation, the respondent agrees to discontinue use of the words "Chinese," "Persian," "Oriental," "Kashmir," "Mandalays," "Bagdad," "Baristan," "Persiatana," "India" or other distinctively Oriental names as descriptive of rugs which are not made in the countries or localities designated with all the essential characteristics and qualities of such rugs, and the use of the words "Persian Reproductions," "Oriental Reproductions" or other use of the word "Reproduction" or of any similar word which signifies that the article to which such word applies is a replica or duplicate of an original, as descriptive of rugs which are not true counter-parts or reconstructions in all particulars of the types named.

The respondent also agrees to cease using the words "Persian," "Chinese," "Oriental," "Kashmir," "Mandalays," "Bagdad," "Baristan," "Persiatana," "India," or other distinctively Oriental appellation in connection with any rug which does not contain all the inherent qualities and properties of an Oriental rug; unless, if properly used to describe the design or pattern only, such words of Oriental appellation shall be immediately accompanied by a word such as "Design" or "Pattern" printed in equally conspicuous type, so as to indicate clearly that only the form delineated on the surface of the rug is a likeness of the type named; for example, "Persian Design," "Chinese Pattern."

The respondent corporation further agrees to discontinue use of the word "Guaranteed" unless clear disclosure is made of exactly what is offered by way of security; as for example, refund of purchase price. (2851)

**Vermont Hosiery and Machinery Company,** Northfield, Vt., agrees to cease using the phrase "100% Virgin Wool Face" alone or in connection with other words as descriptive of hosiery the face of which is not composed wholly of virgin wool. The stipulation provides that if parts of the hosiery, as the top, leg and sole, are faced with wool, but the heel and toe are not so faced, the words "Wool Face" are used properly to describe the facing of the top, leg and sole, such words shall be accompanied by other words clearly indicating that the hosiery is not faced throughout with wool. The respondent corporation also stipulates that it will cease employing the word "Lisle" as descriptive of lining of hosiery with lisle, and the word "Shrinkless" or other words of similar implication, suggesting that the hosiery is proof against skrinkage. (2849)

## FTC CLOSES CASE

Federal Trade Commission has closed without prejudice its case against Frosted Products Equipment Company, Inc., 43 East 20th St., New York, which had been charged with the use of lottery methods in the sale of its products to ultimate consumers.

It appearing that the business of the respondent corporation has been entirely discontinued, the Commission closed its case without prejudice to its right to reopen it for further proceeding, should future facts so warrant.

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 27, July 5, 1940

# Fly, Johnson at NAB Convention

Plans for the most important NAB convention in the twenty-year history of radio were rapidly being completed this week as announcement is made that FCC Chairman, James Lawrence Fly, and Assistant Secretary of War, Louis Johnson will address the industry.

This will be the first appearance of Chairman Fly before an NAB convention and his remarks are looked forward to with the highest degree of interest. Mr. Johnson, making one of the most important government pronouncements on the subject, will speak on the national emergency and its possible effect on the American system of broadcasting.

Coming at a time when there will be less than five months in which plans can be perfected to free broadcasters from the yoke of the ASCAP monopoly, the convention will open at the St. Francis Hotel in San Francisco, August 4 and continue through August 7.

Urging that every station be represented, Neville Miller this week declared:

"The problems which radio faced in the past pale in comparison with those it faces in 1940. We are in an emergency period. New problems, technical, social and commercial confront us. We are setting up a convention program designed to make this a well-informed industry, to give opportunity for all views to be expressed, evaluated and compared before final formal action is taken. What is done at San Francisco this August will shape the course of broadcasting for possibly years ahead. Every member owes it to himself to have a voice in determining the decisions which must be made."

A comprehensive report on BMI and a full review of the NAB Code are features of an agenda which includes analyses of the labor situation, the A. F. of M., wages and hours, a full review of FM, reports covering legislative matters and the relations of the industry with government and advertisers.

Outstanding in the commercial phase of the convention will be the introduction of the Bureau of Radio Advertising's plan for an industry measurement of the volume of radio advertising by cities and by classification of account. This has been a service long in demand by agency time buyers. A contingent of space buyers from New York and Chicago are already making plans to be present. Advertising executives on the West Coast will also be present. They will be invited to take part in round-table discussions with the Bureau and the Sales Managers' group, to review common problems of commercial broadcasting.

Of wide public and industry interest will be a panel discussion on the problems of special events broadcasting, with particular reference to coverage of the war and the handling of

*(Continued on page 4394)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

### FLY, JOHNSON AT NAB CONVENTION

*(Continued from page 4393)*

political broadcasting, to be presided over by Mark Ethridge, WHAS. Taking part in the discussion will be Paul White, director of special events of CBS; Abe Schechter, director of special events of NBC; Van C. Newkirk, in charge of special events for KHJ-Mutual on the Coast, and Herb Hollister of KFBI.

"While the tone of the convention is one of dead earnestness—and for this we make no apologies, because the times demand it," Mr. Miller continued in his statement this week, "there will be opportunities for fraternizing with fellow members and friends in the agency and business world who will be with us. One night we will be guests of the Exposition on Treasure Island. The banquet entertainment this year will be both unique and pertinent."

In conjunction with the convention there will be meetings of the independent and IRNA groups and FM broadcasters. The Board of Directors will hold its annual meeting on August 4. On the same day, the Code Compliance Committee will be in session to receive recommendations from members.

### HOTEL RESERVATIONS

Lincoln Dellar, KSFO, San Francisco, chairman of the convention housing committee, reports the influx of many hotel reservation requests. Those who have not done so, should immediately get their bid for hotel accommodations on file. All communications should be addressed to the St. Francis Hotel. Even though you may desire accommodations at some other San Francisco hotel, all requests clear through the St. Francis. If you don't want to communicate direct, send your requests here to headquarters and we will attend to them for you. Either way we suggest your early attention to this matter, first, that you may get the kind of accommodation you desire and, second, that we may have some means of measuring the possible attendance.

### AUTO CARAVAN

A southern broadcaster suggests that broadcasters who are going to the San Francisco convention by automobile meet in Albuquerque, New Mexico, on July 25 and proceed as a group, visiting Boulder Dam, the Grand Canyon and other points of interest en route. After the convention, he suggests that the caravan return via the northern route, including points in the Pacific Northwest and Yellowstone Park. Those interested should contact headquarters immediately for details.

### BRING A TOPCOAT

A word about wearing apparel. We don't want to convey the idea that San Francisco is a cold town. It will be far from it in warmth of welcome during the NAB convention. Nevertheless, the breezes that blow through Golden Gate and over Treasure Island, as well as up Market Street and around Union Square, are sometimes a bit sharp and chilly. We suggest a light topcoat for both the ladies and the men.

We are doing everything we can to plan for your comfort and entertainment, as well as for a worthwhile business session. We want you to be comfortable from the standpoint of raiment, so hence, this word of warning.

## Labor

### PETRILLO REMOVES NAME BANDS FROM NBC, COLUMBIA

NBC and CBS lost their name-band sustaining programs during the past week, by order of James C. Petrillo, new president of the American Federation of Musicians.

The order affecting NBC was issued Friday, June 28, while the CBS bands went off the air Monday, July 1.

The NBC order was issued because Station KSTP, St. Paul, has refused to sign a contract with the St. Paul local stipulating that the station will spend for a staff orchestra the same amount annually as was spent under the agreement which expired last January 17. For the last two weeks, KSTP's union musicians have been on strike, and the union has refused to permit local remotes. The strike followed prolonged negotiations on a compromise proposal by the station.

The CBS order followed a strike at WRVA, Richmond, Va., where the station likewise refused to sign a renewal of the old "quota," even though it was paying a staff orchestra at a rate exceeding the old quota. Remotes were withdrawn in Richmond, too.

Before withdrawing the name bands, the A. F. of M. asked the networks to quit furnishing this sustaining music to the two stations. This request was refused.

## SCHEDULE THIS BROADCAST NOW!

On the eve of the NAB Convention, August 3, the San Francisco and New York World's Fairs will join together in a brilliant radio program to convey the thanks of listeners to the broadcasters of the country for outstanding public service rendered. At special ceremonies held on both Fair grounds, to be witnessed by distinguished men and women from all walks of life, plaques will be unveiled in dedication to the freedom of American radio.

The names of those appearing on this special broadcast will read like a star-studded roster of all the famous personalities who have made radio history in the past twenty years. It is hoped that the President will find time from his arduous duties to unveil the plaques by remote control.

The broadcast will be carried by all three major networks. *NAB is authorized to invite non-network stations to join the broadcast. This can be done by securing approval and arranging for lines with the nearest network affiliate.*

*The time of the broadcast is 8 to 9, Eastern Daylight Savings Time.*

*The date—Saturday, August 3.*

Please schedule this program now. NAB feels this will be one of the outstanding broadcasts of all time. Every station should participate in this industry-wide tribute.

### WAGE AND HOUR ACT

Only 226 stations had answered the special Wage and Hour questionnaire by Wednesday of this week. This 29 per cent response is not large enough to build a good case for redefinition of "executive"—which the NAB intends to ask for. Redefinition would remove any limit on the hours of chief engineers, program directors and other executives. If any member has not received the questionnaire, he should notify the NAB Labor Relations Department.

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The Wage and Hour Administration announced that the state labor departments of Connecticut and Minnesota would take over inspection for violations of the Wage and Hour law. North Carolina's state labor department has been handling inspection there for some months.

## Promotion

### WSB SUGGESTS AUTO RADIOS IN ATLANTA JOURNAL COPY

A 420 line ad in *The Atlanta Journal* of Sunday, June 23, was devoted to the broadcasting industry's campaign to add extra hours of daily listening via auto radio. It was prepared under the direction of WSB's Manager, J. Leonard Reinsch. The primary display read:

DRIVING'S
MORE FUN
—When Radio
Entertainment
Is at Your
Finger-Tips!

At the left of this display were the call letters, WSB, "The Voice of the South," spotted in an illustration of a couple listening while they ride.

Below was the following copy:

> "Breezing along of a sunny afternoon or gliding away 'neath the stars of a balmy summer night—nothing adds quite so much to riding pleasure as an automobile radio! You don't have to miss a single one of your favorite shows!
>
> "If you haven't a set in your car, now is a good time to buy one. Many good auto radios are on the market at reasonable prices, and you can buy your choice on liberal terms. See your dealer!"

### "WHY I WANT A PORTABLE SET," CONTEST OVER NBC-BLUE

Another circulation building program for the industry is a current promotion, "Why I Want a Portable Radio Set," over the NBC-Blue network. The contest is incorporated in "Alma Kitchell's Brief Case." It has been running since June and it closes July 12. Miss Kitchell's evening show, month after month, continues to promote an appreciation for the American program service. By so doing it is having a substantial influence in solidifying the idea that the American system of broadcasting is the best for the United States.

### PARTICIPATION IN RADIO FESTIVAL OPENS PROMOTION CHANNELS

Regarding Radio Festival Howard Lane, Manager, KFBK, Sacramento, Calif., says:

> "Radio Festival Week in Sacramento was a terrific success and opened new avenues of promotion for us that we intend

to utilize throughout the year. Our work in the schools met with such widespread approval of school authorities that an extensive schedule of cooperative school broadcasts entirely different from what we have done in the past has already been tentatively outlined to start this fall.

"The programs which we put on in the school assemblies themselves met with such enthusiasm that we have already received requests from a number of schools as far as one hundred miles from Sacramento requesting similar visits."

### "HAT IN RING" REVISED

"Is Your Hat In the Ring?" the NAB handbook of suggestions to political candidates on how to write and deliver the radio talk, has been revised and brought up to date for use in the current campaign.

It is available to member stations at nominal cost. Copies and prices will be forwarded stations next week.

The booklet has been used extensively by both the Republican and the Democratic parties throughout the country. It contains practical information designed to show candidates how to make more effective use of radio. It is a goodwill builder, also, between stations and candidates. NAB feels that each station should place a copy of "Is Your Hat In the Ring?" in the hands of every candidate.

## Sales

### COMMERCIAL SECTION OF CODE EFFECTIVE OCTOBER 1

In conformity with instructions of the Code Compliance Committee, Ed Kirby, Committee Secretary, sent out the following letter to agencies and advertisers to remind them that the time limitations in the commercial section of the Code become fully effective as of October 1, 1940. The letter accompanied a special booklet in which the commercial section of the Code is printed, together with the AAAA-ANA copy code:

Dear Mr. :

Re: *NAB Code—Time Limitations and Acceptability of Accounts*

The Code Committee has asked me to remind you that the commercial section of the NAB Code becomes fully effective in all copy as of October 1, 1940.

For your convenience, this part of the Code has been separately printed in the enclosed booklet. Here also you will find the copy code of the AAAA and that of the ANA, which were jointly issued a few years ago.

The underlying purposes of the Code and the mutuality of commercial interests found therein between advertisers and broadcasters is, we believe, fully explained in the foreword by Edgar Bill, chairman of the Code Compliance Committee.

In this period of social and economic transition, we know that you will welcome this development as a wise and timely move beneficial to both consumers and to advertisers alike.

The Committee will indeed be pleased to answer any inquiry, or to receive the benefit of any suggestions or comment you may care to make.

With every good wish, I am

Sincerely yours,
(Signed) Ed Kirby, *Secretary,*
*Code Compliance Committee.*

In order that member stations may inform local and regional accounts, Headquarters is sending to each member 100 copies of the booklet. The national field is being handled directly from NAB.

In a statement to transcription makers, the Committee recommended the following:

*Recommendation for Transcriptions*

Transcription makers will note that there is a forty-five second extra time allowance for a fifteen-minute daytime commercial over the two minutes and thirty seconds limitation on a nighttime fifteen-minute commercial.

Because it is impossible in most instances to know whether a transcription is to be played during the day or night, it is the Committee's recommendation that commercial copy be prepared within the nighttime limitation, and that an extra forty-five seconds be given over to theme music. Thus, when the program is played on daylight spots, the local announcer can step in over the theme to take advantage of the extra forty-five second daytime allowance with additional copy.

### COST-PER-INQUIRY

Presumably basing their approach on the fallacy that summer slumps make radio stations doubly receptive to percentage propositions, six concerns chose the month of June to canvass a large list of stations with cost-per-inquiry and other unorthodox deals. The unusual number of these proposals referred for action direct to NAB Headquarters by members is encouraging in two ways. It proves the percentage boys have guessed wrong again, in asking radio to revert to the dark ages of advertising, and it demonstrates that radio neither needs nor welcomes this kind of business, summer or winter. As far as could be learned, reputable broadcasters were unanimous in their opposition to the contingent deals proposed by the following concerns:

Dave Minor Publishing Company, Chicago, Ill.

H. C. Morris & Company, Inc., New York, N. Y. (on behalf of Doubleday Doran & Co.)

H & H Corporation (antacid Tablets), Minneapolis, Minn.

Insurance Policy Service Company, Cincinnati, Ohio

Starkist Company (Toothpaste), San Antonio, Texas

Sure-Grip Laboratories, Chicago, Ill.

Every one of these concerns seeks to promote a product which is admirably suited to radio advertising, and the Bureau of Radio Advertising has invited them to give serious consideration to a regular campaign at card rates.

While the cost-per-inquiry market was active, as above indicated, free offers were quiet, none being reported to NAB during June.

## Miscellaneous

### NEWSPAPERS TO FM

The current issue of *Editor & Publisher* editorially urges small-town newspapers to get in their applications for FM stations. The editorial:

Members of the Inland Daily Press Association recently heard an enlightening discussion of the possibilities of radio transmission by frequency modulation. This page has referred often to this technical advance in broadcasting, and it reminds its newspapermaker readers again that the new development may mean much to newspapers large and small.

We understand that applications for licenses to broadcast with FM transmitters are being received by the Federal Communications Commission and that these applications will be considered on and after Jan. 1, 1941. It is stated also that commercial broadcasting by FM may be approved as of that date.

This method permits broadcasting with remarkable fidelity of reproduction by ultra short wave over short ranges. Its original cost is said to be two-thirds of present installation cost and its maintenance also promises to be cheaper. That may let small city newspapers in for a new and disturbing form of competition, if possible competitors get their applications filed before the newspapers act. Newspapers can present a more meritorious case for the rendition of public service by radio than any other commercial interest, but it must not be forgotten that priority of application often carries weight in official circles.

Unless the small city newspapers want to be left at the post now as their metropolitan brethren (with some important exceptions) were with pioneer broadcasting, immediate action is important.

## NEW MEMBERS

Since the meeting of the Board of Directors on June 21, when 17 stations were approved for membership, five additional applications have been received, bringing the total membership to 451. The new stations are WCOS, Columbia, South Carolina; KVOE, Santa Ana, California; KUJ, Walla Walla, Washington; KRLC, Lewiston, Idaho; and WCNW, Brooklyn, New York.

## STATE LEGISLATION

Louisiana:

H. 971 (Watson) (Substitute for H. 778) Race Track Information—Relating to information pertaining to any race track.

# Engineering

## FCC APPROVES TRANSMITTER LOG DRAWN UP BY NAB

The NAB is sending to its members an FCC-approved "sample transmitter log" and instructions for using it. This was prepared by Lynne C. Smeby, Director of Engineering, with the cooperation of Andrew D. Ring, Assistant Chief Engineer of the FCC, for the purpose of assisting stations in complying with the transmitter log requirements of the FCC. The log was submitted to the FCC on May 31, 1940, for its consideration. Following is the letter of transmittal:

May 31, 1940.

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Slowie:

There is attached a sample transmitter log, "instructions for using NAB sample transmitter log" and a sample transmitter log, filled out for a full day's record of a broadcast station. These have been prepared for the purpose of aiding stations in complying with Rule 3.90 (b) of the revised Rules and Regulations Governing Broadcast Stations, issued by the Federal Communications Commission last August.

In the work of preparing the sample transmitter log, our Director of Engineering had the counsel and advice of Mr. Ring, of the Commission's Engineering Department. NAB is grateful for the splendid aid and assistance rendered by Mr. Ring.

We ask you to submit the Sample Transmitter Log to the Commission to ascertain whether it complies with the requirements of Section 3.90 (b) of the Rules. We do not seek to establish a standard form since the Transmitter log can serve a station beyond Commission requirements by the inclusion of additional data.

In mailing this recommendation to stations, we would like to be able to say that the Commission is in accord, that the log fulfills the requirements and thus renders the maximum value to the Commission and the industry.

Should there be any questions concerning the Sample Transmitter Log, we will be glad to answer them.

Very sincerely yours,

(Signed) C. E. Arney, Jr.,
*Assistant to the President.*

The FCC on June 27, 1940, replied as follows:

June 27, 1940.

National Association of Broadcasters
1626 K Street, N. W.,
Washington, D. C.

Gentlemen:

This is in reply to your letter of May 31, 1940, submitting for Commission study a proposed "sample transmitter log and instructions for using NAB sample transmitter log."

The Commission has determined that the log form submitted makes provision for keeping the necessary log entries as required by the rules governing standard broadcast stations, and that the instructions submitted for keeping the log are appropriate under these same rules.

When the sample log sheets and instructions are circulated to the members of the association, the Commission would appreciate receiving a sufficient number of copies (thirty or forty) for distribution to the Inspectors in Charge of the Commission's field offices. Incidentally, it may be that they have not received copies of the sample program log and instructions which would also be beneficial in resolving some misunderstandings which may have arisen with reference to these logs.

Very truly yours,

(Signed) T. J. Slowie,
*Secretary.*

## IRE CONVENTION

The Fifteenth Annual Convention of the Institute of Radio Engineers was attended by 1,007 people at Boston June 27, 28, 29. The convention agenda included topics of current interest, mainly television and frequency modulation. The subject of greatest current interest was FM and a number of interesting papers on the subject were climaxed by a 50-mile trip to Paxton where the convention members were the guests of John Shepard III, of the Yankee Network, at a buffet supper and an inspection of W1XOJ. Paul de Mars, Technical Director of the Yankee Network, and his staff explained the operation of the 50 KW FM transmitting station. Other interesting inspection trips were made to Hygrade Sylvania, U. S. Coast Guard Air Base, Harvard and MIT laboratories, WBZ and General Radio Company.

# The Commission

## FM STANDARDS AND APPLICATION FORMS APPROVED

The final step to permit launching the new FM (frequency modulation) system of radio broadcasting on a commercial basis has been taken by the FCC in approving "Standards of Good Engineering Practice Concerning High Frequency Broadcast Stations" and a new application blank to accommodate FM broadcasters on their new basis.

The new standards, which remove FM from its heretofore limited experimental use, govern the technical phases of the prospective commercial service, and embrace operation, interference, equipment, etc., and provide a chart for computing the signal range on the frequencies 43,000 to 50,000 kilocycles now assigned to FM. These standards bear the same relation to frequency modulation service that existing standards do for amplitude modulation on the lower frequencies.

The new application (Form 319) may now be used by all individuals and groups interested in applying for FM facilities on a commercial basis, including the nearly 150 parties whose applications for FM facilities on an experimental basis were returned to permit their filing for commercial use. The new form is similar to Form 301 used for amplitude modulation broadcast applications, but revised to apply to FM service particularly.

This completes the official acts necessary to give FM full recognition. Rules applicable to FM were announced last week, about a month after the Commission decided, on the basis of hearing held in March, that commercialization is in the public interest.

Since FM is now on a standard basis, call letters henceforth issued to its commercial stations will consist of four letters to distinguish them from the combination of letters and numerals used to identify experimental stations.

Copies of the standards of good engineering practice for high frequency stations are available at the FCC.

## FROM THE FCC MAIL BAG

Individually disgruntled radio fans still deluge the Federal Communications Commission with their particular complaint about this or that radio program. Few well-known programs—or artists—escape mention at one time or another in such letters. As constantly reiterated, the Commission has no authority to censor individual programs or performers. Some idea of the type of squawks in which the Commission lacks jurisdiction may be gleaned from recent "pan" mail:

Various letters object to the air utterances by Col. Charles A. Lindbergh, Hanford McNider, Frank Gannett, Judge John A. Matthews, Earl Browder, and others.

A New Yorker wants the radio team of Burns and Allen barred from the air because he doesn't find some of their jokes funny.

A Californian doesn't agree with H. V. Kaltenborn's news interpretations.

Another Californian resents certain airy statement by Jack Benny.

On the other hand, a New Yorker voices indignation at a Fred Allen wisecrack.

And at least one Californian doesn't write highly of Bob Hope.

Also, one Californian's ears do not seem attuned appreciably to Cab Calloway's music.

One of Walter Winchell's fellow New Yorkers is irked by a statement by the former.

An Oklahoman would like to see young ears closed to "Stella Dallas."

A Connecticut man feels that he has been personally stung by "The Green Hornet" series.

A Pennsylvania man would like to have "Confidentially Yours" publicly censured.

A Tennessean is aroused by the "Court of Missing Heirs" program.

"What's My Name" brings criticism over the name of a New Jersey listener.

A New Yorker didn't relish the network presentation of "Abe Lincoln of Illinois."

Another resident of that city is dismayed by "This Amazing America."

A Philadelphian doesn't think "Great Plays" are that.

"Stop Me If You've Heard This One" didn't stop a Philadelphian from writing in about it.

The "Dr. I.Q." programs prompts a Californian to ask some questions of his own.

"Information Please" registers objection from one New Yorker.

Even the "National Farm and Home Hour" brought a critical letter from Pennsylvania.

And, last but not least, the numerous contest programs invite numerous letters to the Commission from listeners who think they are also entitled to prizes.

Incidentally, by way of timely note, several Chicago letters protest advertising fireworks over the radio.

## FCC JULY WORK

FCC has announced that the work, business and functions of the Commission for the month of July have been assigned as follows:

| | |
|---|---|
| Commissioner Walker: | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations. |
| Commissioner Thompson: | Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings. |

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments are scheduled to be heard before the Commission in broadcast cases during the week beginning Monday, July 8. They are subject to change.

### Thursday, July 11

Oral Argument Before the Commssion

Report No. B-92:

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time (requests facilities of KVOS).

KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, **1200 kc.,** 250 watts, unlimited time.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

### July 25

Oral Argument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, **1410 kc.,** 1 KW, unlimited; and auxiliary, **1410 kc.,** 500 watts, 1 KW LS. Time: Auxiliary purposes only.

### August 12

WPAY—Chester A. Thompson (Transferor), The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corporation, **1370 kc.,** 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no regular meeting early this week because of the holiday. It is expected that a meeting will be held later this week.

### MISCELLANEOUS

Capital Broadcasting Co., Washington, D. C.—Granted motion to amend application for new station so as to request authorization to construct 100-watt booster station and to specify sites for both broadcast and booster stations. Applicant requests construction permit for **1420 kc.,** 250 watts, unlimited time.

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Denied motion for postponement of hearing now scheduled for July 1, for a period of 30 days. Exceptions to ruling noted by counsel for petitioner.

God's Bible School and College, Cincinnati, Ohio.—Granted petition to accept late appearance in re application for new international station to operate on **11710, 21610 kc.,** 60 KW, A3 emission, share time on **11710 kc.,** unlimited time on **21610 kc.**

KRKO—Lee E. Mudgett and Everett Broadcasting Co., Inc., Everett, Wash.—Granted motion for additional time of 15 days within which to file exceptions due July 9, in re application of KRKO for renewal and voluntary assignment of license, and construction permit to move transmitter, change hours of operation to unlimited and increase power from 50 watts to 100 watts, 250 watts LS, on **1370 kc.**

WCBD—WCBD, Inc., Chicago, Ill.—Granted petition to amend application for modification of license to change frequency from **1080** to **830 kc.,** and from sharing time with WMBI to daytime, so as to request different facilities.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Granted modification of construction permit as modified for a new station, to extend completion date from July 14, 1940, to October 1, 1940; frequency **1200 kc.,** power 250 watts, unlimited time (B4-MP-994).

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Granted license to cover construction permit as modified for new broadcast station, frequency **1210 kc.,** 100 watts, 250 watts LS, unlimited time (B2-L-1172). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-423).

WAAB—The Mayflower Broadcasting Corp., Boston, Mass., and The Yankee Network, Inc., Boston, Mass.—Continued until July 25, 1940, the oral argument originally scheduled for July 18, 1940, in re applications of The Mayflower Broadcasting Corp. for a new broadcast station and The Yankee Network, Inc. (WAAB), for renewal of license (B-107).

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent on July 4 in order to observe holiday (B4-S-645).

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted special temporary authority to operate from 7:45 to 9 p. m., EST, on July 8, in order to broadcast an address by Homer L. Chaillaux, National American Director of American Legion.

W10XMC—McNary & Chambers, Washington, D. C.—Granted special temporary authority to use Composite CT, 100-watt transmitter on **1190 kc.,** for the period ending July 25, in order to make tests of possible transmitter sites and propagation characteristics in this area on this frequency to more accurately determine the results of operation of the proposed station to be operated in the area of Schenectady, pending action on formal application for a developmental broadcast station.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted extension of special temporary authority to remain silent for the period August 1 to September 9, in order to observe regular school vacation (B5-S-84).

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 9:15 p. m. to midnight, EST, on July 9, instead of July 11 as authorized on June 8, in order to broadcast the All-Star Boxing Show for the benefit of the New York City Milk Fund (B1-S-211).

WBNX—WBNX Broadcasting Co., New York City.—Granted license to cover construction permit (B1-P-2238) as modified, authorizing changes in directional antenna system, increase in power to 1 KW, and make changes in equipment; **1350 kc.,** shares with WAWZ (B1-L-1179). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-416).

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted modification of license to change name of license from Peoria Broadcasting Co. to WMBD Broadcasting Co., **1440 kc.,** 1 KW, 5 KW LS, unlimited time (B-4-ML-1006).

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-424).

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-426).

WTRY—Troy Broadcasting Co., Troy, N. Y.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-427).

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted license to cover construction permit (B4-P-2482) as modified, authorizing a new station to operate on **1300 kc.,** 1 KW, unlimited time, DA day and night (B4-L-1173).

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted license to cover construction permit (B-P-1941) as modified, authorizing change in frequency from **1370** to

**780 kc.**, increase in power from 100 watts night, 250 watts day, to 1 KW night, 2½ KW day, and change in hours of operation from specified to unlimited time; make changes in equipment and antenna and move transmitter location (B1-L-1147). Also granted authority to determine operating power by direct measurement of antenna input (B-Z-409).

WLAC—WLAC Broadcasting Service, Nashville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-428).

WHDL—WHDL, Inc., Olean, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-429).

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Granted special temporary authority to rebroadcast programs to be received from Amateur Stations W8USA and W8RTW, for the period June 29, 1940, to not later than July 14, 1940, in connection with the Eleventh National Soaring Contest.

KMO—Carl E. Haymond Tacoma, Wash.—Granted special temporary authority to rebroadcast signals to be received from an Army airplane operating on Army frequency **4495 kc.**, on July 4, 1940, in connection with a National Defense broadcast to be released on the Mutual Network.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to relay through high frequency station W2XOY the frequency modulated programs of high frequency station W2XMN, from July 1, 1940, to not later than July 30, 1940.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of construction permit as modified which authorized construction of a new broadcast station, for extension of completion date from July 1, 1940, to August 1, 1940; **1210 kc.**, 250 watts, unlimited time (B1-MP-997).

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authority to operate on **1040 kc.**, limited time, and resume operation from 9 p. m. to 3 a. m., PST, for the period August 1, 1940, to not later than October 1, 1940.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

NEW—The Constitution Broadcasting Co., Atlanta, Ga.—Construction permit for new broadcast station to be operated on **550 kc.**, 1 KW night, 5 KW daytime, unlimited hours of operation, directional antenna for night use, Class III-B.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to make changes in antenna system and move transmitter from Sweethome Road, Tonawanda, N. Y., to Lake Shore Road, Township of Hamburg, N. Y.

### 590 Kilocycles

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Construction permit to change frequency from **1260 kc.** to **590 kc.**, install directional antenna for day and night use, Class III-B.

### 860 Kilocycles

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to move transmitter from Wayne, N. J., to New Rochelle, N. Y., and install new antenna. Amended to request changes in antenna.

### 880 Kilocycles

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—License to cover construction permit (B3-P-2228) as modified for change in frequency, increase in power, change hours of operation, move transmitter, new equipment, and install directional antenna.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 920 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit to erect a new broadcast station to be operated on **920 kc.**, 500 watts night, 1 KW daytime, unlimited time, Class III-B. Amended to change studio location.

### 940 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on **940 kc.**, 500 watts, unlimited time, Class III-B. Amended to make changes in antenna and specify transmitter site as south of Cadiz St. Bridge, Dallas, Tex.

### 970 Kilocycles

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to make changes in equipment and increase power from 5 KW to 10 KW. Amended to make changes in equipment, install directional antenna for day and night use, and request Class I-B.

### 1020 Kilocycles

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—Construction permit to make changes in transmitting equipment and increase power from 10 KW to 50 KW, Class I-B, directional antenna day and night.

### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—License to cover special experimental authorization for unlimited hours of operation and changes in directional antenna system.

KRLD—KRLD Radio Corp., Dallas, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to install new transmitter, directional antenna for day and night use; move transmitter and increase power from 250 watts night, 1 KW daytime, to 1 KW night, 5 KW daytime. Amended to request 5 KW day and night.

NEW—J. M. West, J. Marion West, T. H. Monroe, and P. M. Stevenson, near Austin, Tex.—Construction permit to erect a new broadcast station to be operated on **1120 kc.**, 1 KW, specified hours, Class III-B. Amended to specify transmitter site as (rural) near Austin, Tex.

### 1180 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Modification of construction permit (B5-P-2783) which authorized changes in equipment and increase in power, requesting further changes in transmitting equipment.

### 1200 Kilocycles

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Authority to determine operating power by direct measurement of antenna power.

NEW—The Maryland Broadcasting Co., Baltimore, Md.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time, Class IV. Amended to request the frequency of **1200 kc.** instead of **1210 kc.**

### 1210 Kilocycles

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of construction permit (B1-P-1140) as modified for a new broadcast station, requesting extension of required date of completion from 7-1-40 to 10-1-40.

### 1250 Kilocycles

WNEW—WODAAM Corp., New York, N. Y.—License to cover construction permit (B1-P-2844) for installation of auxiliary transmitter using 1 KW power.

### 1280 Kilocycles

NEW—Capitol Broadcasting Corp., Indianapolis, Ind.—Construction permit to erect a new broadcast station to be operated on **1280 kc.**, 1 KW night, 5 KW daytime, unlimited time, using directional antenna at night, Class III-B.

### 1310 Kilocycles

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—License to cover construction permit (B3-P-2380) as modified for new broadcast station.

NEW—Inter-City Advertising Company, Charlotte, N. C.—Construction permit to erect a new broadcast station to be operated on **1310 kc.,** 250 watts, unlimited time.

### 1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Modification of construction permit (B3-P-2781) which authorized change in frequency, increase in power, new equipment and antenna, requesting approval of antenna and transmitter site at 1759 N. Bay Road, Miami Beach, Fla.

### 1340 Kilocycles

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—License to cover construction permit (B3-P-1926) as modified for a new broadcast station.

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Authority to determine operating power by direct measurement of antenna power.

NEW—Edward J. Doyle, Rochester, N. Y.—Construction permit for new broadcast station to be operated on **1340 kc., 1 KW,** unlimited time. Amended re antenna changes and specify transmitter site at west side of Stanton Lane, south of Titus Road, Irondequoit, N. Y.

### 1350 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-2238) as modified for equipment changes, increase in power, and changes in directional antenna.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Modification of construction permit (B1-P-2333) for a new broadcast station requesting approval of new transmitter, vertical antenna, and transmitter and studio site at Virginia Avenue and Boardwalk, Atlantic City, N. J.

NEW—Harbenito Broadcasting Co., Harlingen, Tex.—Construction permit to erect a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time. Amended to request **1420 kc.** instead of **1370 kc.**

### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Modification of license to increase power from 500 watts night, 1 KW daytime, to 1 KW day and night.

### 1460 Kilocycles

KSTP—KSTP, Inc., St. Paul, Minn.—Modification of construction permit (B4-P-1828) as modified for move of transmitter, install new equipment, directional antenna, increase power, requesting extension of required date of completion from 7-8-40 to 9-8-40.

### 1500 Kilocycles

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Consent to transfer of control of corporation from Alma W. King to Arthur Lucas and William K. Jenkins, 75 shares.

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 250 watts, unlimited time. Amended to request the facilities of WSSJ.

### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) as modified for installation of new equipment, move transmitter, and increase power, requesting changes in antenna system and transmitter.

### MISCELLANEOUS

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Construction permit to make changes in equipment and increase power from 20 KW to 50 KW.

NEW—Burns Avenue Baptist Church, Detroit, Mich.—Authority to transit programs to Station CKLW, Windsor, Ontario, Canada, from Detroit, Mich.

KAQV—Central States Broadcasting Co., Portable-Mobile in area of Omaha, Nebr.—License to cover construction permit for new relay broadcast station (B4-PRY-208).

W2XBU—National Broadcasting Co., Inc., New York, N. Y. (Portable-Mobile).—Modification of construction permit (B1-PVB-54) which authorized construction of new television station, requesting deletion of aural transmitter, A-3 emission, and the frequencies **312000-324000 kc.**

WEHH—Columbia Broadcasting System, Inc., Portable-Mobile in area of New York, N. Y.—License to cover construction permit (B1-PRE-281) as modified for changes in equipment and reduction in power of relay broadcast station.

NEW—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Construction permit for new television station to be operated on **66000-72000 kc.,** 10000 watts, A-3 and A-5 emission. Amended re antenna.

NEW—Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Construction permit for new television station to be operated on **66000-72000 kc.,** 10000 watts, A-3 and A-5 emission. Amended re antenna.

NEW—Helen Townsley, Portable-Mobile, area of Great Bend, Kans.—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.,** 100 watts, A-3 emission. Amended to request 75 watts power instead of 100 watts.

KEHS—WDAY, Inc., Portable-Mobile, area of Fargo. N. Dak.—License to cover construction permit (B4-PRE-345) for a new relay broadcast station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Inter-State Ribbon & Carbon Corporation,** 2202-2210 Superior Ave., East Cleveland, Ohio, is charged in a complaint with the dissemination of certain misrepresentations in the sale of typewriter ribbons and carbon paper.

According to the complaint, the respondent represented that it manufactures the typewriter ribbons and carbon paper sold by it, and that it owns, operates and controls a factory in which its products are made, when such are not the facts.

The respondent corporation is further alleged to have represented that it has been in existence for 35 years when, according to the complaint, it was organized in 1938.

Typewriter ribbons allegedly designated by the respondent as "Silk" and "Silk-Lyk" are not composed of silk, but are made entirely of cotton, the complaint continues. (4171)

**Parkersburg Rig & Reel Co.**—Alleging illegal acquisition of the outstanding capital stock of competing corporations, a complaint has been issued against The Parkersburg Rig and Reel Company, Parkersburg, W. Va.

Violation of Section 7 of the Clayton Act occurred, it is alleged, when the respondent corporation in 1939 acquired the capital stock of its competitors, The Oil Country Specialties Manufacturing Company and Atlas Engineering Works, Inc., both of Coffeyville, Kans. At that time, the complaint continues, the Parkersburg corporation had total stated assets of more than $4,000,000 and the acquired companies in excess of $1,800,000.

Effects of the acquisitions were alleged to be a substantial lessening of competition between the acquired and the acquiring corporations, restraint of interstate commerce in oil and gas well machinery and equipment, and a tendency to create monopoly. (4172)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Bauer Thermometer Co.**—Engaged in the importation and sale of weather recording instruments, Max Bauer, trading as Bauer Thermometer Company, 322 West 31st St., New York, has entered into a stipulation to discontinue certain representations.

The stipulation points out that the respondent marketed certain barometers containing imported German mechanisms but with the dials branded "Made in U.S.A.", and certain other barometers with imported German mechanisms on which the word "Germany" had been obliterated not as a result of an ordinary process of assembly or manufacture but by means of painting out the word "Germany" where it otherwise would have appeared.

In the sale of barometers or other instruments having movements or mechanisms of foreign origin, the respondent, under his stipulation, agrees to cease representing, by use of the term "Made in U.S.A.", or any other term indicative of American manufacture, that such barometers or other instruments are wholly of American manufacture, and to discontinue causing the brands or marks on imported barometer movements or other parts which indicate their foreign origin or manufacture, to be removed, erased or concealed so as to deceive ultimate purchasers, unless the removal, erasure or concealment is necessary to the further manufacture or processing of such products. (2858)

**Chicago Lock Company,** 2024 North Racine Ave., Chicago, entered into a stipulation in which it agreed to discontinue certain representations in the sale and distribution of its "Ace" lock.

The respondent agreed to cease representing its lock as being "Thief-Proof" or using such words in a manner tending to convey the belief to purchasers that the lock is proof against the acts of thieves or will withstand indefinitely all attempts to defeat it through the keyhole by picking or through the use of special keys, tools or other devices.

The respondent further agreed to discontinue using the phrase "Defies Duplication" as descriptive of the lock key so as to imply that the key will completely withstand duplication, when in fact such duplication, though it may be difficult, is not impossible. (2854)

**A. C. Child & Sons Mercantile Co.**—A stipulation to discontinue certain representations in the sale of a rat killing preparation from A. J. Child & Sons Mercantile Company, 800 Chouteau Ave., St. Louis, has been accepted.

The respondent agreed to cease representing that its product, "Black Cat Rat and Mouse Killer," will drive rats outdoors to die, unless it is explained in an equally conspicuous manner that their burrows and habitats must be outdoors before it will do so. The respondent further agreed to cease using the word "Mouse" as a part of the trade name for the product, or from otherwise representing that it will kill mice. (02591)

**C. A. Mauk Lumber Company,** 520 Gardner Building, Toledo, agreed to cease representing that its wood stain, "Meta-Kote," is a metal, a liquid metal coating, or a metal in liquid form; forms a solid film of metal, an armor of metal protection, a tough dense armor of rust-proof metal, or a metallic finish for old, worn-out shingles or any other surface; provides an "impenetrable shield" to the attacks of time or the elements, or is an effective coating for years or for any period of time in excess of that for which comparable shingle stains on the market afford such protection. It was also stipulated by the respondent that it will cease representing that "Meta-Kote" brings to the home beauty that lasts through generations or for any other exaggerated or unreasonable extent of time; has not the slightest resemblance to paint, stain or varnish, or that it is not in fact a stain colored with pigment and having a varnish-like vehicle. (2856)

**Spiegel, Inc.,** 1061 West 35th St., Chicago, agreed to discontinue use of the word "washable" as descriptive of those of its wallpapers which are not in fact washable without resultant discoloration or damage, and to cease employing the word "washable" in any way, the effect of which may tend to convey the belief to purchasers that the products so referred to can be washed when in fact such washing results in discoloration or damage. The respondent further stipulated that it will cease using the word "colorfast," or any similar word, as descriptive of its wallpaper, the colors of which are not in fact unfadable, and will desist from using such word in any way so as to imply that the colors of the products so referred to will not fade, change or be altered when exposed to light. (2857)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Retonga Medicine Company,** 161 Spring St., N. W., Atlanta, Ga., was ordered to discontinue certain representations in the sale and distribution of a medicinal preparation, "Retonga."

The order prohibits the respondent from representing that its preparation is a cure or remedy for, diseases or disorders characterized by such symptoms or conditions as nervousness, indigestion, headaches, sluggishness, pains, toxic poisoning, dizziness, muscular aches and pains, insomnia, biliousness, undernourishment, loss of weight, or lack of strength; that it possesses any value in the treatment of these symptoms and conditions in excess of the temporary relief furnished by a mild laxative or gastric tonic when such symptoms or conditions are due to or caused by constipation or lack of appetite, or that its preparation has therapeutic value in the treatment of constipation in excess of providing temporary relief.

Further representations prohibited under the order are that "Retonga" relieves the body of toxic poisons or cleanses the system; that it has any beneficial effect or therapeutic value in the treatment of kidney or bladder disorders; that it renews or restores the strength or health or has any therapeutic properties with respect to building health or strength in excess of stimulating the appetite. (3949)

**Aurine Company, Inc.,** 3635 West Cermak Road, Chicago, has been ordered to cease and desist from certain misleading representations in the sale of its medicinal preparation "Ourine."

The order requires the respondent to discontinue advertising that "Ourine" is a cure, remedy or competent or effective treatment for deafness or partial deafness; that the product possesses any therapeutic value in excess of such aid as it may render in softening coagulated wax in the ear, and that the respondent makes refunds to dissatisfied purchasers when in fact it does not maintain a definite policy of making such refunds.

Commission findings are that the respondent's preparation is neither a cure or remedy nor a competent or effective treatment for deafness and that although its use may soften accumulations of wax in the ear, such conditions resulting from accumulation of wax as temporary deafness or ringing or buzzing head noises, will not be relieved without use of an instrument or syringe to remove the wax. The respondent's representations were found to be in violation of the Federal Trade Commission Act. (3993)

**Cardinal Company**—Three medicinal products dealers with places of business in St. Louis, Chicago and Seattle, respectively, have been ordered to discontinue misleading representations in the sale of their preparations.

The respondents are Charles L. Klapp, trading as The Cardinal Co., and as The Cardinal Company of St. Louis, 406 Market St., St. Louis, distributor of "Femalade Tablets", and "Femalade Liquid"; Michael S. Chiolak, trading as Tone Company, 64 West Randolph St., Chicago, distributor of "Silver Label Formula No. 6" and "Gold Label Formula No. 8", both known also as "Tone Periodic Compound", and William W. Kelso, trading as Northwestern Products Company and as Northwestern Health Clinic, 611½ Union St., Seattle, distributor of "Periodic Relief Pills".

The Commission orders direct the respondents to cease and desist from advertising their preparations as constituting cures, remedies or competent or effective treatments for delayed menstruation. The St. Louis respondent, in the sale of "Femalade Tablets", and the other respondents, in the sale of their preparations, are prohibited from disseminating advertisements which fail to reveal that use of these products may result in serious and irreparable injury to health.

Commission findings are that the respondents' products contained certain drugs in quantities sufficient to cause serious and irreparable injury if used under conditions prescribed in the advertisements or under customary or usual conditions. (3879-4003-4066)

**Johns-Manville Corporation** and Johns-Manville Sales Corporation, New York, in the distribution of an insulating material now known as "Rock Cork", have been ordered to cease and desist from using the terms "entirely mineral", "mineral composition", "mineral in composition", "mineral—not vegetable", or any other words of similar import to describe a product not in fact entirely mineral in composition. Commission findings are that the respondent's product was composed of approximately 88 per cent mineral matter and 12 per cent vegetable matter, and that the vegetable fiber was not the vegetable matter known and properly designated as cork. (3899)

**Novelty Home Furnisher**—Orders were issued prohibiting five dealers from using lottery methods in connection with the sale of their products, to ultimate consumers. The respondents are Jack Puzes, trading as The Novelty Home Furnisher, 53 West Jackson Boulevard, Chicago, dealer in clocks, coffee makers, silverware, cameras and lamps; Sam Guttman, trading as Standard Sales Co., 2363 Milwaukee Ave., Chicago, dealer in radios, clocks, watches, fishing tackle, cameras, pen and pencil sets, billfolds and wood statuettes; Morton Cohen, trading as Lee-Moore & Co., and as Adwell Sales Co., 180 West Adams St., Chicago, distributor of radios, knives, cigar lighters and other articles; Oak Lane Candy Company, York, Pa., distributor of candy and peanuts, and Great Buckeye Candies, Inc., 567 East South St., Akron, Ohio, dealer in candy.

The respondents were ordered to cease selling or distributing merchandise so packed and assembled that sales to the general public may be made by means of a lottery, game of chance, or gift enterprise. The Akron Corporation was directed to cease supplying to or placing in the hands of others assortments of merchandise, either together with lottery devices or separately, and the other respondents were ordered to discontinue supplying merchandise together with lottery devices, which devices respectively, may be used in selling or distributing such merchandise to the general public.

The York and Chicago dealers were further ordered to cease supplying to or placing in the hands of others, punch boards, push or pull cards, or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing any merchandise to the public.

Morton Cohen, trading as Lee-Moore & Co., and as Adwell Sales Co., was also ordered to discontinue representing any specified sum of money as possible earnings or profits of salesmen for any stated period which is not a true representation of the net earnings or profits made during such period by a substantial number of his active salesmen under normal conditions. (4023, 3990, 3938, 4099 and 4015)

**Paramount Institute**—D. Victor Wallace, trading as Paramount Institute, 1095 Market St., San Francisco, was ordered to discontinue certain misrepresentations in connection with the sale of correspondence courses designed to prepare students for United States Civil Service examinations.

Under the order, the respondent is to cease representing, among other things, that he has opportunity for contact with the United States Civil Service Commission which is not available to any member of the public; that he has advance or "inside" information concerning civil service examinations; that he offers any preparation for civil service examinations other than a coaching service, or that he is a civil service specialist. The order also directs that he cease misrepresenting the prospects for obtaining civil service positions and such features of the Government service as salaries, working hours, age limits, promotion, and annual leave.

The respondent was further ordered to discontinue using the term "Institute" as part of his trade or corporate name or as descriptive of his business, and to discontinue representing that his general business or sales methods are approved by the Federal Trade Commission or conform to its rules or regulations, or representing that the regular price charged for his courses is a special or reduced price.

Commission findings are that the respondent offers no basic or thorough instruction in any subject; that his method of instruction consists merely of mailing out previously prepared matter and the grading of papers by means of a key or prepared answer sheets; and that his school is not an institution of learning in any accurate sense. (4009)

**Popular Publications, Inc.,** 205 East 42nd St., New York, has been ordered to discontinue certain representations in the sale of rings.

Findings of the Commission are that the respondent represented that the stones contained in the rings sold by it as "Lucky Birthstone Rings" are the real birthstones, such as garnet, amethyst and aquamarine, when in truth they are imitations of such stones.

Under the order, the respondent is to cease representing, directly or by implication, that the rings sold by it are set with precious or semi-precious stones identified as the birthstones for the respective months of the year. (4077)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 28, July 12, 1940

## THE WEEK IN WASHINGTON

The complete NAB convention program—a program no broadcaster can afford to miss—is published in this issue. (p. 4406.)

James Lawrence Fly, FCC chairman, says there is no need for the broadcasting industry to be alarmed about any defense plans. (p. 4408.)

Two BMI tunes make the "most often played" lists in the trade press. (p. 4407.)

A. F. of M. difficulties at Stations KSTP and WRVA are ironed out, and network name bands returned to the air. (p. 4408.)

Wage and Hour Administration says transmitter caretakers are covered by the Act. (p. 4408.)

All stations are urged to promote radio at state and county fairs this summer. (p. 4410.)

FCC rules affecting operators are tightened up. (p. 4411.)

The Research Committee meets in Washington and outlines a plan for unit measurement of broadcast advertising volume, to be presented to the Board of Directors at San Francisco. (p. 4411.)

## Convention Program Complete

Dr. Frank Kingdon, nationally known social leader and executive director of the Citizenship Educational Service has been added to the list of the distinguished speakers who will bring important messages to the eighteenth annual convention of the NAB (August 4-7).

In addition, James L. Fly, chairman of the FCC, making his first appearance before an industry-wide meeting, and Louis Johnson, Assistant Secretary of War, scheduled to speak on the possible effects of the national emergency on radio, have also definitely been scheduled to address the San Francisco convention described last week by Neville Miller, NAB president, as the "most important meeting of the industry in its twenty-year history." The complete convention program appears on another page.

A former college president, Dr. Kingdon was drafted to his present post when outstanding religious, civic, labor and fraternal groups undertook to bring together their common aims of uniting the American people in an awakened appreciation of the basic ideals underlying the Constitution and the Bill of Rights. Such outstanding groups as the Boy Scouts of America, the Catholic Youth Organization, the American Federation of Labor, the DAR, the Jewish Welfare Board, the Knights of Columbus, Federal Council of the Churches of Christ in America, the Elks, and others listed below, are the sponsoring groups of the Citizenship Educational Service.

In light of the national defense program and the increasing social responsibility which station managers must assume, as problems of propaganda and so-called Fifth Column activities become more complex, Dr. Kingdon has been asked to draw upon his own and the experience of those affiliated groups to bring the industry a backlog of usable information. Recognized as one of the country's ablest speakers, his address is looked forward to as one of the highlights of the convention.

Following is the list of organizations affiliated with the Citizenship Educational Service:

American Federation of Labor
American Friends Service Committee
American Jewish Committee
Benevolent and Protective Order of Elks
Boys' Clubs of America
Boy Scouts of America
Camp Fire Girls
Catholic Charities
Catholic Youth Organization
Daughters of the American Revolution
Federal Council of Churches of Christ in America

*(Continued on page 4406)*

**YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!**

**St. Francis Hotel San Francisco August, 4-5-6-7**

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## CONVENTION PROGRAM

*(Continued from page 4405)*

General Federation of Women's Clubs
International Society Christian Endeavor
Jewish Welfare Board
Knights of Columbus
National Conference of Christians and Jews
National Association for the Advancement of Colored People
Roosevelt Memorial Association
Workers' Educational Bureau of America
Young Men's Christian Association
Young Women's Christian Association.

## Tentative Convention Program

*Sunday, August 4*

| | | |
|---|---|---|
| 9:00 a. m. to 6:00 p. m. | REGISTRATION | Mezzanine Balcony |
| 10:30 a. m. | GOLF TOURNAMENT<br>"Broadcasting" Trophy | California Golf Club |
| Times of these meetings to be announced | COMMITTEE MEETINGS<br>Code Committee<br>Sales Managers Committee<br>Legislative Committee<br>Research Committee<br>Accounting Committee<br>Engineering Committee<br>(Other Committee meetings to be set.) | Places of these meetings to be announced |
| 4:00 p. m. to 7:00 p. m. | COCKTAIL PARTY<br>San Francisco Press Club | Press Club Building<br>449 Powell Street |
| 6:30 p. m. | BOARD OF DIRECTORS DINNER | |

*Monday, August 5*

| | | |
|---|---|---|
| 10:00 a. m. | BUSINESS SESSION<br>Address of Welcome—Hon. Angelo J. Rossi, Mayor of San Francisco<br>President's Annual Report<br>Appointment Convention Committees<br>Secretary-Treasurer's Report<br>Labor, Wages and Hours—Joseph L. Miller, NAB Director of Labor Relations<br>Proposed Amendment to By-Laws<br>Report of Nominating Committee on Directors-At-Large | Colonial Ball Room |
| 12:30 p. m. | LUNCHEON<br>Hon. James Lawrence Fly, Chairman, Federal Communications Commission, Speaker<br>(Topic to be announced) | Colonial Ball Room |
| | GROUP MEETINGS | |
| 2:15 p. m. | IRNA—Samuel R. Rosenbaum (WFIL), Presiding | |
| 2:15 p. m. | NIB—Harold A. Lafount (WCOP), Presiding | |
| 2:15 p. m. | National Sales Managers, station and agency representatives—William Cline (WLS), Presiding | |
| 4:15 p. m. | Clear Channel—Edwin W. Craig (WSM), Presiding | |
| 4:15 p. m. | Regional Stations — John Shepard (Yankee Network), Presiding | |
| 4:15 p. m. | Local Stations—John Elmer (WCBM), Presiding | |

### EXPOSITION

All delegates will be guests of the Exposition at Folies Bergere, American Cavalcade and Billy Rose's Aquacade on Treasure Island.

*Tuesday, August 6*

| | | |
|---|---|---|
| 8:30 a. m. | BREAKFAST SESSIONS — NAB Staff Directors *Presiding*<br>Engineering Roundtable—Lynne C. Smeby, Presiding<br>Public Relations and Code Roundtable—Edward M. Kirby, Presiding<br>Research Roundtable—Paul F. Peter, Presiding<br>Law Roundtable — Russell P. Place, Presiding<br>Labor and Wages and Hours Roundtable — Joseph L. Miller, Presiding | Places of meetings to be announced |
| 10:00 a. m. | BUSINESS SESSION<br>Report of Nominating Committee<br>Election of Directors-At-Large (Ballot boxes open 10:00 a. m. to 4:00 p. m.) | Colonial Ball Room |
| 10:05 a. m. | BROADCAST MUSIC, INC.<br>Neville Miller, President, BMI<br>Sydney M. Kaye, Vice President and General Counsel, BMI<br>Merritt E. Tompkins, General Manager, BMI<br>Carl Haverlin, Stations Relations Director, BMI | |
| 12:30 p. m. | LUNCHEON<br>Hon. Louis Johnson, Assistant Secretary of War, Speaker<br>"Sponsors of National Defense" | Colonial Ball Room |
| 2:15 p. m. | BUSINESS SESSION<br>NAB Sales Managers Division Meeting — William Cline (WLS), Presiding | Colonial Ball Room |
| 2:15 p. m. | "The Unit Plan of Volume Measurement—A Broadcaster's Views"—William Scripps, Chairman, NAB Research Committee | |
| 2:30 p. m. | Report on "The Unit Plan of Volume Measurement"—Paul F. Peter, NAB Director of Research | |
| 2:45 p. m. | Roundtable on Unit Plan of Volume Measurement<br>Representative of ANA<br>Representative of AAAA<br>Representative of NRDGA<br>Representative of Sales Managers | |

| | | |
|---|---|---|
| 3:15 p. m. | General Discussion — Unit Plan of Volume Measurement | |
| 3:45 p. m. | Vote on Unit Plan of Volume Measurement | |
| 3:50 p. m. | Audimeter Audience Measurement—A. C. Neilson, A. C. Neilson Co. | |
| 6:30 p. m. | Meeting New Board of Directors | |
| 7:30 p. m. | Television<br>Talk on Television — Ted Smith, RCA<br>Talk on Television—Harry Lubcke, Director of Television, Don Lee Broadcasting System<br>Television Demonstration<br>Roundtable Discussion on Television | |

*Wednesday, August 7*

| | | |
|---|---|---|
| 8:30 a. m. | Breakfast Sessions — NAB Staff Directors, Presiding<br>Engineering Roundtable — Lynne C. Smeby, Presiding<br>Bureau of Radio Advertising—Edward M. Kirby and Paul F. Peter, Presiding<br>Law Roundtable — Russell P. Place, Presiding<br>Labor and Wages and Hours Roundtable — Joseph L. Miller, Presiding | Places of meetings to be announced |
| 10:00 a. m. | Business Session<br>Edgar Bill (WMBD). Chairman, NAB Code Compliance Committee, Presiding<br>Dr. Frank Kingdon<br>Special Events Broadcasting —Mark Ethridge (WHAS), Presiding<br>Herbert Hollister, General Manager, KFBI, Wichita, Kansas<br>A. A. Schecter, Director of News and Special Events, NBC<br>Paul W. White, Director of Public Affairs, CBS | Colonial Ball Room |
| 12:30 p. m. | Luncheon<br>(No official luncheon but we have agreed to cooperate with INS by making the Colonial Ball Room available for the luncheon they are tendering to the delegates) | Colonial Ball Room |
| 2:15 p. m. | FM Broadcasting<br>FM—John Shepard, President, FM, Inc., Presiding<br>(Two speakers to be selected: one on FM Equipment and one on Practical Aspects of FM Broadcasting.)<br>FM Demonstration<br>Roundtable discussion on FM | |
| 4:00 p. m. | FM, Inc., Executive Session | Place to be announced |
| 4:30 p. m. | Reports of Committees<br>Unfinished Business | |
| 8:00 p. m. | Annual Banquet | California Ball Room<br>Treasure Island |

## N. Y. NEWS SENDS RADIO EDITOR TO CONVENTION

The New York *News* appreciates the importance of the forthcoming NAB convention. The paper is sending Ben Gross, its radio editor, to San Francisco to give its readers complete coverage. Other eastern papers are considering sending special correspondents, also.

## BMI DEVELOPMENTS

### BMI FEATURE TUNES

**July 15-July 22**

1. **THE SAME OLD STORY**
2. **PRACTICE MAKES PERFECT**
3. **THAT'S FOR ME**
4. **FOOEY ON YOU**
5. **DON'T THE MOON LOOK PRETTY?**

Record it in your history books that BMI began to publish music during the first week of April, 1940, and that three months later, to wit, during the first week of July, 1940, two BMI songs were on the lists of the music most often played over the air. *Here in the Velvet Night* and *We Could Make Such Beautiful Music* are No. 13 and No. 19 respectively on the "sheet" in *Variety* for July 10, 1940, and the same two appear in the list published by the *New York Enquirer*.

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Theme song of the new Lifebuoy program, *The Adventures of Mr. Meek,* is *Watching and Waiting* by Elliott Jacoby. It will be published by BMI. The program began on July 10, will be heard every Wednesday at 7:30 p. m., EDST, with a repeat for the West, and is being carried by CBS on a 68-station hook-up.

The composer is appearing on the program with his own band. He is one of the country's best known arrangers and has already turned out the orchestrations for several BMI numbers.

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Another new song which BMI will publish was written by Ernest Gold, Beasley Smith, and Hank Fort. The name of Ernest Gold has already appeared on BMI music. Beasley Smith is a staff musician at WSM in Nashville, Tennessee. And Hank Fort is—attractive young Mrs. Eleanor Fort of Nashville. When she was asked why she used the name "Hank," she allowed as how she had on some occasions been regarded by some people as being somewhat of a tomboy. Her song is *Somethin' Grand.* BMI thinks Hank is, too, and she feels the same way about BMI because it is the first publishing house to give her a break.

In the Dallas (Texas) *Journal* for June 15, 1940, Ruth Carlton wrote:

> Robert MacGimsey sang his original and delightful Negro songs at McFarlin auditorium Friday night, exhibited his amazing two-part whistling and made lengthy excuses for ASCAP—American Society of Composers, Authors, and Publishers——which organization is sending him out as a public relations man.
>
> The whistling had the audience leaning forward in amazement, and the rhythmical songs won many a chuckle as well as some tapping feet, but the ASCAP talk completely alienated his audience. All the things ASCAP has done for the widows and children of composers, and what it might have done for Schubert if he had just had the good sense to be born a century later, were mentioned. The audience, however, was purely uninterested in the charitable motives of ASCAP. In this day of terse radio commercials the public is quick to resent advertising that comes sugar coated as entertainment.

Bills and checks are not ordinarily considered literature and comments added to them are seldom of the sort that can be quoted. One came to BMI, however, on the return of the call for the license fees which is well worth quoting:

> This is one check we love to write. If paying more would hasten the job—we'd be for it.

## Fly Discusses Defense

There is no occasion now for the broadcasting industry to be alarmed about any defense plans, FCC Chairman James Lawrence Fly stated at a press conference this week. There is every reason for the industry not to be alarmed he said, not only because full committees will represent every phase of the communications industry in the defense program, but because the situation and the state of mind of the people necessitates the leaving of private operation in private hands "so that broadcasting will continue to function as now performed."

Mr. Fly told the newsmen that it would be unfortunate if commercial operation today is at all influenced by any belief to the contrary.

"There is no reason in the world," he said, "that broadcasting should not go on absolutely unimpeded. Any suggestion that there is any problem there is far-fetched and quite inaccurate and not fair to broadcasters."

Mr. Fly stated that he could see no effect on present broadcasting in any way short of war. Even then he said things would be pretty liberal. "The Government has no intention of unnecessarily burdening or hampering normal operations." The Chairman added not only that but "our Government isn't qualified to take over broadcasting," which is a very important consideration. Should we ever get in war, he continued, there would be particular things that Government would need to do, but these things would be particular and not sweeping in character.

Chairman Fly told the reporters that he has done everything in a substantial informal way in connection with the setting up of the proposed new Communications Defense Committee in cooperation with the various interested departments. There is a general agreement on the plan he said, and no issues have arisen. Mr. Fly said that there are no outstanding problems regarding the setting up of this Committee and the personnel has been tentatively agreed upon and no difficulties have been encountered in this connection.

## Labor

### NAME BANDS BACK

A. F. of M. difficulties at Stations KSTP, St. Paul, and WRVA, Richmond, Va., were settled this week, and the network name bands returned to the air.

The union had ordered the name bands not to broadcast because, the union maintained, KSTP and WRVA were not spending their "quotas" for staff musicians.

### TRANSMITTER CARETAKERS

Transmitter caretakers are covered by the Wage and Hour Act, and must be paid a minimum of 30 cents an hour with time and one-half for overtime above 42 hours a week.

The following exchange of correspondence will be of interest:

July 2, 1940

Mr. Milton Denbo, Chief Opinion Attorney
Wage and Hour Division
U. S. Department of Labor
Washington, D. C.

Dear Mr. Denbo:

A western broadcaster poses this question:

> We employ a yard man whose sole duty during the spring, summer and autumn months is to cut and water the huge lawn and terraces, take care of the flowers, shrubs, trees and do general horticultural work at our transmitter site. He works more than forty-two hours a week during these months. During the winter we could easily dispense with his services but, because he has a wife and two small children we keep him on the payroll and create little odd jobs around the transmitter to keep him busy a few hours each day. Both he and we would like to pay him a constant salary the year around, but if we are forced to pay him overtime during the summer months, we cannot afford to pay him during the winter. Is he exempt from the Act as an agricultural or domestic worker during these months when his sole duty is caring for flowers, etc.?

Because nearly every radio station in the country has an employee with similar duties, the entire industry would be grateful for your opinion.

Sincerely yours,

Joseph L. Miller,
*Director of Labor Relations.*

JLM/hml

U. S. DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

Washington

July 8, 1940

In Reply Refer To:
LE:CRR:VDM

Mr. Joseph L. Miller
Director of Labor Relations
National Association of Broadcasters
Normandy Building, 1626 K Street, N. W.
Washington, D. C.

Dear Mr. Miller:

Mr. Denbo has asked me to answer your letter of July 2 regarding the applicability of the Fair Labor Standards Act in the case of an employee employed, apparently, by a broadcasting company and performing certain services at the transmitter site. During the summer months he is engaged in maintaining the flowers, shrubs, and lawn about the premises. During the winter months he performs odd jobs around the establishment for a few hours a day.

From the facts stated, it is our opinion that the duties performed by this employee are so closely associated with the interstate activities of the establishment at which he is employed as to entitle him to the benefits of the law. It would not appear that the employee in question would be regarded as engaged in agriculture nor is he employed as a domestic servant as suggested by your letter.

Very truly yours,
For the General Counsel
Rufus G. Poole,
*Associate General Counsel.*

## LABOR BOARD ORDER IN WFBM CASE

The National Labor Relations Board has announced an order requiring Indianapolis Power & Light Company, Indianapolis, Indiana, owner of Station WFBM, to cease discouraging membership in the CIO's United Utility Workers Organizing Committee and the AFL's Associated Broadcast Technicians' unit of the International Brotherhood of Electrical Workers, or in any other labor union. The company was also required to cease encouraging membership or in any manner supporting or assisting Indianapolis Power & Light Employees' Protective Association.

Finding that the company had practiced discriminations against members of the nationally affiliated organizations, the Board ordered the company to reinstate with back pay Sidney Collier and Thomas Elberg and to give back pay losses to Russell Rennaker.

(*Rennaker is not an organizer for the ABT.*)

The Board dismissed allegations that the company had discriminated against three other employees, had engaged in surveillance of union meetings, or had interfered with the formation of the Association.

Prior to 1937, the Board said, no labor organization existed among the company's employees. In March of that year Rennaker and a fellow employee called a meeting for the purpose of discussing organization among the employees of radio station WFBM. In May 1937 the CIO began its organization among the generating plant employees. The Association, which had a prior birth, began to take a prominent role among the company's employees following the CIO's activities.

The Board found that on the day preceding the meeting called by Rennaker for employees of WFBM, the company notified each of them of an increase in pay. The Board held that the raise in wages "plainly was intended . . . to express employer opposition to and forestall a series of joint action which the respondent (power company) feared would result in collective action in the formation of a labor organization at the station."

It continued: "The Board and the courts (2nd and 9th C.C.A.) repeatedly have recognized as intimidatory in its effect upon employees in the exercise of rights guaranteed by the Act and as violative of the statute, the grant of a wage increase by the employer under circumstances calculated to and which does disclose to employees the employer's hostility to organization or to other concerted activity protected by the Act."

Although the radio station employees at that time were not members of a labor organization, the Board, after citing the Act's guarantee of the right to engage in concerted activities for mutual aid and protection, stated:

"Of this provision we have observed that employer conduct which discourages employees from engaging in concerted activities for purposes of collective bargaining or mutual aid or protection, where no labor organization exists, also 'has the effect of discouraging the formation of and membership in a labor organization, which is the customary instrument utilized by employees to achieve collective bargaining.'"

The Board found that Rennaker was dismissed from WFBM on January 15, 1938, having been employed for four years as an operator and ranking third in seniority among the company's seven other operators. After an examination of the evidence, the Board ruled that Rennaker was not discharged for business conditions, pointing out that four months later one employee was transferred from another department to perform operational work and that some time later an additional worker was hired. Also, the Board ruled that the company departed from its seniority policy and its policy of preferring married to unmarried workers in laying off employees. Considered in the light of the entire record, the Board said that Rennaker was discharged because of his undertaking to form a local of the ABT and that the company had thereby violated the Act.

The company contended that it dismissed Collier and Elberg from its generating plant at Harding Street because of a decline in energy consumption. Although the Board found that the company did experience a decline in consumption, it ruled that these two employees were singled out for lay-off, in violation of their seniority rights, because of their interest in organization. The Board found that they were dismissed by the company on January 6 in furtherance of the same anti-union policy which had resulted in Rennaker's discharge. It said that the record revealed that the employees' willingness to assume direction of organization and more especially their participation in a wage request and their positions as officers in the UWOC were the determining factors which resulted in their being selected rather than other employees of lesser seniority for dismissal.

The Board considered evidence relating to the alleged union discriminations of Roy Payton, Harry Wilkins, and Dewey Logsdon and agreed with the finding of Trial Examiner Horace A. Ruckel that they did not present cases of union discrimination.

## FREE SPEECH

Two federal circuit courts of appeals have held recently that an employer may freely discuss with his employees the question of whether they should join a labor union, so long as the employer exercises no interference, restraint or coercion.

In the case of *Midland Steel Products Company* vs. *NLRB*, the Sixth Circuit Court said, in part:

"But neither statement of fact nor expression of opinion by the employer is prohibited by the statute (Wagner Act), and if they were, the statute would contravene the free speech provision of the First Amendment. . . . Unless the right of free speech is enjoyed by employers as well as by employees, the guaranty of the first amendment is futile, for it is fundamental that the basic rights guaranteed by the Constitution belong equally to every person. The use of influence amounting to interference, restraint or coercion plainly is illegal. . . . But where no such element exists, the employer is not precluded from conversing with employees about labor questions."

In the case of *Continental Box Company* vs. *NLRB*, the Fifth Circuit Court said, in part:

"The constitutional right of free speech in regard to labor matters is just as clearly a right of employers as of employees, and if the act purported to take away this right, it could not stand. But the enforced statute has not undertaken at all to interfere with or limit the right of free speech. All that the statute prohibits is domination, interference and support. The employer has the right to have and to express a preference for one union over another so long as that expression is the mere expression of opinion in the exercise of free speech, and is not the use of economic power to coerce, compel or buy the support of the employees for or against a particular labor organization."

The issue of free speech and the Wagner Act has yet to come before the Supreme Court. Until it is finally determined, employers should be cautious in talking to employees about labor union questions.

# Promotion

## STATIONS SHOULD PROMOTE RADIO AT STATE AND COUNTY FAIRS

Institutional promotion for radio is to have a prominent part in the activities which many stations are planning for state and county fair participation.

Stations with a long history of successful fair exhibitions seldom fail to tie-in institutional promotion along with station exploitation.

This year it is especially desirable that such a policy be continued by "old timers" and adopted by newer fair participants.

It is suggested that in promoting station services and program excellence, definite attention be given to the inclusion of promotion for the American System of Broadcasting; and particularly the fact that American radio is *free*—without dictator—and must remain free.

Among the many fair-minded stations are: WLS, WSYR and WDAY.

Bill Cline, commercial manager, explained the details of WLS' coverage of three state fairs, during a visit here this week.

Arnold F. Schoen, service director, has prepared plans for participation of WSYR, Syracuse, in the New York State Fair.

Bill Dean, publicity and promotion director, plans to make WDAY activities an outstanding feature of the famous Red River Valley Fair.

Said Mr. Schoen:

"This year we plan to promote radio in a little bit different way and perhaps more extensively than ever before. Our plans for Radio Festival Week will be combined with an increased activity program at the New York State Fair, August 25 to September 2.

"This year we plan to occupy a complete wing of the Manufacturers' and Liberal Arts Building, maintaining a broadcasting studio-stage and a theater in which such films as NBC's 'Airwaves' and 'Television' and several others will be exhibited.

"Our exhibit and activities at the New York State Fair will be viewed by from 10,000 to 60,000 persons daily. We are fortunate to be located in a State Fair city—especially the Empire State-State Fair. Since this is the One Hundredth Anniversary of the Agricultural and Industrial Exposition, the Fair should be bigger and better than ever and our plans are definitely more extensive than ever before."

As for Mr. Dean, he, too, will combine National Radio Festival with Red River Valley Fair. In addition to Open House at the Fair Ground studios, Open House will be maintained at the station's downtown Fargo studios and the transmitter. A special all talent review will be built around the American System of Broadcasting. Programs will originate at the Fair Ground studios and the main studios. There will be interviews at the Fair and special man-on-the-street shows and a "Do You Know Your Radio?" program built for the purposes of institutional promotion. Advance promotion will include both broadcasting and the press. The combined Radio Festival at Red River Valley Fair "promises to be greatest promotional event in the history of WDAY," Mr. Dean concludes.

## WGY PROMOTION

Kolin Hager, manager, WGY, Schenectady, deftly handled the American System of Broadcasting in his talk over the station at 7:45 p. m., Sunday, June 24. This is a subject which needs continuous interpretation for the citizenry at large. Mr. Hager's talk follows:

"The National Association of Broadcasters—a countrywide organization of the more important broadcasting stations—has set aside this week in June as a Radio Get-Acquainted period. In cities throughout the nation, listeners have been invited to learn more about the organizations providing them with broadcasts of information and entertainment.

"WGY as one of the pioneer stations of America joins in this Radio Festival which tonight is officially proclaimed to our listeners near and far by the Honorable Mills Ten Eyck, Mayor of Schenectady.

"Many people are inclined to regard radio broadcasting as something distinctive to this terrifying twentieth century in which we find ourselves. In truth, only radio is new. Broadcasting—or the spreading of information in all directions—is of great antiquity.

"Ours is the one nation in all the world with a system of broadcasting which must stand or fall by the extent to which it wins the approbation of the listening audience. Here indeed is the only radio system which has the operating philosophy of 'What does the audience want—what can we bring to our listeners in news, religion, entertainment, culture—the great pageant of history in the making—to make lives more full, information more complete?'

"Through this medium we listen at will without fee or license, hindrance or restraint, and the effect of radio broadcasting on the thinking of men and women is ever-widening. Our course at WGY has been toward maintaining a democracy of the air. So that this ideal may stand out as a goal, every effort is made to keep abreast of the ever-changing tastes of the radio audience. Radio has never dealt in an ivory tower. It is of the people, by the people, for the people.

"Radio must ever continue to serve the masses as well as the classes. It can never survive or justify its existence on any other basis. And so during this week in particular we welcome you—especially those who have not yet visited our studios—to come to the station and become better acquainted with us and what we're endeavoring to accomplish.

"Looking forward we must contemplate the changes that come to all men and to all nations as the future unfolds. It is WGY's hope in behalf of the General Electric Company and the National Broadcasting Company that we may continue to be a means through which a democracy of the air may be maintained and ever-expanded to serve the people of America."

## "IS YOUR HAT IN THE RING?" MAILED NEXT WEEK

Sample copies of the 1940 edition of "Is Your Hat In the Ring?" will be mailed to member stations next week. This is the booklet which has taught microphone technique to hundreds of political speakers in every state in the Union. It incorporates new FCC rules governing broadcasts by candidates for public office, dated June 24, 1940.

The price is 4¢ per copy, postage extra. Order from headquarters.

# Sales

## STATIONS SHOULD SEND IN DEPARTMENT STORE QUESTIONNAIRE TODAY

The Research Department has received 225 returns from the questionnaire mailed to all commercial stations May 15, 1940. Those stations which have not returned the Department Store questionnaire are urged to do so. Without complete data on the subject, it is not possible to prepare the cooperative study of Department Store use of radio NAB and the National Retail Dry Goods Association are undertaking.

Forty-one of the stations reporting do not currently have Department Store business. More than a hundred others have only a negligible amount. All of these replies have been most helpful in outlining the sales problems confronting stations. They constitute as valuable a part of the study as the answers from stations currently having such substantial business.

Whether stations currently have Department Store business or not, they should return the questionnaire to the Research Department. The NAB can't help stations get Department Store business without receiving completed questionnaires.

# Engineering

## RULES AFFECTING OPERATORS TIGHTENED

New rules to strengthen and make more definite certain prohibitions with respect to conduct of commercial and amateur radio operators were approved this week by the FCC, effective immediately.

Under authority contained in the Communications Act, the Commission amended its "Rules Governing Amateur Radio Stations and Operators" as follows:

Sec. 12.28 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

Sec. 12.81 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

Sec. 12.82 *Unidentified communications.* No licensed radio operator shall transmit unidentified radio communications or signals.

Sec. 12.29 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

Sec. 12.30 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

Sec. 12.50 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

Likewise, the Commission supplemented its "Rules Governing Commercial Radio Operators" with:

Sec. 13.64 *Obedience to lawful orders.* All licensed radio operators shall obey and carry out the lawful orders of the master or person lawfully in charge of the ship or aircraft on which they are employed.

Sec. 13.65 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

Sec. 13.66 *Unnecessary, unidentified, or superfluous communications.* No licensed radio operator shall transmit unnecessary, unidentified, or superfluous radio communications or signals.

Sec. 13.67 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

Sec. 13.68 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

Sec. 13.69 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

Sec. 13.70 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator's license by fraudulent means.

Under these provisions the Commission clarifies its authority to prosecute as well as suspend licenses in cases of violation.

## STRUCTURE ERECTION NOTICE

The Civil Aeronautics Authority has issued a regulation requiring advance notice from a person engaged in the construction or alteration of any structure within 3 miles of the nearest boundary of any landing area along or within 10 miles of a civil airway which will exceed one-fiftieth in height the distance to the nearest boundary of the landing area. Full details of the regulations can be obtained by writing to the Civil Aeronautics Authority, Washington, D. C., asking for regulations serial number 76.

# Miscellaneous

## NAB RESEARCH COMMITTEE

A meeting of the NAB Research Committee was held in the NAB Headquarters in Washington, Wednesday, July 10th. Mr. William J. Scripps, Chairman of the Committee, presided over the meeting with H. M. Beville, Jr., NBC Research Manager, James D. Shouse, Vice President of Radio Stations WLW-WSAI, Dr. Frank N. Stanton, CBS Research Director, Neville Miller, NAB President, C. E. Arney, NAB Assistant to the President, and Paul F. Peter, NAB Director of Research, in attendance. Mr.

William R. Cline, Sales Manager of Radio Station WLS, Chairman of the NAB Sales Manager's Committee, attended the meeting as a guest.

The committee completed discussion of plans for a Unit Measurement of Broadcast Advertising Volume and outlined the report to be presented to the NAB Board of Directors, and, subject to its approval, to the San Francisco Convention in August. Other subjects discussed included the work of the Bureau of Radio Advertising and the place of research in its activity, the proposal of publishing survey results of a basic industry nature by the Bureau, and possible NAB participation in future industry research.

The committee voted to hold its next meeting in San Francisco, August 4th, 1940.

## INCREASED POPULARITY FOR U. S. SHORT WAVE IN SOUTH AMERICA

Increasing popularity in Latin America of radio programs originating in the United States is indicated in consular reports reaching the Department of Commerce from the Latin American countries, according to John H. Payne, Chief, Electrical Division.

While it is frequently reported that reception in certain of the countries is not good, due to adverse atmospheric conditions or technical limitations, the excellent quality of the programs is commented upon in most of the communications.

Mr. Payne said that transmission of radio programs to Latin America is considered of mutual benefit, since it makes available in that region many of the high quality programs heard in the United States and at the same time is a medium through which the Latin American public is informed of our customs, culture and endeavors.

News reports emanating from American short-wave broadcasting stations have probably acted as the greatest single factor in enhancing the popularity of American broadcasts among Latin American listeners. Mr. Payne believes, too, that emphasis on entertainment value which characterizes American broadcasts also contributes greatly to their popularity.

Publication in newspapers and other periodicals in Latin America of schedules of short-wave radio programs originating in the United States and beamed directly on Latin America is being effected by the Department of Commerce in close cooperation with the Department of State, the Radio Manufacturers Association and the radio broadcasting industry. Mr. Payne indicated that a greater volume of sort-wave programs is put on the air by American broadcasters than in any foreign country.

Weekly schedules of forthcoming radio programs, especially prepared or selected on the basis of known preferences of radio listeners in Latin America and frequently presented in the languages most widely understood in that area, are distributed in Latin American countries through the Foreign Offices of the United States Government.

At the present time, 7 companies operating 11 short-wave radio stations located in New York, N. Y., Schenectady, N. Y., Boston, Mass., Philadelphia, Pa., Pittsburgh, Pa., Cincinnati, Ohio, and San Francisco, Calif., are transmitting these programs daily to Latin America.

## 1940 CENSUS

The Bureau of the Census, Department of Commerce, is currently releasing preliminary 1940 population figures on cities of 25,000 or more population. The figures they are now releasing are counts made by their district supervisors in the field and are subject to change when the final tabulation of the Census is made in Washington.

Through July 6th, the Census Bureau has reported preliminary population figures on 129 cities of more than 25,000 population in 1940. The total population of these 129 cities increased from 19,629,749 to 20,479,786, or 4.3% between 1930 and 1940, compared with an increase of 20.5% between 1920 and 1930. Of the 129 cities, 99 have gained population and 30 have lost in the last 10 years, whereas, between 1920 and 1930, 119 gained and only 10 cities lost population.

## MUNICIPAL GOVERNMENT PROGRAMS

The Educational Radio Script Exchange, U. S. Office of Education, has available 15 thirty-minute scripts dealing with the operation of municipal government, which might interest broadcasters.

The scripts are for dramatizations of the work of municipal government departments—fire, police, and others—which could be adapted to local conditions.

Their use might go a long way toward promoting good will between radio stations and municipal government officials, as well as providing excellent educational programs for the listening public.

# The Commission

## HEITMEYER AND FRONTIER CASES

The FCC on July 11 announced decisions with respect to docket cases involving construction of new radio broadcast stations at Cheyenne, Wyo.

It denied motion of Paul R. Heitmeyer to grant without further hearing his application for a construction permit but complied with his alternative request that his application be dismissed. At the same time, the Commission granted the petition of the Frontier Broadcasting Company to reconsider Commission action in remanding its application for hearing and granted the same without further hearing.

In doing so it authorized the Frontier Company to operate on 1420 kilocycles, with power of 100 watts night, 250 watts until local sunset, unlimited time of operation, subject to condition that permittee file within a period of two months an application for modification of construction permit specifying the exact transmitter location and antenna system proposed to be installed.

Decisions and orders, prepared pursuant to Commission action of July 5, were made public today. With reference to the Heitmeyer case (Docket No. 3161), which had been previously involved in litigation, the Commission commented:

> "The necessity of obtaining current information after a time interval such as that occurring between the original filing and consideration of the instant application and the present date is readily demonstrated by reference to certain contractual arrangements upon which the applicant relied to show financial ability at the time of his hearing in October, 1935. The applicant at that time proposed to finance the new station from a loan of $40,000 which he had obtained from A. L. Glasman and which he had agreed to repay within five years with interest at 6%, in default of which Glasman was to become owner of certain stock in various corporations which were to be organized. This contract will expire within a few months by its terms, if it has not already been terminated by the makers. In any event, the Commission does not have information as to the present status of the contract of October 1935, or with respect to the applicant's financial status at this date.
>
> "Since the Commission considers that the information which it requested, but which is refused by the applicant, is necessary to further consideration of the application, the only alternative is to dismiss the application as prayed for by the applicant."

In granting the Frontier application the Commission observed:

> "The service which the applicant proposes to establish is designed to meet the local needs and interests of Cheyenne and its surrounding area. A permit was recently granted for construction of a station in Cheyenne but as yet this city does not have a radio broadcast station although it is the capital of Wyoming and one of the State's largest communities.
>
> "The equipment applicant proposes to install conforms to standards established by regulation and may be expected to provide efficient service from a technical standpoint. Operation of the proposed station upon the frequency specified by the applicant will not cause objectionable interference to any other station.
>
> "The Commission finds, upon further consideration of the application of Frontier Broadcasting Company in connection with the supplemental information which has been submitted, that the applicant is legally, technically, and financially qualified to construct and operate the proposed station; and that the granting of a construction permit therefor will serve public interest, convenience, and necessity."

## 847 STATIONS

The FCC issued operating licenses to eight stations and granted eleven permits for the construction of new stations during the month of June, 1940. A comparative table by months follows:

| | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | April 1 | May 1 | July 1 | July 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ....... | 735 | 738 | 739 | 743 | 751 | 755 | 765 | 769 | 771 | 775 | 779 | 783 | 791 |
| Construction ..... | 43 | 56 | 59 | 57 | 58 | 57 | 49 | 48 | 51 | 48 | 47 | 53 | 56 |
| | 778 | 794 | 798 | 800 | 809 | 812 | 814 | 817 | 822 | 823 | 826 | 836 | 847 |

# FEDERAL COMMUNICATIONS COMMISSION

## FINAL ORDER

FCC has announced adoption of an order granting the application of Joe W. Engel for a new station in **Chattanooga, Tenn.,** to operate on the frequency **1370 kilocycles,** with 250 watts, unlimited time, upon condition that permittee shall file an application for modification of construction permit specifying exact transmitter location within two months after effective date of order.

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## PROPOSED FINDING OF FACT

FCC has also announced its proposed findings of fact and conclusions, proposing to affirm the recommendations of Commissioner Payne to revoke the license of the East Texas Broadcasting Company (KGKB), **Tyler, Texas,** operating on **1500 kilocycles,** with 250 watts, unlimited time.

Upon consideration of all the facts of record, the Commission finds that the East Texas Broadcasting Company, licensee of station KGKB, had, on some date unknown to the Commission during the year 1936, delegated the operation and management of the station to one James G. Ulmer. By virtue of such action the company voluntarily transferred the rights theretofore granted to it by terms of the license issued by this Commission, without its consent in writing for such transfer or assignment, in violation of the provisions of the Communications Act of 1934, as amended.

East Texas Broadcasting Company, licensee of station KGKB, did therefore violate the provisions of the license heretofore issued to it for the operation of said station, and the revocation order entered in this matter on February 13, 1940, is affirmed.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast oral arguments are scheduled before the Commission for the week beginning Monday, July 15. They are subject to change.

### Thursday, July 18

Oral Argument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, **1410 kc.**, 1 KW, unlimited; and auxiliary, **1410 kc.**, 500 watts, 1 KW LS. Time: Auxiliary purposes only.

## FUTURE HEARINGS

Following future broadcast hearings have been scheduled before the Commission. They are subject to change.

### August 13

NEW—God's Bible School and College, Cincinnati, Ohio.—C. P., **11710, 21610 kc.**, 60 KW night, 60 KW LS, Emission A-3, share time on **11710 kc.**, unlimited time on **21610 kc.**

### August 19

NEW—George F. Meyer, Medford, Wis.—C. P., **1500 kc.**, 100 watts, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

KVI—Laura M. Doernbecher, Executrix of the Estate of Edward M. Doernbecher, Tacoma, Wash.—Granted consent to voluntary transfer of control of Puget Sound Broadcasting Co., licensee of Broadcast Station KVI, Tacoma, Wash., from Laura M. Doernbecher, Executrix of the Estate of Edward M. Doernbecher (deceased), to Laura M. Doernbecher; **570 kc.**, 5 KW day and night, unlimited time (B5-TC-230).

WSUN—City of St. Petersburg, Fla., St. Petersburg, Fla.—Granted construction permit to increase night power from 1 KW to 5 KW and make changes in directional antenna system; **620 kc.**, 5 KW day specified hours.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted construction permit to make changes in directional antenna and increase power from 1 KW night, 5 KW day, to 5 KW day and night, directional antenna night; frequency **620 kc.**, specified hours (B3-P-2715).

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted construction permit to install new transmitter, directional antenna, and increase power from 250 watts night, 1 KW day, to 1 KW night, 5 KW day; frequency **620 kc.**, unlimited time (B3-P-2461).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of license to increase night power to 5 KW, using present directional antenna day and night; 5 KW day; **1010 kc.**, unlimited time (B5-ML-907).

WMFR—Wayne M. Nelson, High Point, N. C.—Granted consent to voluntary transfer of control of Radio Station WMFR, Inc., licensee of Station WMFR, from Wayne M. Nelson to James E. Lambeth; **1200 kc.**, 250 watts day and night, unlimited time (B3-TC-221).

WCHN—Mrs. Marcia Arrington, Charlottesville, Va.—Granted transfer of control of Community Broadcasting Corp., licensee of Station WCHV, from Mrs. Marcia Arrington to Charles Barham, Jr.; **1420 kc.**, 250 watts, unlimited time (B2-TC-229).

KXO—E. R. Irey and F. M. Bowles, El Centro, Calif.—Granted renewal of license for period ending October 1, 1940, to F. M. Bowles (B5-R-5).

WGCM—WGCM, Inc., Gulfport, Miss.—Granted construction permit to move transmitter site from Great Southern Country Club (East Beach, Gulfport), Mississippi City, Miss., to Arlington Heights, Gulfport, Miss.; to increase night power to 250 watts, and install new antenna; **1210 kc.**, 250 watts day unlimited time (B3-P-2618).

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted construction permit to increase power from 100 watts day and night to 250 watts day and night, and make changes in equipment; **1210 kc.**, unlimited time (B2-P-2561).

WHAT—Bonwit Teller & Co. of Philadelphia, Philadelphia, Pa.—Granted consent to transfer of control of Independence Broadcasting Company, licensee of Station WHAT, Philadelphia, Pa., from Bonwit Teller & Co. of Philadelphia to The Philadelphia Record Co.; **1310 kc.**, 100 watts night and day, shares WTEL. Granted with proviso that Commission's action shall not be construed as a finding with respect to a future transfer of control of the licensee corporation to the preferred stockholders of the Philadelphia Record Co. or the Courier Post Co. (B2-TC-218).

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted construction permit to install new transmitter and increase day and night power from 100 watts to 250 watts; frequency **1370 kc.**, unlimited time (B5-P-2797).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted construction permit to increase power from 100 watts, daytime. to 1 KW, limited to sunset at WCFL, Chicago, Ill.; **970 kc.**

## MISCELLANEOUS

Kokomo Broadcasting Corp., Kokomo, Ind.—Deferred application for construction permit for new Class IV broadcast station to operate on **1420 kc.**, 250 watts, unlimited time, pending North American Regional Broadcast Agreement allocations (B4-P-2842).

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Granted motion to dismiss without prejudice the application for construction permit for new station to operate on **1370 kc.**, 250 watts night, 250 watts LS, unlimited time (B2-P-2575).

General Broadcasting, Inc., Miami, Fla.—Granted petition for leave to amend application for new station so as to request **920 kc.**, 5 KW, unlimited time, directional antenna day and night (B3-P-2749).

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted motion for extension of time within which to file exceptions, brief and request for oral argument in re application for construction permit to install directional antenna for day and night use and move transmitter to southwest of Kansas City, Kans., and studio to Kansas City, Mo.; granted additional 30 days (B4-P-2272).

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wis.—Granted special temporary authority to remain silent on July 4, 1940, due to absence of Federal Market Information (B4-S-619).

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted license to cover construction permit as modified for new station, frequency **1200 kc.**, power 100 watts, daytime operation (B2-L-1157). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-404).

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted construction permit to install new vertical antenna and new transmitter, and move transmitter from Wayne, N. J., to New Rochelle, N. Y.; **860 kc.**, 50 KW, unlimited time (B1-P-2855).

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit as modified for increase in power from 1 KW to 5 KW, installation of new equipment, and move of transmitter, for installation of new transmitter and changes in antenna system (B1-MP-996).

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted modification of construction permit for new broadcast station, for approval of new transmitter, vertical antenna and approval of studio and transmitter site at Virginia Avenue and Boardwalk, Atlantic City; **1420 kc.**, power 100 watts, 250 watts day, unlimited time (B1-MP-1001).

WNEW—Wodaam Corp., New York, N. Y.—Granted license to cover construction permit for installation of auxiliary transmitter, using 1 KW power for emergency use only; **1250 kc.**, 1 KW power (B1-L-1181).

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted license to cover construction permit as modified for changes in frequency to **880 kc.**; increase in power to 1 KW; change in hours of operation to unlimited time; installation of directional antenna system day and night; new transmitter and move of transmitter (B3-L-1178). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-434).

WFNC—W. C. Ewing and Harry Layma, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Granted license to cover construction permit as modified for new broadcast station, **1340 kc.**, 250 watts power, daytime operation (B3-

L-1177). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-433).

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 10:30 a. m. to 11:30 a. m., MST, on July 9, 12, 16, 19, 23, 26, 30, and August 2, 1940, in order to broadcast a Women's Program on the Air, provided that such programs contain no other announcements or advertising of any kind (B5-S-120).

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts from 7:30 p. m., CST, to the conclusion of political rallies on July 11, 12, 13, 15, 16, 17, 18, 19, 20, and 22, 1940, in order to broadcast rallies only (B3-S-838).

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent from August 1, 1940, to not later than September 15, 1940, in order to observe the University summer vacation (B4-S-651).

Pierce Marine Corp., Youngstown, N. Y.—Denied as in case of default the application for construction permit for new broadcast station (Docket No. 5875).

WSAR—Doughty and Welch Electric Co., Fall River, Mass.—Denied petition for reconsideration and hearing of the application of New Jersey Broadcasting Corp. (WHOM) for construction permit to increase power to 500 watts night, 1 KW day, install new transmitter and make changes in antenna, without prejudice to the submission by Station WSAR at any time of engineering proof based upon competent and adequate measurements which show that the operation of Station WHOM as proposed has resulted in an objectionable increase in the interference suffered by Station WSAR.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts, from 9 p. m. to approximately 11 p. m., CST, on July 17, 1940, and from 8 p. m. to approximately 11 p. m., CST, on July 26, 1940, in order to broadcast special night baseball games only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast special night baseball games only.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of eight hours daily from August 3, 1940, to not later than September 25, 1940, in order to observe the vacation period between regular University sessions (B4-S-524).

WNBI—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate experimentally on frequency **11890 kc.**, for a period not to exceed 30 days, pending filing and action on application for modification of license.

W1XEQ—E. Anthony and Sons, Inc., Fairhaven, Mass.—Granted construction permit to move transmitter locally (high frequency broadcast station) (B1-PHB-265).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit for changes in equipment and increase in power from 10 to 50 KW, for authority to install new transmitting equipment; **1180 kc.**, unlimited (B5-MP-998).

WEHH—Columbia Broadcasting System, Inc. (area of New York City), Portable-Mobile.—Granted license to cover construction permit for changes in equipment and reduction of power from 50 watts to 30 watts (B1-LRE-315).

WLND—The Crosley Corp. (area of Cincinnati, Ohio), Portable-Mobile.—Granted license to use the equipment of relay broadcast station WLWJ (B2-LRE-313).

W10XF—National Broadcasting Co., Inc., Portable.—Granted modification of developmental broadcast station license to add types of emissions A1, A2, A3, A4, A5 and Special to those already licensed (B1-MLEX-6).

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of developmental broadcast station license to add types of emissions A1, A2, A3, A4, A5 and Special to those already licensed (B1-MLEX-7).

Bellingham Broadcasting Co., Inc., and KVOS—KVOS, Inc., Bellingham, Wash.—Continued oral argument originally scheduled for July 11, 1940, to July 18, 1940, in re applications of KVOS, Inc., for renewal of license and of Bellingham Broadcasting Co., Inc., for construction permit for new broadcast station.

## APPLICATIONS FILED AT FCC

### 640 Kilocycles

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Construction permit to install new transmitter; changes in directional antenna for use at night: change frequency from **640** to **560 kc.**; increase power from 500 watts to 5 KW; change hours of operation from limited to unlimited time. Class III-A station.

NEW—Batavia Broadcasting Corp., Batavia, N. Y.—Construction permit for a new broadcast station to be operated on **640 kc.**, 250 watts, daytime. Class II.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) as modified for move of transmitter and installation of directional antenna, requesting further changes in equipment.

### 740 Kilocycles

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—License to cover construction permit (B1-P-2457) as modified for new transmitter, move of transmitter and studio, new antenna, and increase in power.

### 890 Kilocycles

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna for night use.

### 930 Kilocycles

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Construction permit to install directional antenna for night use, increase power from 1 KW night, 5 KW day, to 5 KW day and night, and move transmitter. Amended to omit request for increase in power and installation of directional antenna.

### 940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—License to cover construction permit (B2-P-2857) to make changes in transmitting equipment and increase power from 500 watts to 1 KW.

### 950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Construction permit to install directional antenna for day and night use, change hours of operation from daytime to unlimited time, using 1 KW power day and night. Request Class III-B station.

### 1020 Kilocycles

KYW—Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Authority to make changes in automatic frequency control unit.

### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authority to operate unlimited time, simultaneous WTIC, for period 8-1-40 to 10-1-40.

### 1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of license to change frequency from **1060** to **1040 kc.** and hours of operation from S-WBAL to unlimited time, employing directional antenna from sunset at Dallas, Tex.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Authority to determine operating power by direct measurement of antenna power.

### 1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Extension of special experimental authorization to operate unlimited time, directional antenna after sunset at Tulsa, Okla., for period 8-1-40 to 8-1-41.

### 1200 Kilocycles

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Modification of construction permit (B3-P-2647) for approval of transmitter and studio sites at E. 10th Street extended, near Roanoke Rapids, N. C., approval of antenna, and change type of transmitter.

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—License to cover construction permit (B2-P-2423) as modified for a new station.

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Modification of license to change power from 100 watts night, 250 watts day, to 250 watts day and night.

### 1210 Kilocycles

NEW—Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time. Class IV. Requests facilities of Station WBAX.

NEW—Central Willamette Broadcasting Co., Albany, Ore.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time. Class IV station.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—License to cover construction permit (B2-MP-837) for a new transmitter, increase in power, and move of studio.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct measurement of antenna power.

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Construction permit for a new Class IV station to be operated on **1210 kc.**, 100 watts-250 watts day and night, unlimited time, to be synchronized with Station WSNJ.

### 1290 Kilocycles

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Class III-A station.

### 1310 Kilocycles

WLBJ—The Bowling Green Broadcasting Co., Bowling Green, Ky.—License to cover construction permit (B2-P-2194) as modified for new broadcast station.

WRAW—Reading Broadcasting Co., Reading, Pa.—License to cover construction permit (B2-P-2153) for new transmitter and increase in power.

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Modification of construction permit (B4-P-2370) for new broadcast station, requesting installation of new transmitter, antenna changes, approval of transmitter site at Willmar, Minn., and studio site at Carlson Block, 204 4th Street, W., Willmar, Minn. Class IV station.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Authority to transfer control of corporation from Kenneth Dryden, Edith McKean and Dora Brown to Lloyd C. Thomas, 280 shares common stock.

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Authority to determine operating power by direct measurement of antenna power.

WLBJ—The Bowling Green Broadcasting Co., Bowling Green, Ky.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

WSPD—The Fort Industry Co., Toledo, Ohio.—Modification of construction permit (B2-P-2470) for increase in power, and install directional antenna for night use, extend completion date from 7-27-40 to 9-1-40.

### 1350 Kilocycles

WMBG—Havens and Martin, Inc., Richmond, Va.—Modification of license to increase power from 1 KW night, 5 KW day to 5 KW day and night, using directional antenna day and night.

### 1370 Kilocycles

WAGF—John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Voluntary assignment of license and construction permit (B3-P-2829) from John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co. to John T. Hubbard, Julian C. Smith, Fred C. Moseley & Horace Hall, d/b as Dothan Broadcasting Co.

KYAN—J. Cecil Bott, Matilda Lannen & Nettie Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Modification of construction permit (B5-P-2331) for approval of vertical antenna and transmitter site at Hugar & 5th Streets, Cheyenne, Wyoming.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Construction permit to install new transmitter, change frequency from **1220** to **1370 kc.**, change hours of operation from daytime to unlimited time, using 250 watts.

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—License to cover construction permit (B3-P-2346) as modified, for new broadcast station.

WARM—Union Broadcasting Co., Scranton, Pa.—Authority to determine operating power by direct measurement of antenna power.

WARM—Union Broadcasting Co., Scranton, Pa.—License to cover construction permit (B2-P-2366) as modified for a new broadcast station.

### 1380 Kilocycles

WING—WSMK, Inc., Dayton, Ohio.—Authority to transfer control of corporation from Stanley M. Krohn, Jr., to Charles Sawyer, 408 shares common stock.

### 1420 Kilocycles

NEW—Capital Broadcasting Co., Washington, D. C.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Amended: To change type of transmitter and vertical radiator, give location of transmitter as S. side of Pierce Street, between N. Capitol and 1st St., N. E., Washington, D. C., and install a 100 watt Booster station at N. side of Rock Creek, 1600′ W. of intersection of Rock Creek and D. C. Line, Md.

NEW—W. Montgomery Harison, Augusta, Ga.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Class IV station. Amended: To give transmitter and studio sites and install vertical radiator.

### 1430 Kilocycles

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—License to cover construction permit (B3-P-2612) for changes in equipment.

### 1440 Kilocycles

WMBD—WMBD Broadcasting Co., Peoria, Ill.—Voluntary assignment of license from WMBD Broadcasting Co. to Peoria Broadcasting Co. (a Delaware Corp.).

### 1500 Kilocycles

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Authority to transfer control of corporation from Wylie B. Jones, Advt. Agency, to John C. Clark, 325 shares common stock.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Authority to determine operating power by direct measurement of antenna power.

KFDA—Amarillo Broadcasting Corp., Amarillo, Texas.—Modification of license to change frequency from **1500** to **1200 kc.**

### MISCELLANEOUS

WEKH—Peoria Broadcasting Co., Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)

WPEO—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)

WAIN—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)

WEKI—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)

W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit to move transmitter from 1450 Broadway to 444 Madison Ave., N. Y., N. Y.

WBAF—L. B. Wilson, Inc., Portable-Mobile.—License to cover construction permit (B2-PRY-218) for a new relay broadcast station.

NEW—Mutual Broadcasting System, Inc.—Extention of authority to transmit programs to Station CKLW, stations owned and operated by the Canadian Broadcasting Corp., and stations licensed by the Canadian Minister of Transport.

W3XP—Philco Radio & Television Corporation, Philadelphia, Pa.—Transfer of control of corporation from all stockholders of Philco Radio and Television Corporation to Philco Corporation. (Also Station W3XE)

NEW—-Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190, 2830 kc.,** 100 watts, A-3 Emission.

WJSN—The Sun Publishing Co., Inc., Portable-Mobile.—License to cover construction permit (B3-PRE-343) for a new relay broadcast station.

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Transfer of control of corporation from all stockholders of Philco Radio and Television Corporation to Philco Corporation. (Also Station W3XP)

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Lecithin Company, Inc.,** Elmhurst, Long Island, N. Y., its officers, and a group of four American, one German and one Danish corporation, are charged in a complaint with organizing a combination and conspiracy to monopolize trade and restrain competition in the purchase and sale in interstate and foreign commerce of lecithin, a chemical used in making products such as candy, paints, petroleum products, shortening, margarine, rubber, leather, oils, fats, waxes, biscuits, crackers and other commodities.

Others named as respondents are Joseph Eichberg, Armand May, Whitney D. Eastman, Clifton M. Kolb, Richard H. Horsburg, and Adrien Joyce, officers of American Lecithin Company, Inc., all of Elmhurst, N. Y.; Ross & Rowe, Inc., New York; The Glidden Company, Cleveland; Archer-Daniels-Midland Company, and Shreve Archer, its president, Minneapolis; American Lecithin Corporation, Atlanta; Hansa-Muehle, Hamburg, Germany; and Aarhus Oliefabrik, Aarhus, Denmark.

The complaint recites that American Lecithin Company, Inc., Elmhurst, New York, was organized pursuant to an agreement entered into in December, 1934, between the six other respondent American and foreign corporations; that prior to the agreement, the respondent corporations had been in competition in the importation and sale of their products; that Archer-Daniels-Midland Company and The Glidden Company were the only lecithin producers in the United States, and that American Lecithin Corporation, Atlanta, and Ross & Rowe, Inc., distributed lecithin in this country produced by the German and Danish corporations respectively.

It is alleged that, pursuant to the agreement, the common capital shares of American Lecithin Company, Inc., were allocated to the respondent organizers on an agreed basis; each organizer assigned to this corporation certain patent and other rights, and interest in its secret knowledge concerning apparatus, devices and processes, and each participated in the management of the new corporation through representation on its board of directors.

The agreement allegedly further provided that Archer-Daniels-Midland Company and The Glidden Company sell lecithin exclusively to American Lecithin Company, Inc.; that Ross & Rowe, Inc., act as selling agent for American Lecithin Company, Inc., and not sell lecithin in competition with that corporation; that the six respondent companies which organized American Lecithin Company, Inc., should not contest the validity of any patents assigned to or which might be developed or acquired by that corporation; that all parties to the agreement cancel any existing arrangements which would interfere with the agreement, and that the German and Danish corporations should not sell lecithin in the United States or Canada during the life of the patents, and that the American Lecithin Company, Inc., and the Glidden, Archer-Daniels-Midland and Ross & Rowe corporations should not sell such products outside of the United States, its possessions and Canada.

Pursuant to the agreement, understanding and conspiracy, it is alleged (1) that the German and Danish corporate respondents refrained from exporting lecithin to the United States and attempted to hinder its importation from other European producers; (2) that American Lecithin Company, Inc., refrained from exporting lecithin from the United States and from purchasing it from sources other than the Archer-Daniels-Midland and Glidden corporations and (3) that the parties to the agreement made misleading representations to purchasers concerning lecithin sold by competitors, certain brands sold by some of the respondents, and concerning lecithin generally and patents pertaining to it, and by such methods unfairly sought to disparage competitors' lecithin products and obtain a monopoly in lecithin sales.

It is also alleged that pursuant to the agreements the respondents (1) pooled interests, shared earnings, allocated profits, granted and accepted reciprocal benefits, established and maintained exclusive dealing contracts, agreed upon a division of sales rights and cooperated in performing other acts tending to give them control of lecithin production in the United States, and (2) sought to convey the belief to purchasers that their competitors' lecithin lacked the approval of the Food and Drug Administration and threatened to cite such purchasers to that administration for investigation for failing to properly advertise and label their products, when in fact such threats were in many instances unwarranted by the facts. (4173)

**Crook-Wallace Company**—Harry F. Crook and Gretchen Crook, trading as Crook-Wallace Co., 415 North Second St., Vincennes, Ind., distributors of candy and confectionery products, are alleged to have supplied others with push cards involving a lot or chance feature for use in the sale of various assortments of their candy. (4176)

**Sales Promoting Company**—Charles Polk, trading as Sales Promoting Company, 160 Fifth Ave., New York, dealer in watches, clocks, leather goods, electric lamps, quilts, blankets, waffle irons, radios, toilet sets and tourists sets, allegedly distributes push cards to fraternal and charitable organizations for use in promoting the sale of his merchandise wholly by lot or chance. (4175)

**Zenith Radio Corporation,** 6001 West Dickens St., Chicago, was charged in a complaint with misleadingly advertising the number of tubes contained in its radio receiving sets and the power and capacity of such sets for foreign reception.

The complaint alleges that the respondent has advertised, among other things:

> "Zenith Short-Wave Radios are guaranteed to bring in Europe, South America, or the Orient every day or your money back! * * *"
>
> "Positively the greatest 1940 Zenith values ever offered * * * ten-tube superheterodyne * * * eleven-tube superheterodyne * * * radio console with eight tubes * * * the amazing new 1940 eight-tube, three band Radiorgan Zenith long distance radio * * * six tubes! Push buttons! Long and short-wave * * * six-tube heterodyne with wave magnet aerial, two-button Radiogram."

These representations and others made by the respondent, it is charged in the complaint, are misleading, for in truth the Zenith radio sets are not equipped with six, eight, ten or eleven active, necessary, fully functioning tubes, but contain one or two, or more ballast non-functioning, or tuning beacon tubes, or rectifier tubes which do not serve as amplifying, detecting, or oscillating tubes and do not perform any recognized and customary function of a radio receiving tube in the detection, amplification and reception of radio signals.

Contrary to the respondent's representations, the complaint continues, Zenith radio sets equipped with such tubes will not bring in broadcasts from London, Paris, Berlin, Moscow, Rome, and other points in Europe and from South America and the Orient in sufficient volume, free from static, to be distinctly heard at all times and under all conditions. (4174)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Danson Laboratories**—Dan M. Thompson, formerly trading as Danson Laboratories and as Thompson Laboratories, 32 North State St., Chicago, has been ordered to discontinue misrepresentations in the sale of "Danson Formula," which he had advertised as a cure for alcoholism.

Findings of the Commission are that the active ingredient of "Danson Formula," ammonium bromide, is of value only as a sedative for quieting nerves, and will not produce results claimed by the respondent.

The order directs the respondent to cease advertising that his preparation is a cure, remedy or effective treatment for alcoholism or the liquor habit in excess of its value as a nerve sedative, or that it will counteract the desire for liquor, or relieve the craving for alcoholic stimulation.

The respondent Thompson was further ordered to cease using the word "Laboratories" or any similar word, to describe his business, or representing in any manner that he owns or operates a laboratory. (3752)

**Fellom Publishing Company**—Trading as Fellom Publishing Company, Roy Fellom, 637 New Call Building, San Francisco, publisher of the magazine "Pacific Road Builder and Engineering Review," has been ordered to discontinue misleading representations in connection with the sale of advertising space in that publication.

Commission findings are that the respondent, in furnishing data for the information of prospective advertisers, over-stated the volume of the magazine's circulation, giving an erroneous idea of its value as an advertising medium based on possible results and also of the correctness of the prices charged for advertising space therein based on the extent of such circulation.

The Commission order directs that the respondent Fellom cease representing that his magazine circulates only among equipment buyers and has no substantial circulation among non-buyers of equipment; that a survey has been made of the equipment buyers in the area in which the magazine principally circulates, unless an accurate and dependable survey of such buyers has in fact been made by some qualified agency, and that through its medium the magazine's advertisers reach substantially all of the road building and other heavy equipment buyers located in the area in which the paper principally circulates.

Further prohibited by the Commission order are representations that the respondent's magazine is circulated among 93 per cent of the equipment buyers located in its principal circulation area or among 98 per cent of such buyers based on volume purchases, or any over-statement of the percentage or number of such buyers reached by the magazine or of the amount of average monthly net paid circulation or average monthly distribution of the magazine. (3960)

**May's Cut Rate Drug Company**—Drug companies in Clarksburg and Charleston, W. Va., and McKeesport, Pa., have been ordered to discontinue false advertisements of a drug preparation the use of which under usual conditions may be injurious to health. The respondents are May's Cut Rate Drug Company, 109 South Fourth St., Clarksburg, W. Va., May's Cut Rate Drug Company of Charleston, 911 Quarrier St., Charleston, W. Va., and Pittsburgh Cut Rate Drug Company, 329 Fifth Ave., McKeesport, Pa.

Commission findings are that the respondents advertised as a competent, safe and effective treatment for delayed menstruation, a preparation designated as "Genuine Mayco English Crown Female Capsules for Delayed Periods," described further as "Genuine Mayco English Crown Female Capsules, Double Strength" and as "Genuine Mayco English Crown Female Capsules, Triple Strength." This preparation was also designated as "MAYCO" by the Charleston and Clarksburg dealers. The respondent's preparation, the findings continue, contains the drugs apiol green, ergotin, oil of savin and aloin in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under customary or usual conditions.

Upon petition of the Federal Trade Commission, each of the respondent companies recently was restrained by a United States District Court from further advertisement of this preparation pending issuance and final disposition of the cases under the Federal Trade Commission Act.

Under the orders, the respondents are to cease advertising that their product is a safe, competent and effective preparation for use in the treatment of delayed menstruation, or that it is a cure or remedy for delayed menstruation. The orders further forbid advertisements which fail to reveal that the use of the respondents' preparation may result in serious and irreparable injury to health. (4152-4153-4154)

**Mayos Products Company**—George D. Moorman and Roy C. Stockbridge, trading as Mayos Products Company and as M. P. Company, 1833 West Larchmont Ave., Chicago, were ordered to cease advertising that "Mayos Periodic Compound" is a cure, remedy or competent treatment for delayed or painful menstruation, or that it is safe or harmless. Advertisements which fail to reveal that use of the respondents' preparation may result in serious and irreparable injury to the health of the user, are also prohibited by the Commission's order. (4147)

**M. P. Company**—See Mayos Products Company.

**Monticello Drug Company**, Riverside Viaduct, Jacksonville, Fla., was ordered to cease and desist from representing that its preparations will check, cure or stop colds; constitute a complete treatment for colds, whether taken or administered singly or in conjunction with each other; will cure malaria, or are the speediest remedies known for colds, malaria, chills and fever, or bilious fever due to malaria. The order also forbids representations that the respondent's preparations are commonly prescribed by doctors. (3455)

**Murine Company, Inc.**, 660-678 North Wabash Ave., Chicago, was ordered to cease advertising that "Murine" is a cure, remedy or effective treatment for eyestrain, or possesses any therapeutic value with respect to eyestrain in excess of furnishing relief from irritation and eye discomfort. The order further prohibits representations that "Murine" will prevent or ward off eyestrain due to driving, attendance at movies, reading, sewing, or other excessive uses of the eyes. Representations that use of the respondent's preparation will prevent irritation of the eyes due to exposure to dust, sun, or light glare, or possesses any therapeutic value with respect to irritation of the eyes in excess of furnishing relief from such irritation, were also ordered discontinued. (4076)

**National Folio Service**—George W. Haylings, trading as National Folio Service, 1071 West 30th St., Los Angeles, has been ordered to discontinue misrepresentations in the sale and distribution of books and pamphlets containing treatises purporting to disclose and portray unusual business opportunities.

Commission findings are that the respondent advertised his treatises as presenting business opportunities of exceptional merit offering prospects of high earnings with little effort. Among other things, according to findings, the respondent advertised his "Treatise No. 2" as a "workable 'business plan' that tells you How the originator earned a remarkable wage 'every month' the year round, no slack seasons."

Under the order, the respondent is directed to cease representing as earnings or profits from the operation of the businesses described in his treatises, any amounts in excess of those which have in fact been regularly and customarily earned by persons operating such businesses under normal conditions, or representing as original or new any plan or business which is not such in fact.

The Commission's order further prohibits representations by the respondent that the businesses described in his treatises involve no peddling or house-to-house canvassing, when in fact such activities are required; that the formulas involved in the plans or businesses described in the treatises possess any substantial value, or that such formulas are owned exclusively by him; that he is able to grant purchasers any rights with respect to the operation of such businesses in any specific territory; that the period of time within which his treatises or business plans may be obtained is limited, or that the respondent issues any supplements to the treatises. (4008)

**Napp's Lifelong Hosiery**—Irving Napp, trading as Napp's Longlife Hosiery, 107 West 75th St., New York, has been ordered to discontinue certain misleading representations in the sale of women's hosiery.

Under the order, the respondent is directed to cease representing that the hosiery he sells is snag-proof or run-proof; of a grade or quality different from or superior to its true grade or quality, or that it will outwear all other competitive hosiery.

Further representations directed to be discontinued are that the respondent's hosiery is guaranteed to be satisfactory to the purchaser, or that the respondent will make prompt adjustment or refund for any hosiery which is not satisfactory to the user or which does not wear as represented, when he has not in fact established, and does not maintain a definite policy and practice of fulfilling such guarantee and making such adjustment or refund.

The respondent also is directed to cease representing that hosiery he sells is guaranteed against runs or holes for any specified period of time, or that he will supply new hosiery to the purchaser without cost if runs or holes develop within such period, when in fact the respondent does not maintain a definite policy of fulfilling such guarantee. (3875)

**Al Viola Products**—Garey Carr, trading as Al Viola Products, 1225 Keniston Ave., Los Angeles, has been ordered to discontinue certain misrepresentations in the sale of a preparation for tightening dental plates.

Under the order, the respondent is directed to cease representing, directly or through inference, that, except in unusual and exceptional cases where the condition of the mouth is favorable to the use of such method, the use of his preparation, "Al Viola Dental Plate Tightener and Reliner," constitutes a competent or effective method for tightening dental plates, supplies an improved fit for such plates, or accomplishes satisfactory results.

The order further forbids representations that the respondent's preparation may be applied effectively by anyone other than an expert, or that its satisfactory use requires no expert assistance. (4045)

**Betty Wells Cosmetic Company**—An order has been issued directing Betty Wells Fowler, trading as Betty Wells Cosmetic Company, Capitola, Calif., to discontinue misrepresentations of the effectiveness of preparations for the skin known as "Tissuefane" and "Tissuefane Preparatory Oil."

"Tissuefane," according to the order, is not to be represented as being capable of nourishing the skin, building tissue, strengthening facial muscles, removing lines, pimples or crow's feet, as being made wholly of fruit and vegetable products, as being an innovation in the cosmetics field, a bleaching agent, a skin tonic or as being healing to the skin or possessing beneficial value for treating acne.

The order further directs that "Tissuefane" is not to be represented as capable of removing blackheads or of having any effect thereon in excess of removing superficial dirt on their surface; of rejuvenating, preserving, stimulating or beautifying the skin except to the extent that the preparation may temporarily stimulate the skin; of reducing or cleaning the pores in excess of removing superficial dirt from pore openings; of increasing circulation and blood supply or having any effect thereon in excess of slightly and temporarily stimulating the blood in the portions of the body to which the preparation is applied.

"Tissuefane Preparatory Oil," according to the order, is not to be advertised as being capable of nourishing or feeding the skin or pores, or of making the skin soft other than temporarily, or of preventing or removing wrinkles or lines from the face other than such lines as may be caused solely by dryness of the skin. (3538)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Atlas Shirt Company, Inc.,** 200 Fifth Ave., New York, stipulated that it will discontinue representing that the material used in making its products has a tested strength far in excess of Government specifications for airplane cloth, and will discontinue representing or implying that the tensile strength of the cloth of which its products are made is in excess of that of the cloth used in the manufacture of airplanes by the Federal Government, or that the cloth used by the respondent corporation is of a tensile strength greater than is actually a fact. The respondent also agreed to cease employing the terms "Full Shrunk" or "Will Not Shrink", or any similar terms, as descriptive of its products which are not proof against shrinkage. If, according to the stipulation, the products have undergone the application of a shrinking process and have been shrunk to a substantial extent but there remains a certain amount of residual shrinkage, and the word "Shrunk", "Preshrunk", or any similar word, is used as descriptive of such products, then the descriptive word shall be immediately accompanied by some other word printed in equally conspicuous type so as to clearly indicate that there still remains an amount of residual shrinkage. (2868)

**Charme Manufacturing Company**—John W. Daniels, trading as Charme Manufacturing Company, St. Louis, agreed to desist from representing in advertising or on the containers of his preparation "Charme," described as a silk preservative compound, that runs or snags in silk hosiery or lingerie are prevented by the use of his preparation, or that its use will strengthen the heels and toes of silk hosiery, improve the resistance of all colors to washing, or have the effect of deodorizing silk hosiery or lingerie. The respondent Daniels also stipulated that he will cease employing the letters "MFG." or the word "Manufacturing" or any similar words, the effect of which may convey the belief to purchasers that he manufactures the preparation sold by him or actually owns, operates or directly and absolutely controls the factory in which his preparation is made. (2860)

**Colgate-Palmolive-Peet Company,** Jersey City, N. J., and its subsidiary, Kirkman & Son, Inc., New York, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of soap products.

Among representations which the respondents agree to discontinue are that "Palmolive Soap" contains special protective qualities all its own or not present in any other soaps; is composed wholly or in part of edible olive oil or of the grade of olive oil used for bathing new born babies; that the "soft, smooth complexions" of the Dionne quintuplets are directly the result of Palmolive Soap, and that use of this soap will keep the skin young, thoroughly cleanse the pores, or assist in any way toward nourishment of the skin.

The respondents also stipulate that they will cease advertising that persons purporting to be authorities, who have not professionally used and actually approved Palmolive Soap or other products, and whose names appear on published testimonial letters or endorsements thereof, have inferentially or otherwise based such testimonials or opinions upon their own professional experience, use and controlled laboratory tests.

The respondents agree to discontinue representing by use of the unqualified statement "Made with olive oil" as descriptive of "Palmolive" soap or shaving creams; or by assertions of like import, that the oil or fat content of such products is wholly or predominantly olive oil.

Other representations which the respondents agree to discontinue are that "Cashmere Bouquet" soap or its lather will remove "every bit" of dirt and cosmetics from every pore; that this soap is capable of causing the skin to become alluring, clear or smooth in cases where such results will not be achieved by cleansing the skin; that "Concentrated Super Suds" destroys or removes all germs, dangerous or otherwise, which "lurk in every family wash"; and that dishes washed with "Super Suds" require no wiping but will dry clean with no adhering soap film.

The respondents also agree to cease advertising unqualifiedly, that use of "Colgate Rapid-Shave Cream" will obviate the necessity for shaving twice daily, and that use of this product or of "Palmolive Shave Cream" results in faster or smoother shaves than are obtainable with comparable shaving preparations; that "most bad breath begins with the teeth" or that "a safe, sure way to correct bad breath is through regular use of the thorough, cleansing action provided only by the special ingredients in Colgate's Dental Cream," and that "Kirkman Soap Flakes keep your hands soft and white," or that lingerie or other textiles washed with this product will keep their brand new appearance almost forever. (2867)

**General Household Corporation,** 6605 South Broadway, Los Angeles, agreed to cease representing that its product is a moth preventive, or that it is a deordorant in the sense that it destroys offensive odors of other substances. The respondent further stipulated that it will cease representing that the use of its product "will not ring" or result in the formation of a "ring" when it is applied only to a spot to be cleaned or removed, or that the "most inexperienced" or unskilled person can successfully apply the product to fabrics without a resultant "ring" formation. (2869)

**Harry L. Katzman,** 174 Lincoln St., Boston, has entered into a stipulation in which he agrees to cease employing certain representations in the interstate sale of infants' shoes.

According to the stipulation, the respondent agrees to discontinue use of the words "Dr. Katzman Health Shoes" or "Health" in marking, branding or otherwise designating his products, so as to convey the belief to purchasers that the shoes are made in accordance with the design or under the supervision of a physician or doctor of medicine or that they contain special scientific, health or orthopedic features resulting from medical determination or services. (2866)

**Kirkman & Son, Inc.**—See Colgate-Palmolive-Peet Company.

**Maddock & Miller, Inc.,** 129 Fifth Ave., New York, agrees to cease designating earthenware products or products which are other than true chinaware as "Maddock's Vitrified Hotelware," "Vitrified Blue Willow," or "Vitrified Wakefield," and to discontinue employing the word "Vitrified" or similar descriptive designations as applied to semi-vitrified products in any manner tending to convey the impression that such products are chinaware. The stipulation recites that in the trade the word "vitrified" is associated with chinaware and the terms "semi-vitrified" or "semi-vitrified" with earthenware. (2861)

**Merchants Paper Corporation,** 1750 Wrightwood Ave., Chicago, stipulates that it will discontinue using the word "Manufacturers" as descriptive of its business and will cease stamping, branding or otherwise marking a certificate or any form of certification as "box maker" on boxes or containers not actually made by it; or otherwise, by assertion or implication, representing that it is the manufacturer thereof, or that any statement bearing the name of the corporation is the certified statement of the maker of such box or container. The stipulation points out that the respondent corporation is a jobber and not a manufacturer. (2865)

**Julius Nelson Corporation,** 247 West 38th St., New York, dealer in fabric garments, agreed to discontinue use of the term "Fur-Fabric" as descriptive of garments manufactured from fabrics composed of wool, cotton or any fibers other than fur, and of the word "Fur" or any other representations either alone or in connection with the word "Fabric" or other word, so as to imply to the purchasing public that such garments are made from the fur or peltries of fur bearing animals or are composed of a fabric made of fur. Under terms of the stipulation, the respondent will also cease advertising, selling or distributing garments composed of fibers other than fur under any representations or conditions of deceptive concealment whereby purchasers may be misled into buying such garments in the belief that they are composed of fur. (2862)

**New Method Manufacturing Company**—In a stipulation entered into, Wright G. Scroxton, trading as New Method Manufacturing Company, Bradford, Pa., agreed to discontinue certain representations in the sale of a cigar and cigarette lighter designated "Self Starting Lighter."

According to the stipulation, which is supplemental to one entered into in October, 1933, the respondent agrees to cease representing that the Self Starting Lighter remains lit in all wind velocities, requires no refill, or employs a new principle of ignition; that the gold plated Self Starting Lighter has three separate platings of gold, and that the settings in the lighters are precious or semi-precious stones or are birthstones, unless this representation is modified by the word "imitation" or its equivalent.

The respondent further stipulated that he will discontinue claims that any repeat business built up through the sale of Self Starting Lighters requires no time or effort; that exclusive territory is assigned to or may be reserved by prospective agents, when such is not a fact, or that his representatives make profits in excess of the minimum profits possible from the sale of the lighters, unless it is disclosed that in fact such representatives must purchase a minimum quantity of lighters before such profit is made. (0561)

**Schless-Harwood Company, Inc.,** 2 West 46th St., New York, agrees to cease representing that the diamonds and diamond rings which it sells are perfect "in accordance with the required standards of the Federal Trade Commission," or that they meet or conform to the "Federal Trade Commission Standard." The respondent corporation also stipulates that it will cease employing the name "Federal Trade Commission" in its advertising, on its tags or in any way which may imply that the Commission has examined and approved the articles designated. The stipulation points out that the use of such forms and tags was a deceptive act and practice insofar as the wording thereof indicated or implied that the Federal Trade Commission had in some way examined and approved the diamonds referred to, contrary to fact. (2864)

**J. Schneier Company, Inc.,** 31 Beach St., Boston, manufacturer of neckwear and gentlemen's ties, agreed to discontinue use of the words "Hand Loom" as descriptive of products manufactured from material not made on hand looms, and of the words "Hand Loom," either alone or in connection with the word "Reproductions" or with any other words, the effect of which may tend to convey the belief to purchasers that the products referred to are made of hand-loomed material.

The respondent further agreed to desist from use of the words "All Wool" as descriptive of products which are not composed wholly of wool, and from use of the word "Wool," either alone or in connection with the word "All," or with any other words, so as to imply that such products are composed wholly of wool, when such is not the fact. The stipulation provides that if the products are composed in substantial part of wool and in part of a fiber or fibers other than wool, and the word "Wool" is used to properly describe such wool content, then in that case, the word "Wool" shall be immediately accompanied by some other word or words printed in equally conspicuous type and which accurately describe each other constituent fiber or material of which the products are composed in the order of its predominance by weight, beginning with the largest single constituent.

Terms of the stipulation also specify that the respondent will cease representing in any way products composed in part of rayon without clearly disclosing the fact that the products are composed in part of rayon together with other named constituent fibers, each of such fibers to be named in the order of its predominance by weight, beginning with the largest single constituent. (2859)

**Tennessee Coal, Iron & Railroad Company,** Birmingham, Ala., manufacturer of iron and steel, including the by-product "basic slag," entered into a stipulation in which it agreed to discontinue certain representations.

The respondent agreed to desist from claims that its basic slag is always as good as superphosphate and frequently better; serves as well as acid phosphate for fertilizing purposes, or that its lime content makes it superior to superphosphate for winter legumes or other products. The respondent further agreed to cease implying that quotations from scientific authorities on basic slag are applicable to its basic slag product when such comments are in fact based upon other products.

Further representations or implications which the respondent agreed to discontinue are that lime makes available the potash in the soil; that the physical quality of all soil is improved by the application of lime; that magnesium oxide is lime or a form of lime; that manganese oxide changes crude forms of plant food into simpler and more usable forms; that a sufficient quantity of manganese is not usually present in all soils for any purpose for which that element is required, or that so "powerful" is the action of the manganese content of basic slag that it may properly be called a "chemical plow."

Among other things, the Tennessee Coal, Iron & Railroad Company also stipulated that it will cease making claims that its basic slag is "unusually economical" or that in all instances it can be applied cheaper than acid or superphosphate; will cease making certain statements tending unwarrantedly to disparage competitive products, and will discontinue representing that basic slag "carries its own complete supply of all elements," produces thin, smooth skinned fruit, improves the quality or increases the yield of citrus or other fruits, or that basic slag makes pecans or other nuts fill out or produces a superior quality. (2870)

**United States Truss Company**—A stipulation has been accepted from United States Truss Company, Fourth and Sycamore Sts., Cincinnati, in which it agrees to discontinue certain representations in the sale of its "Richfal Abdominal Support."

The respondent agrees to cease using any statement or representation which directly asserts or implies that the use of its device will have the effect of causing one to "reduce without exercise," will enable the user to "keep thin without dieting" or will otherwise result in the loss of excess fat. (2863)

## FTC CASE CLOSED

The Federal Trade Commission has closed its case against Rogers Imports, Inc., 9-11 East 38th St., New York, without prejudice to its right to resume proceedings should the facts so warrant. The respondent had been charged with violating the Federal Trade Commission Act in the sale of smokers' articles and supplies.

The Commission permitted the respondent to file a substitute answer to its complaint and to enter into a stipulation as to the facts and an agreement to cease and desist from the practices charged in the complaint.

Under the stipulation, the respondent agrees to discontinue selling in interstate commerce any imported article or object of commerce upon which the markings of the country or origin have been obscured or obliterated, or which otherwise are not clearly and distinctly marked to show the country of origin.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 29, July 19, 1940

## THE WEEK IN WASHINGTON

More details of what promises to be the NAB's best convention are published in this issue. No broadcaster can afford to miss it. (p. 4423.)

Both Democrats and Republicans are now on record for keeping radio as free as the press. (p. 4425.)

An array of talent and prominent American leaders seldom, if ever equalled, has been lined up for the World's Fairs broadcast August 3. (p. 4426.)

The NAB has published a new pamphlet about ASCAP. Niles Trammell succeeds Lenox Lohr on the BMI Board. A new formula for BMI license fees is announced. (p. 4428.)

NAB's suggestions for improvement of FCC procedure are filed with the Attorney-General's Committee on Administrative Procedure. (p. 4429.)

The Labor Board orders an election at Station KXOK, St. Louis. (p. 4429.)

James Lawrence Fly, FCC Chairman, states that the Commission is hard at work on the re-allocation problem. (p. 4429.)

Important television developments are announced by the FCC. (p. 4430.)

## The Convention

Plans for what promises to be the most interesting and vital membership meeting in the eighteen years of NAB history are about completed.

### FM Broadcasting

John Shepard, III, has arranged for Wednesday afternoon's FM session a most interesting program. Special authorization from the Communications Commission was secured for the installation of a FM broadcasting station to make possible complete demonstration. Programming for the demonstration is being arranged through the active cooperation of KSFO, San Francisco. In addition to the convention demonstration, both REL and other FM equipment concerns are preparing interesting and instructive demonstration headquarters.

Paul de Mars, Vice President in Charge of Engineering of the Yankee Network, will discuss "Practical FM Broadcasting" and the session will consist largely of a question period open to participation by all delegates.

### Television

Two of the foremost television engineers, Ted Smith and Harry R. Lubcke, will be the speakers on the Television program at the NAB Convention at San Francisco, Tuesday, August 6 at 7:30 p. m.

The television session will be couched in non-technical terms.

Ted Smith will deliver a talk entitled "Apparatus Requirements for Television Stations." Smith graduated from Stevens Tech and joined the Technical and Test Department of RCA in 1925. His television experience has been continuous at RCA and dates from 1928. In 1937 he was made Manager of Television Transmission Sales. He has held this position ever since. Smith was in charge of establishing Station W2XBS in 1929, RCA,'s first television station.

Smith's talk will deal with equipment requirements for a television station and he will point out the differences and similarities between standard broadcast equipment and television equipment. He also will discuss film projection, remote broadcasts, relaying, estimates on television coverage and television transmitting antennas and how they are used.

*(Continued on page 4424)*

**YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!**

**St. Francis Hotel San Francisco August, 4-5-6-7**

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## THE CONVENTION

*(Continued from page 4423)*

Harry R. Lubcke's subject will be "Television Station Operation and Telecast Pickups." A graduate of the University of California in 1929, Lubcke, since November, 1930, has served as Director of Television of the Don Lee Broadcasting System at Los Angeles. His talk will draw heavily on the rich practical experience the Don Lee System has had since 1931 on operating television station W6XAO. This station has operated some 6,000 hours to telecast about 2800 programs by means of films, studio pick-ups and remote pick-ups.

Lubcke's talk will deal with the role of equipment, personnel and rehearsals in accomplishing smooth telecast productions covering an adequate schedule at minimum cost for a typical telecasting station. He will discuss presentations originating in the studio, from film or from on-the-spot locations remote from the main station. Public reception and reaction to television will also be covered.

These two men, Smith who has had 12 years experience with television equipment, and Lubcke who has had charge of 6,000 hours of actual telecasting, insure a well rounded non-technical program.

### Drewry Added to Program

The name of Dr. John E. Drewry, director of the University of Georgia School of Journalism, has been added to those who will bring important messages to the convention.

Dr. Drewry will make an announcement concerning the new Peabody Awards for Public Service Broadcasting, which the Peabody Foundation last spring set up to be administered by the Georgia School of Journalism, under the supervision of a board of directors composed of outstanding Americans chosen from all walks of public life. It is the intent of the Peabody Foundation, through these awards, to contribute to the elevation and public appreciation of broadcasting in much the same way the Pulitzer prizes have done for the newspapers.

### Standing Committee Meetings

There will be a meeting of the Code Compliance Committee in the Hotel St. Francis, San Francisco, Sunday, August 4, at 5 p. m., to give members an opportunity to submit their ideas and recommendations relative to the Code.

Meanwhile, should any member desire to bring a subject to the attention of the Committee prior to the convention, he may do so by writing the Committee, care of NAB Headquarters.

In addition, the Sales Managers Steering Committee will meet at 1 p. m., the Research Committee at 1 p. m. Broadcasters interested in the work of any of these Committees will be welcome to attend.

### Luncheon Sessions

The two official luncheons on Monday and Tuesday, as well as the INS luncheon on Wednesday, hold great interest. At the Monday luncheon, James Lawrence Fly, Chairman of the FCC, will speak upon "Radio Faces the Future"; and on Tuesday, Hon. Louis Johnson, Assistant Secretary of War, has chosen as his topic "Sponsors of National Defense." Both of these talks will be broadcast on nation-wide hookups. This should give you some idea of their importance. In addition to the set discussions, each of these gentlemen will have some off the record remarks to make for broadcasters' ears only.

The INS luncheon on Wednesday is an invitational affair and the program will consist entirely of hilarious entertainment features.

### Broadcast Music

The Broadcast Music session on Tuesday morning will be of transcendant interest to all broadcasters. Neville Miller, Sydney Kaye, Merritt Tompkins and Carl Haverlin will reveal some startling information.

### Sales Managers

The Sales Managers Division is making careful plans for its session on Tuesday afternoon and the topic "Unit Plan of Volume Measurement" is certain to arouse interesting discussion.

### Displays

In addition to the general displays which will reveal NAB membership and organization information and BMI charts and graphs, the station promotional display is assuming shape. Incidentally, managers who are planning to display station promotional material at the convention are advised to ship for arrival not later than Wednesday, July 31. To expedite delivery shipments should be directed to Arthur Stringer, NAB Convention, Hotel St. Francis, San Francisco. Every attempt will be made to follow the instructions given by the individual broadcaster but you are asked to make your instructions specific.

All material will be mounted by us without cost but we cannot assume the charges for hand lettering or similar work. This will be billed at cost if specified in your layout.

### Entertainment

Kenneth Jones and Ed Kirby are quite mysterious about the show, "Greener Pastures," which is to be the entertainment feature at the banquet. From all indications it is going to be "a colossal."

Then, of course, on Monday night we are all going to the Fair to be guests at Billy Rose's Aquacade, Follies Bergere and America-Cavalcade of a Nation.

Here's a convention that no broadcaster can afford to miss. From a business standpoint it is vital. Advance reservations indicate large attendance but there is plenty of room in the hotels of San Francisco to accommodate all who desire to come.

### Speakers to Be Broadcast

The following convention speeches have been scheduled for broadcast:

*Monday, August 5, 5:30 to 6 P. M., EST (1:30-2 P. M., Pacific Time),* Chairman James L. Fly, over CBS and MBS.

*Tuesday, August 6, 5 to 5:30 P. M., EST (1-2:30 P. M., Pacific Time),* Assistant Secretary of War Louis Johnson, over MBS and NBC.

## Democrats Join Republicans In Favoring Free Radio

Both the Democrats and Republicans are now on record as favoring radio as free as the press. The Democratic platform, adopted Wednesday night, included the following plank:

### RADIO

**Radio has become an integral part of the democratically accepted doctrine of freedom of speech, press, assembly and religion. We urge such legislative steps as may be required to afford the same protection from censorship that is now afforded the press under the Constitution of the United States.**

An NAB committee including Neville Miller, John Kennedy, WCHS, and Harry Butcher, CBS, appeared before the Democratic Platform Committee in Chicago this week.

Following adoption of the Republican radio plank, the *Buffalo News* printed the following editorial:

### Free Communication

Free speech, free press and free communication generally have been so long enjoyed in this country that they were regarded rather castually until recently. Citizens recognized that these rights were essential to democratic government but they were inclined to overlook the part they play in everyday life. As a blanket of silence has fallen over large areas in Europe and as governments have used radio and other means of communication for propaganda, Americans have come to realize how important these rights are for an ordered existence. It is necessary to know what is happening in a country to be able to anticipate its needs, to be able to plan for carrying on business or commerce with it. This free communication of information from one border of this country to another has been one of the factors in building its economic and political greatness.

President Roosevelt rightly included freedom of information among his five corollary essentials to peace in his recent press conference discussion. He said that right meant not only freedom of the press but also of all channels through which information moves. America must receive news of what is happening in all parts of the country and the rest of the world, he said.

It seems idealistic now to hope for an early restoration of this freedom in the greater part of the world, but there are steps to be taken to safeguard it in this country. For instance, under the existing radio licensing system broadcasters have felt insecure in their right to freedom of communication without governmental interference. There is need for legislation to protect them more fully in their rights. On this point the Republican party has gone on record in its plaform as follows:

"Federal regulation of radio is necessary in view of the natural limitations of wave lengths, but this gives no excuse for censorship. We oppose the use of licensing to establish arbitrary controls. Licenses should be revocable only when, after public hearings, due cause for cancellation is shown."

Protection should be given against the first tentative governmental interferences for they can lead to greater abuses in the future. The issue affects not only the broadcasters. It is one that touches closely the general welfare.

## Promotion

## IMPORTANT NOTICE!

### Innovation For Station Break on World's Fairs Broadcast August 3

(Over CBS, NBC, MBS, 8-9 P.M., Eastern Daylight Saving Time. Non-network stations may carry the broadcast through arrangement for lines with the nearest network affiliated station.)

A departure from the usual routine station break during an hour's program will be inaugurated on this special NAB-World's Fairs broadcast, as follows:

*(At approximately 8:40 EDST): Network announcer: This is the American system of broadcasting.*

*Station announcer: Of which Station XYZ, the voice of ——— is proud to be a part.*

*Full details of this outstanding feature available to every station in the industry are given on the following page.*

Rapidly completing plans for an impressive dedication to the freedom of American radio, the Golden Gate Exposition in San Francisco and the New York World's Fair of 1940 announce that the following famous radio personalities will take part in the one hour program to be broadcast on the eve of the NAB Convention, August 3, 8-9 p. m., Eastern Daylight Saving Time, by all three major networks and non-network stations which tie in with nearest network affiliated line:

Rudy Vallee, Major Bowes, Kate Smith, Lowell Thomas, James Melton, Francia White, the Revellers, Gertrude Berg, Colonel Stoopnagle, Phil Cook, Lanny Ross, H. V. Kaltenborn, Tommy Riggs, Graham MacNamee, Ted Husing, and Dorothy Gordon. This list, by no means complete, will be enlarged by addition of radio stars from the West Coast whom the Fair is inviting. The musical portion of the New York program will be handled by three conductors, Frank Black, Howard Barlow and Alfred Wallenstein.

It was also announced that Norman Corwin will write and produce a dramatic sketch along the lines of his "Seems Radio Is Here to Stay," which was written in 1939 in connection with the NAB Open House Week.

An outstanding feature of the program will be the performance for the first time of a dramatic patriotic tone poem written by Carl Haverlin of BMI, and scored by Paul Nordoff, protege of Leopold Stokowski, whom BMI has retained for the purpose. Its tentative title is "More Perfect Union." This will be followed by the simultaneous singing by thousands of school children assembled on the fair grounds in both New York and San Francisco of familiar patriotic hymns whose voices will be intermixed to show the national unity achieved through a free system of American radio.

Distinguished men and women from all walks of public life will be assembled on the fair grounds for the ceremony of unveiling the plaques symbolic of free American radio. The plaques have been designed by Anton Refregier of New York around the line from Walt Whitman, "The liberties of the people will be preserved so long as there are tongues to speak and ears to hear." It is expected that President Roosevelt will from Washington press the button unveiling the plaques in New York and San Francisco simultaneously. Neville Miller, NAB president, will accept the plaques in the name of the broadcasting industry.

Among those who will take part in a brief symposium showing the contributions radio has made to the educational, religious, cultural and social life of the nation, will be James L. Fly, chairman of the FCC; Dr. John W. Studebaker, U. S. Commissioner of Education; Mrs. Harold V. Milligan, president of the National Council of Women and radio chairman of the General Federation of Women's Clubs; Roger Baldwin, director, the American Civil Liberties Union. This group will be augmented by an outstanding Catholic, Protestant and Jewish clergyman. It is anticipated that William Green, president of the A. F. of L., will represent labor.

Ed Kirby, who has been cooperating with both fairs in coordinating details, has given the following digest of plans for the information of members:

### Digest of Plans
### for
## BROADCASTING'S DAY AT THE NEW YORK WORLD'S FAIR
### (August 3)
### (San Francisco-Golden Gate Plans in the Making)

* * * * * * *

*General Plan*

1. August 3 is officially named as "Broadcasting's Day at the Fair".
2. Advertisers who have exhibits on the fair grounds and who have investments in radio personalities are being asked by fair officials to invite these personalities to come to their exhibits and act as host for short intervals throughout the day. Thus, Major Bowes would go to Chrysler, Jessica Dragonette to the Ford Building, James Melton to the A. T. & T. Building, etc., a desirable move from the standpoint of the advertiser, the Fair, and radio, achieving goodwill all the way around.
3. Throughout the day, local New York radio stations will make several pick-ups from the fair grounds. These broadcasts will be limited to routine remotes, or special events, but in no case will the special event touch on the theme of the special program to be broadcast nationally dealing with freedom of radio.

*Special Ceremonies*

1. Because of the importance of the occasion and the widespread interest of the public in the event and in the presence of famous radio stars to be on hand with distinguished men and women from all walks of life, the Fair's Special Events Department is at work lining up important outdoor meetings, such as religious, school children, women's clubs, fraternal, American legion, etc. The theme of these meetings will be patriotic in character, tying in with the central theme of the broadcast: "freedom of radio, an essential of the American democracy".
2. Marching units, bands, boy scout and girl scout troops, youth groups and patriotic societies are being invited to appear en masse.

*Pre-Broadcast Pageant*

1. The Court of Peace will be the scene of the outdoor pageant and the locale of the broadcast and dedication of the plaque. It is being especially decorated for the occasion.
2. Approximately one hour before the national broadcast, the bands, marching units, and various groups will march into the Court of Peace, bands playing and banners flying, to witness, with the general public, an outdoor pageant which is being especially created for Broadcasting's Day, dramatizing the radio freedom theme.
3. The pageant will conclude about five minutes before the broadcast begins. The crowds will then witness and hear the broadcast in the same location.

*Publicity*

1. A joint release from both Fairs was issued last Monday. A series of releases from this week on.
2. The publicity departments of the major networks will follow through with collateral publicity.
3. NAB will send out round-up stories asking cooperation of member stations' publicity people.

*Follow-Up*

1. Newsreel cameramen will be on the spot to shoot most newsworthy shots of unveiling, distinguished people present.
2. A pictorial brochure memorializing the occasion and the statements made will be designed for the record.

*Promotion by Transportation Companies*

1. The World's Fair traffic people have arranged with the eastern railroads and bus lines for special excursions and rates to bring

in the largest possible crowd for the occasion. Dodgers and handbills will be distributed throughout terminals week after next.

*Invitation to Special Guests*

1. New York has sent out an engraved invitation to several hundred people, presidents and officers of leading organizations such as the General Federation of Women's Clubs, National Council of Catholic Men, Federal Council of the Churches of Christ in America, the Federal Communications Commission, members of Congress interested in the communication field, etc., William Green, Sidney Hillman, and representatives of other groups.

2. A list of these organizations and their national officers located in the west and Pacific Coast area will be invited by San Francisco, for a similar move. Upon receipt of RSVP's, Fair sends out two admissions to the grounds, and two tickets to guest area in the Court of Peace.

3. Because of the presence of so many distinguished people representing so many diverse walks of life, such as education, religion, labor, etc., the Fair's special events department is utilizing their presence by building around them group meetings and ceremonies, elsewhere, during the day.

*Digest of the Broadcast*

Broadcast scheduled for 8-9 P. M., EDST, carried by CBS, MBS, NBC, offered all non-network stations who may hook in nearest affiliated station line.

Production under direction of William S. Rainey, former NBC production chief, retained by NAB to coordinate job for the Fair. West Coast production under Charles Vanda, CBS. Midwest under William Bacher, MBS.

First 40 minutes of hour show will be a continuous unfolding of the wonders of American radio in a somewhat Whitmanesque poetic verse and musical treatment, divided up, roughly, into a prologue, a fast-moving montage incorporating the voices of as many radio stars as possible, into specially written drama by Norman Corwin, concluding with the last scene of Maxwell Anderson's "Valley Forge," with Washington's closing lines: "This liberty will look easy by and by when nobody dies to get it."

***At the forty-minute mark the station identification will be handled as follows:***

***Network announcer: This is the American system of broadcasting. . . .***

***Local announcer: Of which station XYZ, the voice of Middletown, is proud to be a part.***

From the inspirational, dramatic note the program moves into the ceremonies at the two World's Fairs. Harvey Gibson of New York, and Marshall Gill of San Francisco, will speak to and with each other, briefly indicating the new spirit of national unity symbolized as the two competing fairs join together by radio in dedicating its freedom to the service of the American democracy.

A symposium discussion follows, pointing out the contributions the American system of radio has made to the nation, with no more than one minute allotted. The group will represent a cross section of American life, such as labor—William Green; education—Dr. John W. Studebaker; women and children—Mrs. Saidie Orr Dunbar, president of the General Federation of Women's Clubs, and/or Mrs. Harold V. Milligan, chairman, Radio Council on Children's Programs; religion—Archbishop Mitty, of San Francisco, Rabbi Wise, Dr. Buttrick, Federal Council of the Churches of Christ in America; the press—John S. McCarrons, president of ANPA; government—Chairman James L. Fly; free speech—Roger Baldwin, American Civil Liberties Union.

They will not be introduced separately; thev will introduce the next speaker, after each has concluded. Pick-ups from New York, San Francisco and Washington.

And then, the unveiling of the plaques by, it is expected, President Roosevelt, from Washington, with possibly a brief laudatory message. Acceptance by Neville Miller, from San Francisco, on behalf of the industry.

The program concludes with the dramatic rendition of a new song which has been especially written for the occasion by Carl Haverlin. BMI, and musically scored by Paul Nordoff, prestige of Leopold Stokouski, retained by BMI for the purposes similar in format to "Ballad of Americans," it contains some of the most stirring verse ever set to music. It is a patriotic narration for soloists and mixed choruses, dramatizing the individual liberties enjoyed by the American citizen and the need of holding on to those liberties and freedoms handed down.

The program closes as the thousands of people and school children on the fair grounds in San Francisco and New York join in the singing of a familiar patriotic song such as "America". Voices from the West Coast and the East Coast will be intermixed by the engineer, to dramatize the unity in the nation which has been created and which shall be preserved through a free system of radio.

A word about the radio montage: We are lining up the participation of well-known radio figures of the past and present, starting back with Amos 'n Andy and Harry Reser (the old Cliquot Program), and winding up with those who have just recently become famous through the approval of the radio audience.

(Names of those already agreeing to appear are printed above.) Fifteen to twenty seconds will be allowed each personality, the idea being that none will attempt to do a number, but merely enough to register identification, to recapture in the mind of the listener the pleasant memories of radio enjoyment of long ago, down through the years.

These stars will be picked from the fair grounds in San Francisco and New York, and from whatever other points, such as Hollywood or Chicago, where they might be available for a network feed.

A new music score is being designed in such a way that a fragment of any theme can be included just before the program levels off to drop down so the star can speak.

The Golden Gate Exposition has indicated that the San Francisco Symphony is available for this broadcast.

*Newspaper Billboard Ad*

Because this broadcast will be outstanding and so important to the whole industry, we are asking that stations in the various cities get together and work out a pool to defray the cost of a newspaper ad listing the names of the stars and a line or two about the event. A complete list will be sent out next week.

## WJTN PROMOTES SUMMER LISTENING

Summertime listening in Jamestown, N. Y., and environs is mounting this season because of the aggressive promotion of station WJTN. Broadcasting and newspaper ads are being used. Typical of the latter is the following 100 lines by 2 columns, just received from Promotion Manager A. E. Spokes:

"On a Simmery Summery Day
"Spinning in a Car
"Sunning on the Beach
"Sailing on the Lake
"Sitting in Your Home

"Yes, people everywhere take time out in the good old summertime to LISTEN TO THE RADIO . . . Vacation time is radio time. . . . Are you enjoying the benefits of a modern portable, automobile or standard set? . . . You probably are, because TODAY'S TOP RANKING FORM OF ENTERTAINMENT IS VIA THE AIR WAVES. . . .

"AND FOR THE BEST IN RADIO ENTERTAINMENT KEEP YOUR DIAL SET AT 1210."

## IF LETTER NOT RECEIVED—WRITE

Plans for the LISTEN BEFORE YOU VOTE promotion were mailed to members on July 18. The special envelope contained five sections:

1—Letter of transmittal
2—Non-political letters approving theme
3—Some promotion suggestions
4—Sample poster
5—Order blank

If this letter has not been received by July 25, please notify Arthur Stringer at headquarters and a duplicate will be sent.

Listen Before You Vote was approved by the board of directors early in the year.

# BMI Developments

## NEW PAMPHLET ABOUT ASCAP READY FOR DISTRIBUTION

"Let's Stick to the Record" is the title of a fifteen-page compilation of questions and answers in explanation of the current dispute between the National Association of Broadcasters and the American Society of Composers, Authors and Publishers.

Based upon facts and court records, it is a well documented exposé of ASCAP, going behind its slogan "Justice for Genius" to show the inner workings of the Society, its frustration of new creative talent, its monopolistic hold on radio broadcasters, its effect upon the employment of musicians, its discrimination in favor of the inner circle crowd whereby in one year the 175 highest ranking ASCAP authors and composers divided $1,890,000, while 175 authors and composers in the lower ASCAP classifications received only a total of $3,000.

These and many more illuminating facts are revealed in NAB's new publication "Let's Stick to the Record". Copies are being mailed stations over the weekend. Additional copies are being sent to newspaper and radio editors and others who are targets for ASCAP's propaganda who should be in full possession of the facts. The cooperation of stations is requested to further spread the information just now off the press.

### BMI FEATURE TUNES
### July 22-July 29

1. **THE SAME OLD STORY**
2. **PRACTICE MAKES PERFECT**
3. **THAT'S FOR ME**
4. **FOOEY ON YOU**
5. **DON'T THE MOON LOOK PRETTY?**

At a meeting of the Board of Directors of Broadcast Music, Inc., on July 16th, Niles Trammell, new President of NBC, was unanimously elected to the board to fill the vacancy caused by the resignation of Major Lenox R. Lohr. Mr. Trammell was present and, following his election, participated in the meeting.

The resignation of Major Lohr was occasioned by his previous resignation from the presidency of NBC. It was accepted by the BMI board with expressions of regret and with thanks for Major Lohr's services to the music company.

The board adopted a new formula for license fees to go into effect at the end of the initial license period. The new fees are based on a sliding scale which will reduce the payments to be made by stations in the lower income categories. The networks will pay the regular rates on their managed and operated, and owned and operated stations, the rates to be computed on the amounts which would be paid by the networks to these stations if they were independently owned and operated. The networks in addition will make other payments on network revenue from sale of time, deducting station payments. Full details of the plan will be announced at a later date.

Following the meeting of the Board it was also announced that transcriptions of fifty compositions will be distributed to all BMI licensees free of charge within the next week. Plans have been laid for making 450 additional selections available to BMI subscribers without charge before the end of the year. Details of the plan with regard to transcriptions will be given at the NAB convention in San Francisco in August.

In the report as to the progress of BMI which was presented to the Board names of additional subscribers were announced, bringing the total to 311. It was also stated that the first call on subscribers for an amount in excess of $150,000 had met with practically a 100% response after the sending of a single letter and statement. Officials reported over 95% of the money already paid into the bank.

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The following letter from the officers of NIB will be read with interest by all broadcasters:

500 Edmonds Building,
Washington, D. C.
July 16, 1940

*SPECIAL COPYRIGHT NOTICE*

To all Independent Radio Stations:

Last February, the radio industry commenced the operation of BMI (Broadcast Music, Inc.), established offices, studios, etc., in New York and now are providing members with music.

The subscription agreements made it difficult, if not impossible, for many small broadcasters to participate. But independent radio stations now have the opportunity to receive the services and benefits of the industry-owned music supply at a reasonable and fair cost.

Harold A. LaFount, President, Lloyd C. Thomas, Secretary-Treasurer, and Andrew W. Bennett, General Counsel of NIB (National Independent Broadcasters), for months have argued with BMI officials the inability of independent stations to participate in BMI under existing agreements—that the proposed license fee in their opinion was excessive insofar as it applied to small stations.

These discussions culminated in a meeting at New York July 10 of the above mentioned officials of NIB and officials of BMI, at which meeting BMI proposed a graduated scale of license fees which in our opinion meets our objections, since it provides a more equitable basis for determining such fees. This scale of fees will be announced by BMI, and we suggest that you give it deliberate and careful consideration, in the light of your own particular needs, before making any contractural commitments for future music.

The ANNUAL MEETING of the NIB will be held at the St. Francis Hotel in San Francisco at 2:00 p. m., Monday, August 5. At this meeting, a full discussion of the copyright situation insofar as it affects the independent radio stations and other questions will be discussed. We believe it is imperative that you attend and urge that you make every effort to do so.

NATIONAL INDEPENDENT BROADCASTERS,
Harold A. LaFount, *President.*
Lloyd C. Thomas, *Secretary-Treasurer,*
Andrew W. Bennett, *General Counsel*

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On the list of most-played tunes, printed in the *New York Enquirer,* four BMI numbers appear this week: *We Could Make Such Beautiful Music, Same Old Story, Practice Makes Perfect* and *Here in the Velvet Night.* No other publisher has more than three numbers on the list. In *Variety* also *Beautiful Music* appears for the second week in succession.

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Last Monday ASCAP called together the radio and music editors and feature writers of New York's newspapers and magazines and released to them a number of sandwiches, cocktails, and statements as to ASCAP's position. It is said that the sandwiches and cocktails were very well received.

# Legal

## ADMINISTRATION PROCEDURE

NAB Counsel, Russell P. Place, with the approval of the Board of Directors, has filed with the Attorney-General's Committee on Administrative Procedure a statement of NAB's suggestions for improvement of FCC procedure. The statement filed endorses that of the Federal Communications Bar Association Executive Committee with the following three exceptions:

"1. With respect to hearings before promulgation of regulations or standards and requirements which have the force and effect of regulations, we feel that the Commission should be encouraged to express its principles and policies in formal regulations and that no procedural obstacles to its doing so ought to be imposed.

"2. In order to avoid the constitutional question of a case or controversy we are inclined to favor limiting the forum for judicial review of rules and regulations to the U. S. District Court for the District of Columbia.

"3. In all quasi-judicial proceedings before the FCC we believe that there should be an opportunity for facts to be judicially found by an independent examiner or some independent quasi-judicial or judicial tribunal. Some such separation of the powers of the Commission as recommended by the President's Committee on Administrative Management at page 41 of its report would be an acceptable solution. In particular, in those cases which involve revocation of or failure to renew broadcast licenses, and where the licensee's entire business is at stake, we urge that there be provided a separate judicial determination of the facts as well as of the law."

## FEDERAL LEGISLATION

H. R. 10205 (Bland, D., Va.) COMMUNICATIONS ACT—To amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Referred to the Committee on Merchant Marine and Fisheries.

# Labor

## LABOR BOARD ELECTION AT KXOK

The National Labor Relations Board today announced that a collective bargaining election would be held within 30 days among the staff and free-lance actors, singers, and announcers, employed by Star-Times Publishing Company at Station KXOK, St. Louis, to determine whether or not they desire to be represented by American Federation of Radio Artists.

At the Board's hearing there was introduced into evidence an analysis made by the Acting Regional Director showing that the union holds application for membership signed by a substantial number of the company's employees at Station KXOK in the unit alleged in the petition to be appropriate for the purposes of collective bargaining. At the hearing the parties stipulated that the company had declined to recognize the union as the exclusive representative of its employees in this unit until such time as the union was certified as such representative by the Board.

At the hearing it was agreed by the union and the company that a unit consisting of actors, singers, and announcers employed by the company at Station KXOK, excluding microphone entertainers known as "hillbillies," was appropriate for the purposes of collective bargaining. The company and the union further agreed that the unit thus defined included the regular staff employees of the station in the program department, and, in addition, free-lance actors, singers, and announcers employed by the station for particular performances.

# Miscellaneous

J. Lindsay Nunn, WLAP, writes: "Winston L. Clark is not associated with Radio Station WLAP in any way, nor has he been associated with this station or any of the Nunn interests for nearly two years."

# The Commission

## FLY SAYS FCC WORKING ON HAVANA REALLOCATIONS

James Lawrence Fly, Chairman of the FCC, stated at a press conference on Monday that while the Commission itself has done nothing up to this time in connection with the North American regional broadcasting reallocations that engineers of the Commission are hard at work on the problem and have been for sometime. He stated that the staff has gotten along very well with its work and has even prepared a list of proposed changes which have not yet been referred to the Commission.

Chairman Fly stated that while the Commission has received a communication from Neville Miller, President of NAB, requesting representation of the industry on the proposed Communications Defense Committee that no action has been taken to this time, although there has been some discussion of it. Mr. Fly said that the appointment of the proposed Committee now rests entirely with the White House. The announcement of it, he said, is probably a question of timing. If any difficulty had arisen, he said, he probably would have been notified.

## TELEVISION DEVELOPMENTS

The FCC says that television experimentation tending to develop uniform transmission standards of acceptable technical quality, plus equipment tests and training of technicians, in addition to experimental programs which the public may enjoy, are assured by the National Broadcasting Company, through its station W2XBS at New York, and the Don Lee Broadcasting System, through W6XAO at Los Angeles and a proposed station to be located in San Francisco.

Besides confirming its previous tentative approval of construction of the San Francisco station, the FCC authorizes the other stations mentioned to use the new television channel No. 1 (50,000-56,000 kilocycles). This is in conformity with the Commission's announcement of June 18 encouraging the widespread distribution of experimental facilities to promote advancement of television.

Stations W2XBS and W6XAO operated on the former television channel No. 1 (44,000-50,000 kilocycles) which, on May 22, was removed from the television band. The Commission's approval of the use of the new television channel No. 1 was conditioned upon showing of acceptable programs of research and development.

National Broadcasting Company reported that its New York station will continue to use the RMA standard but will increase the number of frame lines from 441 to 507. In collaboration with RCA, it will review the various types of transmission standards under laboratory conditions and, if necessary, undertake full scale field testing. Change in polarization of W2XBS transmission would interfere with reception by receivers in the area served, since antennas there are for horizontal polarized signals. However, polarization studies will be conducted by RCA subsidiaries. NBC hopes to make the necessary equipment changes for utilizing the new channel during the summer when audience interest is at a minimum. The work will require about two months.

Both Don Lee stations will experiment with television transmission using 525 lines, 30 frames interlaced, or 441 lines, 30 frames interlaced, and possibly television signals of other composition. These stations will make tests to determine the effect of the different power supply systems on reception of television images, and propagation characteristics and signal-to-noise ratios will be compared with vertical and horizontal polarization. Studies will also be made of co-channel interference between the Los Angeles and San Francisco stations.

Station W2XBS operates with 12 kilowatt visual and 15 kilowatt aural power, and W6XAO with 100 watts visual power and 150 watts aural power. The proposed San Francisco station will use 1 kilowatt aural and visual power.

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In following through its promise of May 28th that it stands ready to confer with the television industry and otherwise assist in working out television's remaining problems, the FCC is cooperating in the organization of a National Television Systems Committee to function under the auspices of the Radio Manufacturers Association. Such a committee, it feels, should be of value in the advancement of television to a satisfactory level of performance that will insure a general and widespread public service.

The Commission recently paved the way for an increased number of television stations throughout the country with a view to crystallizing their experimentation with different systems into a uniform standard upon which commercialized visual broadcasting may be safely launched. A previous television hearing had revealed a serious conflict of engineering opinion upon the question of standards among the representatives of various responsible elements in the industry engaged in important research and experimental work.

Because of the inadequacy of the various suggested standards, the new group will explore existing television systems with a view to developing and formulating standards that will be acceptable to the industry as a whole in expediting establishment of a single well-founded national system—one which has promise of ultimately giving this country more television stations and receivers than all other nations combined, with resultant benefits to manufacturers, dealers, and broadcasters, as well as the public.

This project, though sponsored by the Radio Manufacturers Association, will operate independently and represent the majority opinion of the industry. Members will be appointed by James S. Knowlson, newly-elected president of the association, subject to the approval of that association's executive committee. However, membership will not be limited to the association; it will embrace representatives of companies broadly interested and experienced in the television field, also representatives of national technical organizations desirous of seeing television launched on a firm footing, as well as individual experts.

Chairman James Lawrence Fly of the FCC welcomes organization of the committee as affording "a splendid opportunity for the cooperation of industry and government in the solution of a problem which is of such timely concern to the public and to business."

## INCREASE BROADCAST COVERAGE THROUGH MUTUAL ARRANGEMENT

Another example of mutual cooperation by widely-separated broadcasting stations to improve public service is reflected in action today by the FCC in granting construction permits to WCHS at Charleston, W. Va.; WDBO at Orlando, Fla., and WIBW at Topeka, Kans., to increase night power to 5 kilowatts. The three stations operate on 580 kilocycles. By working out directional antenna systems they are able to greatly increase their respective coverage with a minimum of interference to one another.

WCHS, licensed to the Charleston Broadcasting Company, has heretofore operated with 500 watts night and 5 kilowatts day, while WDBO, Orlanda Broadcasting Company, Inc., and WIBW, Topeka Broadcasting Association, Inc., have operated with 1 kilowatt night and 5 kilowatts day.

## REHEARING IN ATLANTIC CITY BROADCAST CASE DENIED

The FCC denied a petition of the Press-Union Publishing Co., licensee of radio station WBAB at Atlantic City, N. J., for rehearing of the Commission's action in issuing a construction permit to the Neptune Broadcasting Corp. for a new station at that place to operate on 1420 kilocycles with 100 watts power night and 250 watts until local sunset. Station WBAB operates on 1200 kilocycles with 250 watts power, unlimited time.

These frequencies are sufficiently separated so that both may be used there without interference to the other. Press-Union Publishing Co. previously failed to show that its interest would be adversely affected by grant of Neptune application. Nor did the Press-Union's subsequent petition assert otherwise, but argued that there is no need for two local stations in Atlantic City, and that the service of Neptune would duplicate to a large extent the program service rendered by WBAB. Concludes the Commission:

> "Although petitioner, in his petition for rehearing, does not assert that it will be aggrieved or adversely affected by the operation of the proposed station, we have carefully considered the grounds urged by petitioner for a reversal of our decision of May 22. Upon considering these grounds, we find they are without merit."

## ADDITIONS TO LEGAL STAFF

The FCC announces the following additions to its legal staff:

Lucien Hilmer, who was in charge of the New York office of the Senate Interstate Commerce Committee in its railroad investigation, to be special counsel.

David Lloyd, formerly assistant chief counsel of the Senate civil liberties committee, to be special counsel in charge of an investigation unit within the Law Department.

Oscar Schachter, from the Wages and Hours Division of the Department of Labor, to be an associate attorney.

Leo Resnick, from the field legal staff of the Public Works Administration, to be associate attorney.

Marcus Cohn, graduate of the University of Oklahoma, University of Chicago Law School and Harvard Law School, to be associate attorney.

Philip Elman, at present law clerk to Circuit Judge Calvert Magruder of the First Circuit, to be assistant attorney.

## FCC HAS TEMPORARY POSITIONS FOR RADIO OPERATORS

A Civil Service examination is open now for radio operator positions in the FCC. In view of the emergency, the FCC is prepared to accept applications from licensed commercial operators and amateurs for appointment as radio operators in the field service, with the understanding that those selected will be given temporary employment for ninety days and examined during that time by the Civil Service Commission. The temporary employees who pass the Civil Service examination, and are reached in the order of their standing on the eligible list, will receive indefinite probationary appointment on a temporary basis as the present emergency may justify.

Applicants receiving appointments must defray the expense of travel to the city or town designated by the Commission as their headquarters. The Commission reserves the right to make transfers from time to time according to the best interests of the service. A few positions will be available outside the Continental United States to operators who pass the Civil Service examination. Those who are willing to accept appointment in Alaska, Hawaii, and Puerto Rico should indicate their order of preference. Order of preference may also be shown for regions within the Continental United States, as, for example, "West Coast," "Southeast," etc.

Temporary appointees are also required to pass a physical examination which is conducted at U. S. Public Health stations throughout the United States.

Operators will be required to travel in Commission field cars on official business, and when operating outside of the limits of their headquarters station will be paid five dollars per diem for subsistence.

Operators in the Commission's service are required to stand a rotating watch which involves work on Saturday afternoons, Sundays and holidays.

Persons holding radiotelegraph first class licenses will be appointed to fill positions at $1800 per annum and those holding radiotelegraph second class licenses at $1620 per annum.

Amateur licensees desiring to file applications for positions as operators in the Commission's field service must possess the following qualifications:

(a) Must be at least 21 years of age and not over 55 unless they have veterans' preference.
(b) Must hold an amateur operator's license for a continuous period of at least five years prior to making application for employment.
(c) Must demonstrate in a Commission field office their ability to transmit and receive plain English text in the International Morse Code at the rate of 20 words per minute.

The salary for amateurs who qualify for appointment is $1620 per annum. A deduction of 3½ per cent is made from all salaries toward retirement, but this is returned if the employee leaves the government service before retirement.

Applications should be submitted on U. S. Civil Service Application Form 8 to the Secretary, Federal Communications Commission, Washington, D. C. Complete information must also be filed with respect to citizenship and fingerprints under Federal Communications Commission Order No. 75.

Further information relative to these positions may be obtained by writing to the Federal Communications Commission or to the U. S. Civil Service Commission, Washington, D. C.

## FCC ORDER REVISED

Administrative Order No. 2 of the FCC has been revised to give more latitude for the handling cases at the Commission during the vacation period. The revised Order No. 2 is as follows:

Under the authority of the Communications Act of 1934, as amended, IT IS ORDERED, That Administrative Order No. 2, adopted July 12, 1939, as amended, be and the same is hereby further amended to provide as follows:

IT IS ORDERED: That there be and there is hereby assigned and referred to the respective boards and individual Commissioners hereinafter designated, for action thereon, that portion of the work, business or functions of the Federal Communications Commission hereinafter specified:

(1) (A) The Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act, upon:

- (a) all applications for operator licenses or renewals thereof; and
- (b) all applications for amateur and ship stations or renewals thereof; and
- (c) all applications for aircraft station licenses or renewals thereof where the applicant is or has been the holder of a station license within the preceding year;

(B) The Secretary of the Commission is hereby designated to enter the appropriate final order of the Commission in all cases involving applications for radio station authorizations in which proposed findings and conclusions of the Commission have been issued pursuant to the provisions of Section 1.231 of the Commission's Rules of Practice and Procedure and in which no exceptions have been filed within the time prescribed in said section.

(2) The Chief Engineer of the Commission is hereby designated to determine and act upon all applications and requests and to make appropriate order in letter form for the signature of the Secretary of the Commission in the following matters:

- (a) temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment;
  - (1) operation without an approved frequency monitor;
  - (2) operation without an approved modulation monitor;
  - (3) operation without thermometer in automatic temperature control chamber;
  - (4) operation without antenna ammeter, plate voltmeter or plate ammeter;
  - (5) operation with substitute ammeter, plate voltmeter or plate ammeter;
  - (6) operation with temporary antenna system;
  - (7) operation with auxiliary transmitter as main transmitter;
- (b) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (c) where formal application is not required, application for new or modified equipment or antenna system;
- (d) change of specifications for painting and lighting antenna towers where formal application is not required;
- (e) operation to determine power by direct method during program test period;
- (f) relocation of transmitter in same building;
- (g) operation with reduced power or time under Sections 3.57 and 3.71;
- (h) approval of types of equipment as to compliance with outstanding rules and standards;
- (i) all authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit;
- (j) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (k) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met;
- (l) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (m) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (n) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of emergency when, due to causes beyond the control of the licensee, it become impossible to continue operating at the licensed location;
- (o) all authorizations for special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases.

(3) The Chief Accountant of the Commission is hereby designated to determine, order, certify, report or otherwise act upon:

- (a) administration, interpretation and application of regulations promulgated by the Commission pursuant to Section 220 of the Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission;
- (b) applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act;
- (c) administration, interpretation and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports;
- (d) all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to Section 203 of the Act, and in connection with the administration of this section in so far as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof;

and, where appropriate in carrying out the foregoing, to make orders in letter form for the signature of the Secretary of the Commission.

(4) A board, to be called "The Administrative Board," consisting of the General Counsel, Chief Engineer, Chief Accountant, and Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act upon the following matters; *provided,* however, that said Board may act in such matters only in accordance with established policies of the Commission; *provided further* that three members of said Board shall constitute a quorum:

- (a) all applications for the Coastal, Marine Relay, Aviation, Emergency, and Miscellaneous services, except those falling under paragraphs (1), (2), and (3) of this Order;
- (b) upon all radio matters of every character (except broadcast, and cases falling under paragraphs (1), (2), and (3) of this Order) within the Territory of Alaska;
- (c) upon all applications for experimental authorizations except: Class II experimental stations to authorize experimentation directed toward the establishment of new services;
- (d) upon all broadcast service applications as follows: for licenses following construction which comply with the construction permit; applications for construction permit and modification of construction permit involving only a change in equipment; applications for extensions of time within which to commence and complete construction; applications to install frequency control equipment; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site not involving any substantial change in service area; applications for relay broadcast stations; applications for consent to assignment of licenses or for consent to transfer of control of licensees of relay broadcast stations, when the Commission has on a prior date consented to a like assignment or transfer of control of the licensee

of the standard broadcast station with which the relay stations are affiliated; and requests for authorization to rebroadcast under the provisions of Section 3.94 of the Rules and Regulations;

(e) upon all applications or requests for special temporary authorization other than those falling under paragraphs (1), (2), (3) or (5) of this Order;

(f) all applications or requests for emergency and renewal exemptions from the provisions of Section 352(b) of the Act;

(g) upon all uncontested proceedings involved in:

(1) the issuance of certificates of convenience and necessity and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;

(2) applications from existing licensees for instruments of authorization for the Fixed Public or Fixed Public Press radio services, except applications involving (1) new points of communication, (2) changes in transmitter location other than local in character, (3) assignment of additional frequencies, or (4) involving change of policy by the Commission or the establishment of a new type of service;

(h) upon requests for inspection of records under the provisions of Section 1.5(c) of the Commission's Rules of Practice and Procedure;

Actions taken by the Board shall be reported in writing each week to the Commission at its regular meeting.

(5) All applications or requests for special temporary standard broadcast authorizations shall be referred to the Administrative Board which shall make appropriate recommendation thereon and refer the same to a Commissioner to be named by subsequent supplements to this Order, who is hereby designated to determine, order, report or otherwise act upon all such applications or requests in accordance with established policies of the Commission.

(6) A Commissioner, to be named by subsequent supplements to this Order, is hereby designated to hear and determine, order, certify, report or otherwise act upon;

(a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 to 1.256, inclusive, of the Commissions Rules of Practice and Procedure; *provided further* that when one or more members of the Commission have been designated to preside at a hearing such Commissioner or Commissioners shall be authorized and empowered to fix the time and place such hearing shall be held; and such motions, petitions, or matters arising in connection with such hearing shall be handled by the Commissioner or Commissioners designated to preside, subject to the provisions of Sections 1.232, 1.252, 1.254, 1.255, and 1.256 of the Rules of Practice and Procedure; *provided further* that in the absence of the individual Commissioner designated to preside at a hearing, or his inability to act or pass upon such preliminary matters, they shall be referred to the presiding officer of the Motions Docket.

(b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

(7) Any party affected by any order, decision, or report of any individual, board, or individual Commissioner, to whom authority is delegated under the provisions hereof, may file a petition for rehearing, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, before the Commission, and every such petition shall be passed upon by the Commission.

## FROM THE FCC MAIL BAG

A New Yorker inquires "whether a company operating a commercial radio station is under a duty to quote rates for time not sold and to sell such time if its rates are met." Under the Communications Act a radio broadcast station is expressly declared not to be a common carrier. Accordingly, except the provision which relates to candidates for public office explained in our information release of March 11, a radio broadcast station is under no obligation to quote rates or sell time. Hence a radio broadcast station is unlike some other classes of radio stations—notably radiotelegraph and radiotelephone—which have the status of common carriers and are required to furnish service in accordance with tariffs filed with the Commission.

With reference to reallocation of frequencies under the North American Regional Broadcast Agreement, the Commission is unable to advise about prospective individual changes pending working out of the reallocation plan in its entirety. Full publicity will be given frequency shifts at that time. Meanwhile, it is not necessary for a station to make application for such change in frequency.

Although the Commission can not, as a rule, interfere in local interference problems, so many residents of Dennison, Ohio, complained about serious interference to local radio reception that the Commission has asked the Ohio Power Co. to cooperate in remedying the local situation.

A West Virginian wants to obtain a transcript of a certain radio broadcast. Station licensees are not required under law to furnish program transcripts to the public, nor is the Commission empowered by law to secure copies thereof for individuals.

To a Pennsylvanian who complains about interruption of programs for station identification, the Commission points out that whereas such announcements are normally required on the hour and half hour, these may be dispensed with if they would interrupt a single consecutive speech, play, religious service, symphony concert or operatic rendition.

A Chicago woman objects to a program broadcast by a Dr. Brinkley. The program emanated from a Mexican station, over which the Commission has no jurisdiction.

Since the Commission lacks jurisdiction in the matter, it suggests to a Palm Beach woman that she submit to independent stations and networks a prayer that she wants to be broadcast twice daily throughout the United States.

In response to a query from Chicago, the Commission advises that there is no rule or regulation pertaining to the solicitation of funds over the air, and that the matter is one within the discretion of station management.

The Commission is likewise without authority to take remedial action with respect to the following complaints:

A Brooklyn, N. Y., man is irked because a network substituted an address by Winston Churchill for the usual baseball program.

A Washington, D. C., man alleges failure of a network to advise the listening audience concerning the reconvening of the Republican National Convention.

A San Francisco listener takes issue with the "man in the street" type of programs.

A Bronx, N. Y., individual would bar the radio to minority groups.

A Lynn, Mass., florist dislikes radio advice to purchase hosiery for Mother's Day gifts rather than flowers.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments are scheduled before the Commission during the week ending Monday, July 22. They are subject to change.

### Thursday, July 25

Oral Argument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, **1410 kc.,** 1 KW, unlimited time; and auxiliary, **1410 kc.,** 500 watts, 1 KW LS. Time: Auxiliary purposes only.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

### August 1

Oral Argument Before the Commission

Report No. B-108: L L L L L LL

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.

### October 14

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., **1080 kc.,** 50 KW, unlimited time (DA for night use). Present assignment: **1080 kc.,** 50 KW, unlimited time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., **1080 kc.,** 50 KW, unlimited time (DA for night use). Present assignment: **770 kc.,** 10 KW, simultaneous D. S-WBBM-N. S.A. synchronized with WBBM-N, exp.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, **770 kc.,** 50 KW, unlimited time. Present assignment: **770 kc.,** 50 KW, simultaneous D, S-KFAB-N. S.A. synchronized with KFAB-N, exp.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., **770 kc.,** 1 KW, daytime. Present assignment: **1060 kc.,** 1 KW, limited to WBAL and WTIC.

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, **1080 kc.,** 5 KW, limited to WBT and KFAB. Present assignment: **1080 kc.,** 5 KW, limited to WBT, shares WCBD.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted construction permit to increase night power from 1 KW to 5 KW, on **580 kc.,** and install directional antenna for night use.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted construction permit to increase night power from 500 watts to 5 KW, on **580 kc.,** and install directional antenna for night use.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted construction permit to increase night power from 1 KW to 5 KW, on **580 kc.,** install new equipment and directional antenna system for night use.

KPHO—M. C. Reece, Phoenix, Ariz.—Granted modification of construction permit (B5-P-2182) approving transmitter and studio sites, antenna, and increase in night power from 100 to 250 watts (B5-MP-979).

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Granted construction permit to install new transmitting equipment and increase power from 100 to 250 watts, on **1310 kc.** (B2-P-2817).

Riverside Broadcasting Co., Riverside, Calif.—Granted construction permit for new Class IV broadcast station to operate on **1420 kc.,** 250 watts, unlimited time (B5-P-2648).

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Granted modification of license to increase nighttime power from 100 to 250 watts (B2-ML-977).

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of license to change daytime directional antenna pattern (B1-ML-1001).

The Marion Broadcasting Co., Marion, Ohio.—Granted construction permit for new station at Marion, Ohio, to operate on **1500 kc.,** using 250 watts power, unlimited time (B2-P-2862).

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Granted construction permit to install new transmitting equipment, make changes in directional antenna system for nighttime use, change frequency from **640** to **560 kc.,** increase power from 500 watts to 5 KW, and change hours of operation from limited time to unlimited (B1-P-2912).

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted amended application for construction permit authorizing increase in power from 5 KW to 50 KW, installation of new transmitter and directional antenna for nighttime use on **680 kc.,** by mutual arrangement with WLAW.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted construction permit to install new transmitter and directional antenna for night use, increase power from 1 KW daytime only to 5 KW unlimited time, on **680 kc.,** by mutual arrangement with WPTF in re directional antenna.

## DESIGNATED FOR HEARING

Mollin Investment Company, Riverside, Calif.—Application for construction permit to erect a new station to operate on **1390 kc.,** 500 watts, daytime only (B5-P-2464).

## MISCELLANEOUS

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted license to cover construction permit for installation of new transmitter, move of transmitter and studio, install new antenna, and increase power from 250 watts to 1 KW; **740 kc.,** daytime (B1-L-1183).

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Granted license to cover construction permit for changes in transmitting equipment; **1430 kc.,** 50 watts, 1 KW LS, unlimited (B3-L-1184).

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted license to cover construction permit for installation of new transmitting equipment and increase in power from 100 watts to 250 watts; **1310 kc.,** unlimited time (B2-L-1186).

WJSN—The Sun Publishing Co., Inc. (area of Jackson, Tenn.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.,** power 15 watts (B3-LRE-317).

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Granted license to cover construction permit for installation of new transmitter, increase in power from 100 to 250 watts, and move of studio; **1210 kc.,** unlimited time (B2-L-1182).

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted license to cover construction permit for installation of new equipment, frequency **43000 kc.,** special emission, 250 watts power, granted upon experimental basis only, conditionally (B2-LHB-62).

WICA—WICA, Inc., Ashtabula, Ohio.—Granted license to cover construction permit for changes in equipment and increase in power from 500 watts to 1 KW; **940 kc.,** daytime (B2-L-1187).

KAIZ—Woodmen of the World Life Insurance Society (area of Omaha, Nebr.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.,** power 10 watts (B4-LRY-194).

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted license to cover construction permit for new broadcast station, **1370 kc.,** 250 watts, unlimited (B3-L-1170). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-419).

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to rebroadcast regular routine transmissions to be received from the Boone County Police radio system, Belvidere, Ill., from 11:45 a. m. to 12:15 p. m., CST, on July 11, 1940 (B4-S-577).

Atlantic Coast Broadcasting Co. (area of Charleston, S. C.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies **31220, 35620, 37020, 39250 kc.,** power 2 watts (B3-PRE-357).

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted construction permit to move transmitter from 5½ miles northwest of Birmingham, Ala., to 2400 Arkadelphia Road, Birmingham, Ala.; **930 kc.,** 1 KW, 5 KW LS, unlimited time (B3-P-2541).

KQCB—Queen City Broadcasting Co. (area of Seattle, Wash.), Portable-Mobile.—Granted construction permit to increase power of its relay broadcasting station from 12 watts to 40 watts and install new transmitter (B5-PRY-223).

WSPD—The Fort Industry Co., Toledo, Ohio.—Granted modification of construction permit for increase in power from 1 KW, 5 KW day, to 5 KW day and night; install directional antenna for night use only, for extension of completion date from July 27, 1940, to September 1, 1940 (B2-MP-1007).

KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of construction permit for move of transmitter, install new equipment and directional antenna and increase in power, for extension of completion date from July 8, 1940, to September 8, 1940; **1460 kc.,** 50 KW, unlimited time, directional antenna day and night (B4-MP-1000).

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Granted license to cover construction permit for new broadcast station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited hours of operation, transmitter to be located at South of Town, Sault Ste. Marie, Mich., studio at 107 W. Portage St., Sault Ste. Marie, Mich. (B2-L-1175). Also granted authority to determine operating power by direct measurement of antenna (B2-Z-431).

Glover Weiss, tr/as Glover Weiss Co., Jacksonville, Fla.—Denied as in case of default the application for construction permit for a new broadcast station at Jacksonville, Fla., to operate on **1440 kc.**, 250 watts, unlimited time.

WDZ Broadcasting Co. (area of Tuscola, Ill.), Portable-Mobile.—Granted license for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 2 watts (B4-LRY-191).

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input; frequency **1210 kc.**, power 100 watts, unlimited time (B2-Z-437).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:30 p. m., CST, to midnight, for the period July 15, 1940, to the conclusion of the proceedings of the Democratic National Convention, in order to permit WGBF to broadcast said proceedings only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast proceedings of the Democratic National Convention only.

WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate from 7:45 p. m., EST, until the conclusion of the evening sessions of the Democratic National Convention, for the period beginning July 15 and continuing for the duration of the convention, in order to broadcast proceedings of said convention only (B3-S-775). Action taken 7-12.

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Granted authority to make changes in automatic frequency control unit.

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wis.—Granted extension of special temporary authority to operate specified time 8 a. m. to 4:15 p. m., CST, daily from July 17, 1940, to not later than August 15, 1940, pending the completion of plans being made for additional station personnel to permit full daytime operation.

WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary to operate from 7:45 p. m., EST, until 9:30 p. m., EST, July 13, 1940, and from 7:45 p. m. to 10 p. m., EST, July 14, 1940, in order to broadcast the pre-convention speeches of Senator Byrnes and Postmaster General Farley.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate W2XOY with 100 watts amplifier for a period not to exceed 30 days, pending completion of manufacturing and installation of the Model 4AF2A1 amplifier as stipulated in construction permit.

WPIT—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted special temporary authority to operate the equipment of International Broadcast Station WPIT, authorized in construction permit, File No. B1-PIB-23, with power of 35 KW, using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit, for a period beginning August 1, 1940, to not later than August 30, 1940.

WESG—Cornell University, Elmira, N. Y.—Granted modification of license to move studio from Mark Twain Hotel, Elmira, N. Y., to Cornell Campus, Ithaca, N. Y. (B1-ML-1005).

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted license to cover construction permit as modified for new broadcast station, frequency **1310 kc.**, power 100 watts, 250 watts LS, unlimited time (B3-L-1174); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-430).

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Granted extension of special temporary authority to operate a 50-watt television transmitter on frequencies **60000-86000 kc.**, at 515 Madison Ave., New York City, for the period July 13, 1940, to not later than August 11, 1940, in order to conduct field tests.

KSUB—Leland M. Perry (surviving partner of Johnson & Perry), and Southern Utah Broadcasting Co., Cedar City, Utah.—Denied petition for extension of time within which to make other arrangements for the transfer of station property and the assignment of license of station KSUB, and to file an amended plan for the assignment of said license.

WJHL—WJHL, Inc., Johnson City, Tenn.—Granted petition to reconsider and grant without hearing the application of WJHL to change operating assignment from **1200 kc.**, 250 watts, unlimited time, to **880 kc.**, 1 KW, unlimited time, using directional antenna for night use.

WTMJ—The Journal Company (Milwaukee Journal), Milwaukee, Wis.—Granted construction permit to increase power from 1 KW to 5 KW on **620 kc.**, unlimited time, using directional antenna at night.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted petition for reconsideration and grant of application for construction permit to install new transmitter and directional antenna for night use, change frequency from **1310 kc.** to **620 kc.**, and increase power from 250 watts to 500 watts night, 1 KW day, unlimited time.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Redesignated for hearing the application of WHJB for construction permit to change operating assignment from 250 watts, daytime, to 1 KW, unlimited time, on **620 kc.**, using directional antenna at night.

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Denied petition for rehearing in the matter of the application of the Neptune Broadcasting Corp. for a new station in Atlantic City to operate unlimited time on **1420 kc.**, with power of 100 watts night, 250 watts local sunset, granted by the Commission on April 4.

North Jersey Broadcasting Co., Inc., Paterson, N. J.—Granted petition to reconsider Commission action taken June 11, 1940 in designating for hearing the application for a new station at Paterson to operate on **900 kc.**, with 1 KW, daytime only, subject to selection of a transmitter site satisfactory to Commission (B1-P-2624).

Sentinel Broadcasting Corp., Salina, N. Y.—Granted construction permit to erect a new station at Salina (a suburb of Syracuse), to operate on **620 kc.**, with power of 1 KW, unlimited time, using directional antenna at night.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Scheduled for oral argument on August 1, 1940, the proposed findings of the Commission in re revocation of station license (B-108).

W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y. Granted special temporary authority to remain silent until completion of installation of new transmitter at 444 Madison Ave., New York City, as proposed in application (File No. B1-PHB-281,) but for a period not to exceed 30 days.

W1OXLV—Radio Engineering Laboratories. Inc., Long Island City, N. Y.—Granted special temporary authority to operate Class I experimental station on **43400 kc.**, power 1 KW, special emission, 200 kilocycle swing, at location to be determined in San Francisco, Calif., on an experimental non-interference basis from August 1, 1940, to not later than August 30, 1940, in order to demonstrate frequency modulation reception at the Convention of the National Association of Broadcasters.

WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Granted modification of construction permit for installation of new antenna and move of transmitter, for change in transmitter location locally, and extension of commencement date from July 18, 1940, to 60 days after grant and completion date from January 18, 1941, to 120 days thereafter; **1310 kc.**, 250 watts, unlimited time (B2-MP-1013).

KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted license to cover construction permit for installation of directional antenna for day and night use, and increase in power; **560 kc.**, 5 KW, unlimited time (B5-L-1189). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-440).

W1XTG—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Granted license to cover construction permit as modified for new high frequency broadcast station; frequency **43400 kc.**; special emission; 1000 watts power granted upon an experimental basis only, conditionally. (B1-LHB-61)

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted authority to determine operating power by direct measurement of antenna input. (B3-Z-441)

KFRU—KFRU, Inc., Columbia, Mo.—Granted modification of construction permit for installation of new transmitter, new antenna, change of frequencies, decrease in power, change hours of operation, and move of transmitter, for approval of transmitter site at 1200 Broadway, Columbia, Mo. (present licensed location), approval of present licensed antenna, and install new transmitter; frequency **1370 kc.**, 250 watts, unlimited time. (B4-MP-1010)

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover construction permit which authorized changes in transmitting equipment; **1370 kc.**, 250 watts, unlimited time. (B4-L-1190)

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii. —Granted modification of construction permit as modified which authorized change in frequency, increase in power, move transmitter, install new transmitter and antenna, for extension of completion date from August 20, 1940, to October 20, 1940; **590 kc.**, 5 KW, unlimited time. (B-MP-1014)

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted license to cover construction permit which authorized installation of new antenna, increase in power and move of transmitter; **1310 kc.**, 250 watts power, unlimited time. (B3-L-1164)

W2XBU—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate transmitter on **288 mc.** (channels 18 and 19) for preliminary tests and transmission of video signals under construction permit (File No. B1-PVB-54) aboard the Steamship AMERICA at Norfolk, Va., beginning July 20, 1940, and ending not later than July 31, 1940; to operate as above except at New York, N. Y., on or about July 29, 1940, in order to televise view of the arrival of the new Steamship AMERICA arriving in New York.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted construction permit to move transmitter from Walton Bldg., Maine and Esplanade Sts., Lexington, Ky., to off Mason Headley Road, Lexington, and install new antenna; **1420 kc.**, 250 watts, unlimited time. (B2-P-2900)

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST on August 1, 6, 8, 13, 15, 20, 22, 27, and 29, 1940, and from 8:15 p. m. to 9:15 p. m. CST on August 7, 14, 21, and 28, 1940, in order to permit WNAD to remain silent during the summer vacation (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during the above periods in order to observe the summer vacation.

Pensacola Broadcasting Co., Pensacola, Fla.—Granted special temporary authority to operate ship station WFLT on **1622, 2058, 2150** and **2790 kc.** on July 27 and 28, 1940, in order to relay broadcast the annual fishing rodeo from the Gulf to Radio Station WCOA.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning July 17, 1940, and ending not later than August 15, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

NEW—William H. Rines, Portland, Maine.—Construction for a new broadcast station to be operated on **560 kc.**, 1 KW night, 5 KW day, unlimited time, employing directional antenna day and night. Class III-B. Transmitter near Rigby, Me.

KLZ—KLZ Broadcasting Co., Denver, Colo.—Authority to determine operating power by direct measurement.

KLZ—KLZ Broadcasting Co., Denver, Colo.—License to cover construction permit (B5-P-2523) for directional antenna for day and night and increase power.

### 590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii. —Modification of construction permit (B-P-2220) as modified to change frequency, increase power, move transmitter, install new transmitter and antenna, requesting extension of completion date from 8-20-40 to 10-20-40.

### 920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **1330 kc.** or **1360 kc.** when Havana Treaty goes into effect, 500 watts night, 1 KW day, unlimited time. Amended: To change frequency to **920 kc.**, increase power to 5 KW, install directional antenna for day and night use, and give location of transmitter as Miami Garden Drive & State 149, Town of Ojus, Fla.

### 1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Modification of license to change frequency from **1050 kc.** to **900 kc.**, increase power from 1 KW night, 5 KW day to 5 KW day and night, change time from limited to unlimited time. Amended: To show that the frequency **900 kc.** is requested after the effective date of the North American Regional Broadcast Agreement.

### 1230 Kilocycles

KGGM—New Mexico Broadcasting Co., Inc., Albuquerque, N. Mex.—Construction permit to install new transmitter from West City Limits, Albuquerque, N. Mex. to approximately 5 miles north of business district on North Second Street, Albuquerque, N. Mex., change frequency from **1230 kc.** to **590 kc.**, increase power from 1 KW to 5 KW day and night, and install directional antenna for night use.

### 1310 Kilocycles

WOMI—The Ashland Broadcasting Co., Ashland, Ky.—Modification of construction permit (B2-P-2742) to installl new antenna and move transmitter, requesting change in transmitter location from 53rd and Ohio River to 48th St. and Ohio River, Ashland, Ky., and extend commencement and completion dates from 7-18-40 and 1-18-41 to 60 days after grant and 120 days thereafter respectively.

KVSF—New Mexico Broadcasting Co., Inc., Albuquerque, N. Mex.—Construction permit to install new transmitter, new vertical antenna, move transmitter and studio from 759 Cerrillos Road, Santa Fe. N. Mex. to South Cerrillos Road, Santa Fe, N. Mex., change frequency from **1310 kc.** to **1230 kc.**, and increase power from 100 watts to 1 KW. Contingent on granting of KGGM's application B5-P-2918.

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Modification of construction permit (B2-P-2588) for a new broadcast station, requesting approval of antenna and transmitter and studio sites at 6 Fountain St., N. E., Grand Rapids, Mich.

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Construction permit to change frequency from **1310** to **1320 kc.**, increase power from 250 watts to 1 KW, new transmitter and directional antenna for day and night use. Class III-B.

### 1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Modification of construction permit (B4-P-2322) to install new transmitter and antenna, change frequency, decrease power, change hours, move transmitter, for approval of transmitter at present site, approval antenna and new transmitter.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-2851) for changes in equipment.

NEW—J. Leslie Doss, Bessemer, Ala.—Construction permit for a new broadcast station to be operated on **1440 kc.**, 250 watts, unlimited time. Amended: To change frequency to **1370 kc.**, and give location of transmitter as N. E. Corner Bessemer Birmingham Super Highway, near Bessemer, Ala., and studio at First National Bank Bldg., Bessemer, Ala.

WCBI—Birney Imes, Columbus, Miss.—Modification of construction permit (B3-P-2675) for a new broadcast station, requesting approval of antenna and transmitter site at N. W. Corner 1st & Main Sts., Columbus, Miss.

### 1420 Kilocycles

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Modification of construction permit (B3-P-2858) for new station requesting approval of antenna, approval of transmitter and studio site.

### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.

### MISCELLANEOUS

WIBC—Indianapolis Broadcasting Corp., Indianapolis, Ind.—Construction permit to change hours of operation from daytime to unlimited, using 1 KW day and night, directional antenna for day and night use, move transmitter from northeast of Indianapolis to At 59th St. and Hollingsworth Road, near New Augusta, Ind. Class II station. Amended: Geographic location.

KIIQ—KMTR Radio Corp., area Los Angeles, Calif.—License to cover construction permit (B5-PRY-198) which authorized reinstatement of station.

KEIL—KMTR Radio Corp., area Los Angeles, Calif.—License to cover construction permit (B5-PRE-331) as modified which authorized construction of new relay station.

KGKF—KGKL, Inc. (area San Angelo, Tex.).—License to cover construction permit (B3-PRY-206) which authorized new relay broadcast station.

KEIH—KLZ Broadcasting Co., Portable-Mobile.—Modification of license to change type of equipment from RCA to COMPOSITE (making change in tubes in last radio stage).

W2XD—General Electric Co., Schenectady, N. Y.—Modification of construction permit (B1-PVB-55) which authorized new television station, for change in frequencies from **156000-162000** to **162000-168000 kc.**

W2XOR—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Construction permit to install new transmitter, antenna changes, and move transmitter from Carteret, N. J., to 444 Madison Ave., New York, N. Y. Amended re geographic figures only.

WFME—Monocacy Broadcasting Co., Frederick, Md.—License to cover construction permit (B1-PRY-200) which authorized construction of a new relay broadcast station.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of special temporary authorization (B1-MLIB-38) which authorized the use of **11820 kc.** in addition to present licensed frequencies, requesting change in frequency from **11820 kc.** to **11890 kc.**

WAIY—WIBX, Inc. (area of Utica, N. Y.).—License to cover construction permit (B1-PRY-203) for a new relay station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Arlington Sales Company**—Samuel H. Koolish, trading as Arlington Sales Company, 210 West 8th Street, Kansas City, Mo., was charged in a complaint with the use of lottery methods in the sale and distribution of radios, flashlights, clocks, cameras, and pen and pencil sets to ultimate consumers.

The complaint alleges that the respondent furnished push cards accompanied by order blanks, instructions and other printed matter for use in the sale and distribution of his merchandise by means of a game of chance, gift enterprise or lottery scheme. Such sales plans, the complaint continues, have a tendency to induce the purchasing public to buy the respondent's merchandise in preference to that of competitors who do not use similar methods, and constitute unfair methods of competition in violation of the Federal Trade Commission Act. (4180)

**Bilt-Rite Box Corporation**, and its officers, Jacob Glekel and Jacob Press, 242 West 41st St., New York, were charged in a complaint with the dissemination of misleading representations in the sale of paper boxes.

According to the complaint, the respondents used the word "manufacturers" on letterheads, invoices and other printed matter, thereby representing that they manufacture the products they sell, when in truth they do not own, operate or control a plant, factory or machinery for the manufacture of their product. (4177)

**Inlaid Optical Company**—Two optical companies were charged in complaints with failure to indicate to purchasers that their lenses or glasses are of Japanese or foreign origin. The respondents are Inlaid Optical Corporation, 1058 Broad St., Providence, R. I., and Lucian V. Segal, trading as Segal Optical Company, 56 West 22nd St., New York.

According to the complaints, the respondents sell eye glasses, including reading glasses and sun glasses, made of lenses having Japanese or foreign origin, without any marking to indicate this fact to purchasers. In this manner, it is alleged, the respondents mislead purchasers into the erroneous belief that the glasses are wholly of domestic manufacture and origin. (4178-4181)

**Interwoven Stocking Company**, New Brunswick, N. J., was charged in a complaint with the dissemination of misleading representations in the sale of men's hosiery.

According to the complaint, the respondent caused certain of its hosiery to be marked as follows:

"MADE ON MACHINERY
IMPORTED FROM
ENGLAND
GENUINE 6X3 RIBBED"

"MADE ON MACHINERY
IMPORTED FROM
ENGLAND
ENTIRELY HAND EMBROIDERED"

It is alleged that the words "Imported from England" are stamped in large conspicuous type inside an oval in such a manner that the words "Imported from" appear immediately above and are read in conjunction with the word "England," and the words "Made on Machinery" appearing inside the top rim of the oval can be read in such a sense as to indicate merely that the hose were made by machinery, or were made by machinery and are "Imported" from "England." In some instances, the complaint continues, the respondent has superimposed above the oval a simulation of the English Crown with the words "Trade Mark" appearing under it and just above the oval, while underneath the oval appear the words "Genuine 6x3 Ribbed."

By such representations, the respondent allegedly misleads the purchasing public into the erroneous belief that the products are machine made and are imported from England. The complaint alleges that use of the word "Genuine" before "6x3 Ribbed" gives the further impression that such hose are imported from England, inasmuch as England was originally the only source through which a "6x3 Ribbed" hose could be obtained, though now machinery has been devised for its manufacture in America.

According to the complaint, the respondent's products so marked are not imported from England but are of domestic manufacture on machinery which was imported from England. (4179)

**Nu-Age Company**—Complaint has been issued against Nu-Age Company, 309 Castle Building, Tulsa, Okla., charging it with the dissemination of misleading representations in the sale of a medicinal preparation, "Nu-Age," also described as "Natural Mineral Extract."

It is alleged that the respondent represents its preparation as being a cure or competent treatment for eczema, athlete's foot, burns, skin diseases, tonsilitis, bleeding gums, enlarged prostate glands and piles. The respondent further allegedly advertises that internal use of "Nu-Age" is a purifier of the blood; constitutes a tonic for run-down anemic conditions; supplies minerals essential to health, vigor or energy, and constitutes a cure or remedy for indigestion, stomach and intestinal disorders, ulceration of the stomach, kidney and bladder disorders, high blood pressure and rheumatism. "Nu-Age" is also allegedly advertised by the respondent as having germicidal, antiseptic and astringent properties and as being beneficial in the treatment of female disorders.

Such representations are false and misleading, the complaint charges, for in truth the respondent's preparation has no therapeutic value other than that of a mild laxative or mild diuretic. The respondent's preparation would have no value in the treatment of high blood pressure, the complaint continues, and would be contraindicated as being injurious to health under certain circumstances since it is sometimes necessary to restrict rather than augment salt intake as a means of protecting damaged kidneys against further irritation. (4186)

**Segal Optical Company**—See Inlaid Optical Company.

**United Soap Company**—Lawrence L. Keller, trading as United Soap Company, 4726 Ballard Ave., Seattle, Wash., is charged in a complaint with the dissemination of misleading representations in the sale of soap.

According to the complaint, the respondent manufactures soap under the brand names "Hot Springs Mineral Soap," "Hawaiian Rose," "Velvette," and other similar names, each of which is made from the same formula. The respondent allegedly advertises on the boxes of such soaps that they are manufactured by various companies located in different localities including New York, London and Paris. All of the names of such companies, the complaint continues, are fictitious, nor is his soap imported, or manufactured anywhere except at his place of business in Seattle.

Representations by the respondent that his soap is "vitamized" or medicated are also alleged to be untrue. It is further charged in the complaint that the respondent advertises on boxes of soap that the retail selling price per box is 75 cents, when in truth they are sold for far less than such amount. (4184)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Algren Manufacturing Company, Inc.,** 8 Washington Place, New York, was ordered to cease employing the term "gold filled" or any similar term, as a designation for wrist watch buckles, unless such buckles shall have an alloyed gold content of one-twentieth by weight of 10 karat gold. (3200)

**Carter Sales Company**—George C. Huskins, Mina D. Huskins and Howard W. Ellison, trading as Carter Sales Company, 208 West Eighth St., Los Angeles, were ordered to desist from advertising that their drug preparation "Carter's Special Formula" is a cure, remedy or competent treatment for alcoholism or the liquor habit; that its use will eradicate the desire for alcoholic stimulants, or that it is in all cases safe or harmless. (4028)

**Grafize Products**—Bill Reardon, trading as Grafize Products, Peoria, Ill., agreed to cease representing that his product "Bra-Zit" is of itself a metal or that it is a weld or has the same action as welding; or that it saves the cost of welding, effects a permanent seal, or is self fusing. The respondent further agreed to cease using the term "Bra-Zit," or any similar terms, as the trade name for his product or otherwise implying that the action of his product is the same as or equivalent to the brazing process. The respondent Reardon further stipulated that he will cease making any disparaging statement with reference to similar or competing products, and that he will discontinue exaggerating the possible earnings that may be made by prospective agents. In future advertising, the respondent further stipulated, where qualifying words are used in connection with a specific claim of earnings or profits, such words will be made as clear as the words they qualify. (02593)

**Grove Laboratories, Inc.,** 2630 Pine St., St. Louis, Mo., was ordered to cease representing that its preparation, "Pazo Ointment," is a cure or remedy for hemorrhoids, or has any therapeutic value in its treatment in excess of affording palliative relief in cases of simple hemorrhoids. The respondent was further ordered to discontinue representations that its preparation, "Dr. Porter's Antiseptic Healing Oil," is an effective or standard treatment for skin diseases caused by infection; is an effective agent in the treatment of dandruff, falling hair or diseases peculiar to the scalp; will promote the growth of hair or prevent baldness, or will destroy parasites usually associated with dandruff and other diseases of the scalp. (3445)

**Hush Sales Company**—Estelle A. Kirstein, trading as Hush Sales Company, 116 Market St., Philadelphia, in the sale of "Hush Cream Deodorant," "Hush Liquid Deodorants," "Hush Sno," "Hush Powder Deodorant" and "Hush Stick Deodorant," agreed to cease advertising that millions or any fictitious number of persons use her products, or that there is a limitation as to the time during which her products may be purchased, unless the offer is terminated on a specified date. The respondent further agreed to discontinue claims that her products have absolute powers of controlling or stopping body perspiration odors. (02592)

**Lincoln Novelty Company,** 54 Summer Ave., Newark, N. J., manufacturer of hats and caps, agreed to cease representing in any manner that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, or by failure to stamp on the sweat bands, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that such products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats then the stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat bodies. (2873)

**Rosecliff-Quaker Corporation,** 1239 Broadway, New York, dealer in shirts, hose and other men's apparel, has entered into a stipulation in which it agrees to discontinue certain representations in the sale of its products.

The respondent stipulated that it will cease representing that it manufactures its commodities or owns, operates and controls a factory in which such commodities are made.

The respondent further agreed to cease using the terms "shrunk," "double shrunk," "no allowance need be made for shrinkage," or any similar terms, as descriptive of its goods when they are not in fact shrink proof or non-shrinkable, or have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage remains. If the term "shrunk," or similar words, be used properly to indicate that such goods have undergone the application of a shrinking process and have been shrunk to a substantial extent but as to which there remains a certain amount of residual shrinkage, then such term shall be immediately accompanied by a truthful statement clearly setting forth the percentage of residual shrinkage remaining in both the warp and the filling, or in the warp or filling, whichever has the greater residual shrinkage.

It is further stipulated that the respondent will desist from using the words "Pure Silk" or "Silk" to designate fabrics or merchandise not made wholly of silk, and from using the word "Silk" in any way which may have a tendency to mislead purchasers into the belief that products made in part of other materials are made wholly of silk. If the leg or boot of hosiery is properly represented as "silk" but the top, heel, toe or sole are composed of other materials, then the word "silk" shall be immediately accompanied by suitable phraseology in equally conspicuous type, indicating clearly that such designation does not apply to the top, heel, toe or sole, as the case may be.

Rosecliff-Quaker Corporation also agreed to cease advertising, branding, labeling, invoicing or selling any product composed in whole or in part of rayon, unless full and nondeceptive disclosure of the fiber and other content of such product is made by clearly designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber which is present in less than a substantial amount, or in any case less than five per cent. (2871)

**S. & M. Grand Rapids Furniture Factories, Inc.,** 123 Ferry St., Newark, retailer of furniture and house furnishings, agreed to discontinue use of the words "Grand Rapids" and "Factories" as part of its corporate or trade name, or use of the words "Grand Rapids" in any way so as to imply that the respondent corporation is a dealer in "Grand Rapids" furniture or that its furniture is made in or obtained from Grand Rapids, Michigan, when such is not a fact. The respondent further agreed to cease employing the terms "Factory," "Factories" or "From Factory Direct to You," or any similar terms, so as to imply to purchasers that it manufactures the products sold by it or actually owns, operates and controls the plants in which its products are made. It was further stipulated by the respondent that it will desist from marking its products with any false or misleading price which is in excess of the customary and usual price, or from representing in any manner that its products are offered at wholesale prices, when such is not a fact. The respondent also agreed to discontinue use of the words "Custom Built," or any similar words, as descriptive of "stock" products, that is, products not made upon special orders of a customer. (2872)

**United States Marble & Granite Company**—Asa L. Wooten, trading as United States Marble & Granite Company, Oneco, Fla., was ordered to discontinue representations that his memorials will stand the ravages of time forever, and will never fade, stain or tarnish, or that his marble and granite tombstones and monuments will always retain their original brightness. The respondent was further ordered to cease representing that he had posted a "Gold Bond Guarantee" assuring purchasers of the everlasting quality, durability, and freedom from fading, staining or tarnishing of his products, and that such guarantee protects purchasers if the respondent's claims are not true. (4138)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**American Candy & Sales Co.**—See Blue Ribbon Candy Co.

**Blue Ribbon Candy Company, Inc.,** also trading as American Candy and Sales Company, 124 Tenth St., N. E., Atlanta, Ga., has been ordered to discontinue lottery methods in the sale of its candy to ultimate consumers.

The order directs the respondent to cease selling or distributing candy or other merchandise so packed and assembled that sales may be made by means of a lottery; supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards or any other lottery devices which may be used in selling such products to the public; supplying to or placing in the hands of others such lottery devices, either with assortments of merchandise or separately, which devices may be used in selling articles to the public, or selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4091)

**Brewster Laboratories**—Jefferson R. Brewster, trading as Brewster Laboratories and Dr. Reece Brewster, 1908 Joe Johnson Ave., Nashville, Tenn., was ordered to discontinue certain misleading representations in the sale of medicinal preparations.

According to the findings, the respondent's preparations are designated as "Brewster's G-D"; "Brewster's T-Z"; "Brewster's Tonic"; "Brewster's Throat Wash"; "Brewster's Thoax-Eaz"; "Brewster's Sinine"; "Brewster's Pain Kill"; "Brewster's Ready Relief"; "Brewster's Pile Ointment."

The Commission's order prohibits representations by the respondent that his preparations are of therapeutic value in the treatment of, among other things, constipation, tuberculosis, hemorrhages, nervousness, disorders of the circulatory system, colds, throat troubles, sinus and mastoid disorders, rheumatism, typhoid fever, cancer, gallstones, goiter or sciatica. The order further forbids representations that any of the respondent's preparations constitute preventives of whooping cough or diphtheria, or are effective germicides.

Use of the word "Laboratories" in his trade name or any other representations that he owns or operates a laboratory are also ordered to be discontinued. (3566)

**G-H-R Electric Dilator Company**—John B. Roche, trading as The G-H-R Electric Dilator Company, and as The Roche Electric Machine Company, 215 North Division Ave., Grand Rapids, Mich., has been ordered to discontinue certain representations in the sale of devices which he recommends for use in the treatment of various body diseases and disorders.

Under the order, the respondent is prohibited from advertising that his device, Electric Thermitis Dilator, is a cure or effective treatment for impotency, sexual decline, kidney weakness, piles or prostatic disorders; that it has any therapeutic value in the treatment of prostatic conditions in excess of the beneficial effect of heat with relation to congested prostatic conditions; that its use will stop the wasting away of issues and beneficially affect the functioning of glands, or that it will supply or renew so-called vigor or vitality.

The order further forbids representations by the respondent that his device, Roche Electric Hygienic Machine, is a cure or effective treatment for paralysis, locomotor ataxia, apoplexy, rheumatism, gout, high blood pressure or hardening of the arteries; that its use is an effective substitute for exercise, will insure perfect blood circulation, restore health, renew vitality, or that it is of therapeutic value or an effective treatment for any weakness of any of the vital organs. (3772)

**Reva Company**—Cecil Dwight Kitchen, trading as The Reva Company, 4234 Lincoln Ave., Chicago, was ordered to cease advertising that his preparation, "Reva," is not a dye or is anything other than a dye; will supply a substitute for or replace natural pigment in the hair; will restore natural or youthlike color to the hair, or will have any effect in stimulating the growth of hair. The respondent was further ordered to desist from claims that his preparation is a cure or remedy for dandruff, scalp eczema, or falling hair, or that it has any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of itching in some instances. Representations that "Reva" is safe or harmless in the treatment of hair or scalp disorders, are also forbidden by the Commission's order. (4158)

**Roche Electric Machine Co.**—See G-H-R Electric Dilator Co.

**Sohn & Company, Inc.,** and its officers and directors, Benjamin, Morris and Isadore Sohn, 1450 West Roosevelt Road, Chicago, have been ordered to discontinue certain representations in the sale of mattresses and bedding.

The Commission finds that the respondents buy old, second-hand, used and discarded cotton and other used materials which they comb by machinery, rework and use in the manufacture of mattresses and bedding which are equipped with new coverings, the finished products having the appearance of new mattresses. These products, the findings continue, are then sold to wholesalers, retailers and other purchasers who resell them to the purchasing public without any marking to indicate that they were made from old and previously used materials. Further findings are that certain of the mattresses so manufactured and sold have stamped on them the phrase "Made of previously used materials," but in illegible and inconspicuous letters than cannot be read by the purchasers.

Under the order, the respondents are prohibited from representing in any manner that mattresses which are composed in whole or in part of old, used, discarded or second-hand materials are new mattresses or are made from new or unused materials. The respondents were also ordered to desist from failing to permanently affix to such mattresses labels or tags which clearly and conspicuously reveal that they are in fact composed of old, used, discarded and second-hand materials, and which tags or labels cannot readily be removed, obliterated, obscured or minimized. (4072)

**Madam Vera**—Veronica Ignatovitch, trading as Madame Vera, Madam Vera, and Mme. Vera, Meigs Building, Bridgeport, Conn., was ordered to cease representing that her preparation, "Madam Vera Hair Grower Salve," is a competent or effective remedy for dandruff or falling hair; that it grows new hair; that it has been used successfully by anyone, or that any price which is the customary and usual price at which such preparation is offered for sale is a special or reduced price. (3906)

NAB Reports
The National Association of Broadcasters
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 30, July 26, 1940

## THE WEEK IN WASHINGTON

Final plans for the NAB convention August 4-7 at the Saint Francis Hotel, San Francisco, are completed. (p. 4441).

The World's Fairs' tribute to radio, August 3, promises to be one of the outstanding broadcasts in radio history. This program is available to every station in the country, whether or not it is a network affiliate. (p. 4442).

The Wage and Hour Administration issues an opinion that the broadcasting industry's outside salesmen are not exempt from the wage and hour provisions of the Act. Other important wage and hour developments are reported. (p. 4443.)

BMI members receive a shipment of transcriptions of 50 compositions. Four more stations join. (p. 4445.)

An overwhelming majority of stations pledge cooperation in the Federal Government's attempt to enlist skilled workers for national defense. (p. 4446.)

Short wave broadcasters report to the State Department that they are spending two million dollars for new and more powerful equipment. Neville Miller commends foreign language broadcasters after their New York meeting. (p. 4449.)

Broadcast time sales increase 10.3 per cent in 1939, the FCC reports. (p. 4449.)

Federal Trade Commission gives radio ads the best bill of health. (p. 4450.)

Three additional television grants are made by the FCC. (p. 4452.)

The Commission also sets up a new investigation unit. (p. 4453.)

## IRNA MEETING

A meeting of IRNA will be held during the NAB Convention in San Francisco. The time for the IRNA meeting will be Monday, August 5, at 2:15 p. m. at St. Francis Hotel, Chairman Samuel R. Rosenbaum announced.

Strictly speaking, only those affiliates who have paid dues are legally entitled to attend and vote at an IRNA meeting. However, in all that IRNA has done it believes it has been acting in the best interests of all affiliates, regardless of IRNA membership. Therefore most of the IRNA Board feel that all affiliates, regardless of IRNA membership, should be invited to attend the IRNA meeting in San Francisco, Monday, August 5.

## Convention Plans Completed

Final plans and details for the NAB Convention at the St. Francis Hotel, San Francisco, August 4-7, were shaped up at the District 15 meeting there this week.

Advance reservations were even more numerous than had been expected. Those who have not made reservations should do so immediately by wiring Lincoln Dellar, Station KSFO, San Francisco.

The program was printed in the NAB Reports of July 12. James Lawrence Fly, Chairman of the FCC, Louis Johnson, former Assistant Secretary of War, Dr. Frank Kingdon lead the list of speakers on a program that no broadcaster can afford to miss. Copyright, code, labor problems, the industry in the national emergency, and the unit plan of volume measurement are among the many important topics that will be discussed. The convention registration fee is $10. For ladies it is $5. These fees include two luncheons and the annual banquet for men and the banquet and a varied entertainment program for the ladies.

Howard Lane, District 15 Director, has named the following Reception Committees:

Committee for James L. Fly: Don W. Thornburgh, Don E. Gilman, Ralph Brunton, Harold La Fount.

*(Continued on page 4442)*

**YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!**

**St. Francis Hotel San Francisco August, 4-5-6-7**

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## CONVENTION PLANS COMPLETED

*(Continued from page 4441)*

Committee for Col. Louis Johnson: John Kennedy, Howard Lane, A. E. Nelson, Lincoln Dellar.

Committee for Dr. Kingdon: Edgar Bill, Earl Glade, C. W. Myers.

Committee for Dr. Drewry: F. M. Borton, Jennings Pierce, Robert W. Dumm (KSFO), Arthur Westlund (KRE).

Committee for Mayor Rossi: Phil Lasky (KROW), Ralph Brunton (KJBS), Wm. D. Pabst (KFRC), S. H. Patterson (KSAN), Chas. A. Whitmore (KTKC).

The following broadcasters attended the district meeting:

William D. Pabst, KFRC; Ernest Finley, KSRO; Marion Walker, KHUB; C. E. Arney, Jr., NAB; Howard Walters, KDON; Wilt Gunzendorfer, KSRO; Will Thompson, Jr., KROY; Philip G. Lasky, KROW; Linc Dellar, KSFO; A. E. Nelson, KPO-KGO; C. L. McCarthy, KQW; William E. Shea, KYA; Gurden Mooser, KYA; W. B. Ryan, KGO-KPO; E. J. Grant, KGO-KPO; F. Fiorilla, KGO-KPO; Bob Seal, KGO-KPO; Clare Patrick, KGO-KPO; E. P. Franklin, KJBS; Lou Keplinger, KSAN; Ralph R. Brunton, KJBS; Chas. P. Scott, KTKC; Chas. A. Whitmore, KTKC; Wm. C. Grove, KSAN; S. W. Warner, KLS; Howard Lane, KFBK.

# Promotion

## LAST MINUTE NEWS ON NAB-WORLD'S FAIRS BROADCAST FOR AUGUST 3

One of the outstanding broadcasts in radio history is ready. Projected over all three major networks, and through scores of non-network stations, the program will originate in New York and San Francisco as the World's Fairs convey the thanks of radio's legion of listeners for public service rendered. Special ceremonies dedicated to a free American radio as one of the cornerstones of our democracy will be climaxed by the unveiling of symbolic plaques. The President of the United States is expected to take part in this distinguished event which has attracted the voluntary participation of radio's most famous personalities.

*This program is available to every radio station in the United States—whether network stations or not, whether NAB members or not. Every station should arrange to carry it. Non-network stations may secure the program by contacting the nearest local network affiliate to arrange for lines. NAB is grateful to the networks for making this industry-wide tribute available to all stations.*

Below is given a partial list of those who will take part in the program:

## FAMOUS RADIO PERSONALITIES ON WORLD'S FAIRS-NAB BROADCAST, AUGUST 3

James Melton
Stebbins Boys
Virginia Rea
Morton Downey
Graham McNamee
Margaret Speaks
Ted Husing
Ray Perkins
Colonel Stoopnagle
The Revellers
Major Bowes
Bill Stern
Tommy Riggs
Dorothy Gordon
H. V. Kaltenborn
Howard Barlow
Frank Black
Alfred Wallenstein
Phil Cook
Mrs. Gertrude Berg
Raymond Gram Swing
San Francisco Symphony
Conrad Thibault
Rudy Vallee
Kate Smith
Lowell Thomas
Francia White
Lanny Ross
Amos 'n Andy

## DISTINGUISHED MEN AND WOMEN

Mrs. Harold V. Milligan, President National Council of Women

Dr. Walter W. Van Kirk, Executive Secretary, Federal Council of the Churches of Christ in America

Rabbi Jonah B. Wise

Honorable James Lawrence Fly, Chairman, Federal Communications Commission

Neville Miller, President, National Association of Broadcasters

Dr. John W. Studebaker, U. S. Commissioner of Education

Roger Baldwin, Director, the American Civil Liberties Union

William Green, President, American Federation of Labor

(These lists are still incomplete)

## REMEMBER THE STATION BREAK IDENTIFICATION

Please have your program department reminded again of the station identification wordage to be used at the half-way point in the World's Fairs program.

At approximately 7:40 EST, the network announcer will say:

*"This is the American System of Broadcasting"*

And the local announcer comes in:

*"Of which Station            , the Voice of*
*is proud to be a part."*

### *Publicity Now*

Stations are urged to expedite the publicity which is being sent out from World's Fairs headquarters. Announcements should also be used as a build-up for maximum audience.

Where possible, stations carrying the program should underwrite the cost of a spotlight ad in the radio pages of local newspapers.

## Labor

### WAGE AND HOUR ACT

Developments of extreme importance to every broadcaster have occurred in the Wage and Hour field this week.

(1) The Administration issued an opinion that the industry's outside salesmen were not "outside salesmen" within the meaning of the Act, and hence were not exempt from the overtime provisions.

(2) The NAB is of the opinion that the Wage and Hour Administration is wrong about this—that broadcasting's outside salesmen *are* exempt. However, until the courts decide the issue, no one can be sure whether the Administration or the NAB is right; and broadcasters who do not pay their outside salesmen time and one-half for overtime above 42 hours a week are risking prosecution.

(3) The NAB Labor Relations Director appeared at an Administration hearing on Thursday, called to consider proposals for redefinition of "executive," "professional," and "outside salesman." He proposed amendment of the definition of "executive" so that an executive could do work of the same nature as those under him and still qualify for exemption; and amendment of the definition of "outside salesman" in such a way that broadcasting's outside salesmen would be exempt without doubt.

(4) The Administration reapproved compensation for overtime by giving time and one-half off *within a pay period;* and pre-payment of overtime when employees work less than their regular work week. For instance, if an announcer regularly works a 42-hour week for $42, but works only 36 hours one week, the employer can pay him the regular $42 and credit himself with $6 for future overtime. That would cover four hours. Broadcasters interested in either of these plans should write to the Labor Relations Director or consult him at the San Francisco Convention.

Here is the text of the Administration's opinion about outside salesmen:

U. S. Department of Labor, Wage and Hour Division,
Washington

July 16, 1940

In Reply Refer To:
LE:KCR:EPC

Mr. Joseph L. Miller,
Director of Labor Relations,
National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.,
Washington, D. C.

Dear Mr. Miller:

Reference is made to your letter of July 5, 1940, in which you inquire if this office is of the opinion that so-called "outside salesmen" employed by radio stations in soliciting radio advertising are exempt from the Fair Labor Standards Act by section 13(a)(1) as outside salesmen, as that term is defined in section 541.4 of our regulations. You state that Mr. A. J. Mosby, manager of radio station KGVO, Missoula, Montana, has advised you that the division is of the opinion that radio advertising solicitors are not engaged in making sales within the meaning of our regulations.

Mr. Mosby has correctly advised you of the position of the division. Since section 541.4 of our regulations was originally issued, the division has consistently taken the position that the making of sales must result in the transfer of title to property, tangible or intangible, in order for an employee performing such work to be exempt under section 541.4. An advertising solicitor is not engaged in performing work resulting in the transfer of title to property, but is merely negotiating contracts for the broadcast of prescribed material over the facilities of the radio station. Therefore, in our opinion such advertising solicitor is not exempt as an outside salesman under section 13(a)(1).

Very truly yours,

For the General Counsel,

Rufus G. Poole,
*Associate General Counsel.*

Here is the text of Mr. Miller's statement at the Wage and Hour hearing:

My name is Joseph L. Miller. My address is 1626 K Street, N. W., Washington, D. C. I am Labor Relations Director of the National Association of Broadcasters, trade organization of the broadcasting industry, and I am representing that Association today. The National Association of Broadcasters represents the major networks and 463 of the country's 791 broadcasting stations. Those 463 stations represent about 95 per cent of the industry's income.

We propose, first, that Section 541.1 of the Rules and Regulations be amended to read:

"The term 'employee employed in a bona fide executive (and) administrative * * * capacity' in Section 13(a)(1) of the Act shall mean any employee whose primary duty is the management of the establishment, or a customarily recognized department thereof, in which he is employed, and who customarily and regularly directs the work of other employees therein, and who has the authority to hire and fire other employees or whose suggestions and recommendations as to the hiring and firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight and who customarily and regularly exercises discretionary powers, and who is compensated for his services at not less than $30 (exclusive of board, lodging, or other facilities) for a work-week."

In other words, we approve of the Administrator's definition of a "bona fide executive" to be exempt from Sections 6 and 7 of the Fair Labor Standards Act, except for that clause requiring a "bona fide executive" to do "no substantial amount of work of the same nature as that performed by non-exempt employees." We think it would be to the best interest of both broadcasting station employers and certain of their employees to have that clause removed from the definition.

The Federal Communications Commission's Report to Congress for the fiscal year ended June 30, 1939, page 234, showed that the networks and 660 commercial stations had 18,359 full-time employees during the week beginning December 11, 1938, and that their average compensation was $45.20 for that week. I offer a copy of that report as Exhibit One. According to an informal opinion received from the Bureau of Labor Statistics, that average wage is one of the highest, if not *the* highest, paid by any industry. Naturally, it follows that those employees who were considered to be executives before Section 541.1 was issued were paid, on the average, more than $45.20 a week. The same FCC Report gives the average weekly compensation of station executives as $78.51. No definition of "executives" is included in that report, however.

We recently asked all stations to inform us how many of their executives, not now exempt under Section 541.1, would be exempt if the section were amended as we proposed. Two hundred and seventy-seven station managers so far have informed us that the total in their stations would be 546. We have divided these into three groups: (1) small stations, with 100-250 watts power; (2) medium stations with 500-5000 watts power; and (3) large stations with 10,000-50,000 watts power. One hundred and twenty-one small stations said that 178 executives, now subject to Sections 6 and 7 of the Act, would be exempt with the change.

Their average compensation is $39.31 a week. One hundred and thirty-six medium stations said that 317 of their employees now covered would be exempt with the change, and that their average pay was $50 a week. Twenty large stations reported that the change would exempt 51 of their employees now receiving an average of $68.67 a week. We believe that this is a typical cross-section. If we are correct, the change we proposed would exempt somewhat less than 1,500 employees who receive an average weekly pay check of $47.18. Certainly Congress would not find in that group—or in the entire broadcasting industry—I quote from the preamble to the Fair Labor Standards Act—"labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers." The *range*, by the way, in the average weekly pay of the employees which would be exempt by the change of definition is from $30 to $167.31.

In considering that the change we recommend would exempt approximately nine per cent of the industry's 18,000 full time employees, it must be remembered that the average broadcasting station has few employees compared with most industrial units. The same 660 stations cited above employed an average of 22 persons on a full-time basis. It appears only natural that an industrial unit producing as varied an output as does a radio station would need more executives than would most industrial units with such a small number of employees per unit. Those 22 employees include technicians, writers, salesmen, announcers, directors of both musicians and actors, auditors, stenographers, janitors, and others. The general manager of a station rarely could find time to give necessary executive direction to all these classes of employees. And yet, under Section 541.1, as it stands, the general manager is often the only "bona fide executive" in the station.

Appended to this statement is a simplified chart of the personnel set-up of the average broadcasting station. Under the general manager are three principal departments—engineering, program production and sales-and-promotion. At the head of these departments are the chief engineer, the program director and the sales manager.

Under the chief engineer, in most medium size and large stations, are the chief transmitter operator and the chief studio operator. These direct the work of the regular operators, engineers and other technicians. The chief engineer and the two chief operators usually meet all the requirements of Section 541.1 except for that which forbids them to do a substantial amount of work of the same nature as that of the regular operators, engineers and technicians. Each often "takes a trick" or does relief work at the transmitter or studio controls.

Under the production director, usually, are the musical director with his musicians; script writers and editors; announcers; various program supervisors, frequently employed on a part time basis; and actors and singers, likewise frequently employed on a part time basis. In large stations, the production director is usually an executive even under Section 541.1; but in medium and small stations, he frequently does some announcing or script writing of the same nature as that done by the announcers and writers under him. Often he does this announcing or script writing by choice because he receives extra fees for it.

The sales manager directs the work of the station's salesmen. He also directs a certain amount of script writing. In small stations he often does some of this writing himself. In most stations, the sales manager handles publicity and promotion as well as time sales. In small stations this work also involves writing—the work of the same nature as writers under him.

The duties, as well as the titles, of all these executives vary somewhat among the 791 stations. In the larger stations there are more departments and more executives.

In a few of the smallest stations, there is only one executive—and would be only one if our proposal for redefinition were adopted.

All of the 277 station managers who have answered our request for information mentioned above assured us that adoption of the Association's proposal would mean no substantial increase in their executives' working time. *Flexibility,* not a longer work week, is what the industry wants.

The broadcasting industry is in the business of furnishing entertainment, information and education for the public. It is a young industry. It is developing. It must continually change its output as public taste changes. It calls for a great deal of experimenting and creative endeavor. That type of work just cannot be confined to a rigid and inflexible number of hours.

For instance, let us take the case of a program director. He meets all the requirements of an executive, under Section 541.1, except the one to which we object. The autumn season of new programs and new shows is approaching. He spends hours *planning* these programs, interviewing talent, hiring or selecting announcers, rehearsing shows, planning and directing script writing, and making arrangements for news services. For several weeks he may be spending all his waking hours working or planning or thinking. Even if the station could afford to pay him overtime, there would be no way to calculate his working time. During this period, he is announcing one program a day, perhaps because a commercial sponsor requested his services. Perhaps the Wage and Hour Division or the courts would hold that his announcing constituted "a substantial amount of work of the same nature . . . "; therefore, he is not an executive. How in the world would you calculate his overtime!

The industry's general practice in the past was to compensate for long hours during emergencies or busy seasons with time off. Why don't you sleep in tomorrow? Why don't you take a few days off and go fishing next week? That was how stations compensated their executives for long hours. It was the practical way, in an industry where executives could not work by the clock. This system seemed perfectly satisfactory to the executives. They are not just foremen in a factory. They are idea men. And creative endeavor just cannot be turned on at nine and off at five.

I would like to quote from letters I recently have received from broadcasting station managers on this point:

"Bona fide complaints to us deploring the situation, which they rightly contend jeopardizes their opportunity to demonstrate their ability, interest and progress, added to the extreme inconvenience almost invariably caused by the cessation of work in avoiding overtime pay for these better-paid men . . . make the literal application . . . both burdensome and undesirable from practically every viewpoint."

"Placing them (the executives) upon an hourly basis with the payment of time and one-half for overtime would make it necessary for the company to withdraw certain very substantial benefits that are granted to them, in the form of no deductions from their regular salary in case of sickness, life insurance and hospitalization insurance, the premiums for which are paid 100 per cent by the company, two weeks' vacation at full pay and substantial cash bonuses which have been paid to them at the end of each year from 1933 to 1939 inclusive. Management of any successful business cannot punch a clock, and these employees are very definitely a part of management. One of the principal contributing factors in their success in their positions is the feeling that they are members of the executive staff, which feeling would be completely destroyed if they were placed upon strictly an hourly basis."

(The executives this station manager refers to receive weekly salaries ranging from $69.23 to $167.31.)

Another station manager notes that it is impossible to determine whether "overtime" on the part of one of his executives is justified because that executive is the one who must decide how long he should work. For instance, the average station manager is not an engineering expert. His chief engineer is the only man in the station who could determine whether he or any of his subordinates should work overtime.

Another fault of the present definition is the difficulty the employer has in determining what constitutes a "substantial amount of work." The other requirements of the definition are not open to question. An employee does or doesn't make $30.00 a week. He does or doesn't have the right to hire and fire. And so forth. But what is a "substantial" amount of work? Should an employer have to live in fear and trembling of a court decision that he might have been wrong in his determination in the case of each of his executives?

A case in point:

> We asked the Wage and Hour Division if a chief engineer who relieved one of his subordinates for lunch five days a week was doing a substantial amount of work. . . .
>
> Also whether a chief engineer who took one eight-hour trick each week at the transmitter was doing a substantial amount of work.
>
> The answer on lunch relief was "no". The answer on one trick a week was "yes".

From these two rulings one might conclude that the dividing line between substantial and non-substantial is somewhere between five and eight hours per week. But we are not sure. Nor is it at all clear that such a dividing line would be upheld by the courts.

The fact that an executive does some work of the same nature as those under him certainly does not alter his executive status from a practical viewpoint. Many a highly paid executive frequently pitches in and does a substantial amount of work of the same nature as that performed by non-executive employees, without losing his executive status by any common conception of that status. If Mr. Knudsen decided he wanted to work one day a week on the assembly line, would anyone challenge his status as a bona fide executive of General Motors?

It seems to us that the intention of Congress, in placing Section 13 (a)(1) in the Act was to remove any regulation of the hours of those classes of employees whose work was of such a nature that regulation of hours was not consistent with good business practice. Broadcasting executives are in that class, even though they do some work of the same nature as that performed by their subordinates.

And now as to outside salesmen. The 660 commercial stations referred to before employed 1,298 outside salesmen during the week beginning December 11, 1938, according to the Federal Communications Commission. They received an average compensation of $48.41 a week.

We suggest amending section 541.4 of the Division's Regulations by striking out the words "as defined in Section 3(k) of the Act", because it would appear that the interpretative opinion of the Division's counsel excluding salesmen other than those that make sales resulting in the transfer of title to property may be based on a narrow construction—too narrow we think, however—of the definition of "sell" and "sale" laid down in that section of the Act.

We submit that 3(k) has nothing to do with "outside salesman" in 13(a)(1). Section 13 (a)(1) of the Act exempts from the provisions of sections 6 and 7, among others, any employee employed "in the capacity of outside salesman (as such terms are defined and delineated by regulations of the Administrator)." The Administrator, expressly given authority to define and delimit the term "outside salesman" as it sees fit within the reasonably understood meaning of those words, has done so by adopting as its definition the salesman who sells or makes sales in accordance with its interpretation of those words in Section 3(k). Had that been the intent of Congress it would have been simple draftsmanship so to state in Section 13 (a)(1), in place of "as such terms are defined and delineated by regulations of the Administrator." Obviously, the Administrator has chosen the definition in 3(k) as possibly being the closest thing to Congressional intent on the subject to be found in the Act.

However, we contend that the definition of "sell" and "sale" in 3(k) was provided to define those words as they appear verbatim in Section 15 (a)(1) of the Act—the section on prohibited acts, wherein it is declared unlawful for any person "to . . . sell in commerce or to ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any *goods* in the production of which any employee was employed in violation of section 6 or section 7 . . ." Here we find the very words "sell" and "sale" used by Congress, and we submit that it was with the intention of defining these very words that 3(k) was put in the Act, and not as a roundabout way of defining "outside salesman". The Congress chose not to define "outside salesman", but left it to the Administrator to do so.

The construction put on "sell" and "sale" in the interpretative opinion, restricting their meaning to the making of sales resulting in the transfer of title to property, is certainly not unreasonable when applied to the use of those words in section 15(a), where the Congress is prohibiting the transport, shipment, delivery or sale of *goods* produced in violation of sections 6 and 7. There is nothing in the language of 13(a)(1) limiting sales to sale of goods, and that is doubtless why the Alministrator was given authority to define those words and 3(k) was not referred to as the definition.

It is our contention, furthermore, that the language of 3(k), in the words "exchange" or "other disposition" is broad enough to cover sales of services such as radio time. Webster's New International Dictionary, Second Edition, Unabridged (1935) gives these definitions:

SALE. 1 (*n.*) *Law*. Act of selling.

SELL. (*v.*) . . .7. To transfer (property) for a consideration; to transfer the absolute or general title to (anything, as lands, goods, choses in action) to another for a price or such of money; to give up for a valuable consideration; to dispose of in return for something; to convey.

SALESMAN. (*n.*) One whose occupation is to sell, as goods, merchandise, land, securities, *transportation*, etc., either in a store or within a given territory; specif., a commercial traveler.

It seems clear that title to transportation passes in the same sense that title to the right to use radio facilities passes. It is commonly understood that salesmen sell services of various kinds. Furthermore, it is the understanding of the Federal Communications Commission charged with the regulation of radio broadcasting, as evidenced by that body's reports. We offer page 234 of the "Report of the Federal Communications Commission," wherein in Table X—"Functional employment and pay-roll data for the week beginning December 11, 1938," the classification "outside salesman" appears. If anything further can be adduced to show that outside salesman in both common and administrative understanding should include those employees soliciting radio advertising, we do not know where to look for it.

Finally, the emphasis in section 13(a)(1), of the Act, (and in section 541.4 of the Regulations) should be put on the word "outside" rather than on the word "salesman." This section exempts certain employees from the minimum wage and hour provisions of section 6 and 7, and, we submit, the least common denominator of these exempted employees is the element of the employer's inability to control their time. Inside salesmen, no matter whether they sell goods or services, can punch a time clock; outside salesmen, no matter what they sell, cannot. To be sure, those employed in a "local retailing capacity" do not fit our least common denominator, as do "executives," "administrators" and "professionals"; but this classification was doubtless intended to exempt those employees engaged in intra-state commerce who work for an employer who also does interstate business, and in no wise detracts from the fact that the intention of Congress was to exempt employees whose time from the nature of their employment could not be controlled.

Therefore, we respectfully urge that the words "as defined in Section 3(k) of the Act" be stricken from section 541.4 of the Division's Regulations, and that the Regulation as thus amended be interpreted to exempt employees employed as outside salesmen of radio time, or other services, as well as outside salesmen whose sales result in the passing of title to property tangible or intangible.

# BMI Developments

## BMI FEATURE TUNES

### July 29-August 5

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THAT'S FOR ME
4. FOOEY ON YOU
5. DON'T THE MOON LOOK PRETTY?

Four new stations are welcomed to the list of BMI subscribers:

WJTN—Jamestown, N. Y.
KDYL—Salt Lake City, Utah
WSFA—Montgomery, Alabama
WLVA—Lynchburg, Virginia.

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BMI members have received this past week a shipment of transcriptions of fifty compositions. In a telegram announcing the shipment, M. E. Tompkins, BMI's General Manager, said, "These recordings, accomplished with cooperation of transcription companies represented, are sent without charge as part of BMI service to subscribers."

Mr. Tompkins states that this shipment is only a beginning and a sample. Similar releases of transcriptions will follow during the coming months which will place 450 additional numbers in transcribed form in the hands of BMI subscribers before the first of the year.

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Niles Trammell, President of NBC, recently sent letters to NBC affiliates, to bandleaders performing on NBC sustaining programs, and to advertisers and advertising agencies concerned in NBC commercial programs, advising them of the situation which will make the use of ASCAP music impossible after the expiration of the present ASCAP contracts on December 31, 1940. All the letters were similar in tone and substance. Extracts from the Letter to advertisers and agencies are given below:

"ASCAP has offered to renew our licenses, but only on terms which we considered to be exhorbitant. Such a move would add materially and unfairly in our opinion to the cost of broadcast advertising and broadcasting operation. After serious consideration we have definitely decided we cannot accept these terms. Therefore, without an ASCAP license NBC will be unable to broadcast their music after December 31, 1940.

"In order to avoid possible copyright infringements we recommend that advertising agencies and their clients make an immediate study of their program music problems. Particular care should be taken to check signatures and theme music presently used on your programs to make sure that such music can be broadcast by NBC after the end of the year. We feel that there is much that can be done immediately to accustom yourselves to the new situation which will be in effect on January 1st, 1941. For example, you may want to instruct your orchestra leaders to commence using in the body of your NBC programs music which NBC will be licensed to broadcast.

"This problem will involve not only the NBC network shows but also the local programs, whether live or electrically transcribed, which are broadcast over NBC managed and operated stations. We suggest that if you now have any such programs, or contemplate them in the future, that you check carefully material incorporated in them. Many advertisers who already have on hand electrical transcriptions or who make them before the first of the year may contemplate their use on NBC M&O stations after January 1st. Obviously, such records should be carefully checked to be sure that all musical material will be licensed.

"There will be available for use by all NBC advertisers on programs broadcast over NBC networks or M&O stations, the catalogues of Broadcast Music, Inc.; Society of European Stage Authors and Composers (SESAC); Associated Music Publishers; G. Ricordi & Co.; Milan; A. P. Schmidt Co.; E. C. Schirmer Music Company; Society of Jewish Composers, Publishers and Songwriters and other concerns and individuals. Likewise, there is music available in the public domain which can be arranged from the original sources.

"It is obviously important, therefore," Trammell concludes, "for all of us to lay our plans now covering the operating conditions which will exist after the end of this year."

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# National Defense

## 373 STATIONS PLEDGE SUPPORT

Three hundred seventy-three (373) broadcast stations had pledged support to the National Defense program by Thursday noon, July 25. Station executives returning pledges up to Monday, August 1, will be listed in "NAB Reports" of August 2.

The promptness with which the industry has responded to the appeal for assistance in locating 100,000 skilled workers has brought cheer to the United States Civil Service Commission as well as to the Army, Navy and other defense agencies. Hundreds of additional station pledges are expected as insufficient time has elapsed to hear from all sections of the country.

Many letters have been received from station executives containing constructive suggestions. These have been forwarded to the Civil Service Commission. Within two to three weeks the Commission is expected to have a more definite knowledge of procurement difficulties. Until this initial period has passed it is believed best to proceed as outlined in the one page bulletin of July 23 which accompanied the three announcements.

According to a July 24 A.P. dispatch from Rock Island, Ill., the Government arsenal there, one of six Government armament plants, has orders for two years full capacity operation. Employment is expected to soar to eight thousand.

United States Civil Service Commission lists indicate that some of the requirements for the Rock Island Arsenal are covered in the announcements mailed to stations.

Also, on July 24, Secretary of the Navy, Knox, according to the Washington *Star,* favors bringing skilled workers to ship building cities.

Again the announcements in the hands of broadcasters covers present employment needs in Navy Yards located at:

Charleston, S. C.
Norfolk, Va.
Washington, D. C.
Bremerton, Wash.
Mare Island, Cal.

Stations from which NAB has received National Defense pledges are:

DISTRICT 1

CONNECTICUT
  WICC—Bridgeport
  WDRC—Hartford
  WTHT "
  WTIC "
  WNBC—New Britain and Hartford
  WNLC—New London
  WBRY—Waterbury
MAINE
  WCOU—Lewiston
  WCSH—Portland
  WAGM—Presque Isle
MASSACHUSETTS
  WAAB—Boston
  WCOP "
  WEEI "
  WHDH "
  WMEX "
  WNAC "
  WSAR—Fall River
  WHAI—Greenfield
  WLAW—Lawrence
  WLLH—Lowell
  WNBH—New Bedford
  WBRK—Pittsfield
  WESX—Salem
  WMAS—Springfield
  WSPR "
  WORC—Worcester
  WTAG "
NEW HAMPSHIRE
  WLNH—Laconia
  WFEA—Manchester
RHODE ISLAND
  WEAN—Providence
  WPRO "
VERMONT
  WSYB—Rutland

### DISTRICT 2

New York
WMBO—Auburn
WVFW—Brooklyn
WBEN—Buffalo
WBNY “
WGR “
WKBW “
WHCU—Ithaca
WJTN—Jamestown
WKNY—Kingston
WGNY—Newburgh
WABC—New York City
WBNX “
WMCA “
WNEW “
WNYC “
WOR “
WOV “
WQXR “
WHDL—Olean
WMFF—Plattsburg
WKIP—Poughkeepsie
WHAM—Rochester
WHEC “
WGY—Schenectady
WFBL—Syracuse
WSYR “
WHAZ—Troy
WTRY “
WIBX—Utica
WFAS—White Plains
WWRL—Woodside, NYC

### DISTRICT 3

New Jersey
WCAP—Asbury Park
WBAB—Atlantic City
WSNJ—Bridgeton
WCAM—Camden
WAAT—Jersey City
WHOM “
WBRB—Red Bank
Pennsylvania
WFBG—Altoona
WEST—Easton
WIBG—Glenside
WHJB—Greensburg
WAZL—Hazleton
WJAC—Johnstown
WKST—New Castle
WCAU—Philadelphia
WDAS “
WFIL “
WHAT “
WIP “
WTEL “
WCAE—Pittsburgh
WEEU—Reading
WRAW “
WARM—Scranton
WGBI “
WKOK—Sunbury
WMBS—Uniontown
WBAX—Wilkes-Barre
WBRE “
WRAK—Williamsport
WORK—York

### DISTRICT 4

District of Columbia
WJSV—Washington
WMAL “
WOL “
WRC “
Maryland
WBAL—Baltimore
WCAO “
WCBM “
WFBR “
WJEJ—Hagerstown
North Carolina
WWNC—Asheville
WBT—Charlotte
WSOC “
WGNC—Gastonia
WGBR—Goldsboro
WBIG—Greensboro
WGTC—Greenville
WFTC—Kinston
WPTF—Raleigh
WEED—Rocky Mount
WSTP—Salisbury
WMFD—Wilmington
WGTM—Wilson
WAIR—Winston-Salem
WSJS “
South Carolina
WCSC—Charleston
WTMA “
WOLS—Florence
Virginia
WCHV—Charlottesville
WBTM—Danville
WSVA—Harrisonburg
WGH—Newport News
WTAR—Norfolk
WPID—Petersburg
WMBG—Richmond
WDBJ—Roanoke
West Virginia
WJLS—Beckley
WCHS—Charleston
WGKV “
WBLK—Clarksburg
WSAZ—Huntington
WLOG—Logan
WPAR—Parkersburg
WWVA—Wheeling
WBTH—Williamson

### DISTRICT 5

Alabama
WHMA—Anniston
WAPI—Birmingham
WBRC “
WJBY—Gadsden
WBHP—Huntsville
WALA—Mobile
WMOB “
WSFA—Montgomery
Florida
WMBR—Jacksonville
WIOD—Miami
WQAM “
WKAT—Miami Beach
WDBO—Orlando
WCOA—Pensacola
WFOY—St. Augustine
WSUN—St. Petersburg
WTSP “
WDAE—Tampa
WJNO—West Palm Beach
Georgia
WGPC—Albany
WAGA—Atlanta
WATL “
WGST “
WSB “
WMOG—Brunswick
WMAZ—Macon
WMGA—Moultrie
WRGA—Rome
WSAV—Savannah
WPAX—Thomasville

### DISTRICT 6

Arkansas
KLCN—Blytheville
KWFC—Hot Springs
KBTM—Jonesboro
KARK—Little Rock
KOTN—Pine Bluff
KUOA—Siloam Springs
Louisiana
KVOL—Lafayette
KPLC—Lake Charles
KMLB—Monroe
WNOE—New Orleans
WSMB “
KTBS—Shreveport
KWKH “
Mississippi
WJPR—Greenville
WGRM—Greenwood
WFOR—Hattiesburg
WSLI—Jackson
WAML—Laurel
WSKB—McComb
WCOC—Meridian
WQBC—Vicksburg
Tennessee
WOPI—Bristol
WAPO—Chattanooga
WHUB—Cookeville
WKPT—Kingsport
WNOX—Knoxville
WROL “
WHBQ—Memphis
WMC “
WMPS “
WSM—Nashville

### DISTRICT 7

Kentucky
WCMI—Ashland
WHOP—Hopkinsville
WLAP—Lexington
WAVE—Louisville
WGRC “
WHAS “
WOMI—Owensboro
WPAD—Paducah
Ohio
WADC—Akron
WJW “
WICA—Ashtabula
WHBC—Canton
WCKY—Cincinnati
WCPO “
WCLE—Cleveland
WHK “
WCOL—Columbus
WHKC “
WOSU “
WMAN—Mansfield
WPAY—Portsmouth
WSPD—Toledo
WFMJ—Youngstown
WKBN “
WHIZ—Zanesville

### DISTRICT 8

Indiana
WTRC—Elkhart
WFBM—Indianapolis
WIRE “
WFAM—South Bend
WSBT “ “
WBOW—Terre Haute
Michigan
WBCM—Bay City
WJBK—Detroit
WJR “
WMBC “
WJMS—Ironwood
WIBM—Jackson
WJIM—Lansing
WDMJ—Marquette
WKBZ—Muskegon
WCAR—Pontiac
WHLS—Port Huron
WEXL—Royal Oak
WSOO—Sault Ste. Marie

### DISTRICT 9

Illinois
WJBC—Bloomington
WDWS—Champaign
WAAF—Chicago
WEDC "
WGN "
WIND "
WJJD "
WLS "
WDAN—Danville
WTMV—East St. Louis
WEBQ—Harrisburg
WCLS—Joliet
WMBD—Peoria
WTAD—Quincy
WROK—Rockford
WHBF—Rock Island
WCBS—Springfield
WTAX "
WDZ—Tuscola
Wisconsin
WHBY—Appleton
WTAQ—Green Bay
WCLO—Janesville
WOMT—Manitowoc
WEMP—Milwaukee
WTMJ "
WRJN—Racine
WJMC—Rice Lake
WSAU—Wausau

### DISTRICT 10

Iowa
WOI—Ames
WOC—Davenport
WGCA—Decorah
WHO—Des Moines
WKBB—Dubuque
KVFD—Fort Dodge
KGLO—Mason City
KMA—Shenandoah
KTRI—Sioux City
Missouri
KFVS—Cape Girardeau
KFRU—Columbia
KMBC—Kansas City
WHB "
KDRO—Sedalia
KFEQ—St. Joseph
KWK—St. Louis
WIL "
KGBX—Springfield
KWTO "
Nebraska
KGFW—Kearney
KFAB—Lincoln
KFOR "
WJAG—Norfolk
WOW—Omaha
KGKY—Scottsbluff

### DISTRICT 11

Minnesota
KYSM—Mankato
WCCO—Minneapolis
WDGY "
WLOL "
KVOX—Moorhead
WCAL—Northfield
KFAM—St. Cloud
KSTP—St. Paul
WMIN "
North Dakota
KRMC—Jamestown
South Dakota
KABR—Aberdeen
KFDY—Brookings
KOBH—Rapid City
KELO—Sioux Falls
KSOO "
WNAX—Yankton

### DISTRICT 12

Kansas
KGNO—Dodge City
KTSW—Emporia
KIUL—Garden City
KVGB—Great Bend
KWBG—Hutchinson
WREN—Lawrence
KOAM—Pittsburg
KSAL—Salina
WIBW—Topeka
KANS—Wichita
KFBI "
Oklahoma
KADA—Ada
KVSO—Ardmore
KCRC—Enid
KOMA—Oklahoma City
KTOK "
WKY "
KHBG—Okmulgee
WBBZ—Ponca City
KGFF—Shawnee
KOME—Tulsa
KTUL "

### DISTRICT 13

Texas
KRBC—Abilene
KFDM—Beaumont
KRIS—Corpus Christi
KFJZ—Fort Worth
KGKO "
WBAP "
KPRC—Houston
KPAB—Laredo
KFRO—Longview
KFYO—Lubbock
KNET—Palestine
KPDN—Pampa
KPAC—Port Arthur
WOAI—San Antonio
KTEM—Temple
KVWC—Vernon
KVIC—Victoria

### DISTRICT 14

Colorado
KGHF—Pueblo
KGEK—Sterling
Montana
KGHL—Billings
KRBM—Bozeman
KGCX—Wolf Point
Utah
KUTA—Salt Lake City
Wyoming
KDFN—Casper
KVRS—Rock Spring

### DISTRICT 15

California
KARM—Fresno
KROW—Oakland
KFBK—Sacramento
KYA—San Francisco

### DISTRICT 16

Arizona
KTAR—Phoenix
New Mexico
KGGM—Albuquerque
California
KHJ—Los Angeles
KNX "

### DISTRICT 17

Oregon
KALE—Portland
KEX "
KGW "
KOIN "
Washington
KVOS—Bellingham
KJR—Seattle
KOMO "

## SHORT WAVE BROADCASTERS SPENDING $2,000,000 FOR NEW EQUIPMENT

Short wave broadcasters in the United States have committed themselves to an additional expenditure of $2,000,000 for new and more powerful transmission equipment, Neville Miller advised the State Department in a conference Tuesday with Thomas Burke, chief of the Division of International Communications at the State Department relative to the problem of world wide broadcasting, with particular reference to South American coverage.

Representatives of the short wave broadcasters have had conferences with officials of the Federal Communications Commission concerning increased power and applications are now pending for construction permits which it is expected will be granted in the near future.

It was revealed that operating costs for the new and more powerful transmitters would be in excess of one million dollars annually.

While the new equipment will insure wider coverage and bring about better reception in South America, the popularity of broadcasts from the United States is already high. Nearly 10,000 letters a month are written by South American listeners to American short wave broadcasters, it was declared. News broadcasts are highest in popularity. Figures compiled by the NAB show that American short wave stations are broadcasting 13 hours and 19 minutes of news to Latin and South America every day. The broadcasts are given chiefly in Spanish, Portuguese and English, though there are two fifteen-minute periods given in German, French and Italian. These are the regularly scheduled periods and do not include special events such as speeches or statements by the President, Secretary of State and other officials of government. When the President speaks, for example, his speech is broadcast in English, later translated into Portuguese, Spanish, French, Italian, Polish and German, and broadcast in these languages.

Other programs which have attracted a wide following of listeners in South America include travelogues, lessons in English, talks on new scientific discoveries and developments, stamp collecting programs, and aviation. The South American woman apparently is as much interested in fashion notes and Hollywood gossip as her North American sister, the program analysis indicated. In addition to specially built programs for the Latin American audience, the cream of network programs are also broadcast, especially important symphonies and vocalists, as a reflection of North American culture. Occasionally exchange programs have been done in the past year where, for example, Brazil furnished a series of programs which were heard over an American network, and the network in turn broadcast programs which were heard over the Brazilian network.

Letters from listeners indicate that Latin Americans prefer news broadcasts from the United States. The same policies governing the broadcasts of news on standard stations in the United States also govern the broadcasting of news by short wave. On regularly scheduled periods, a complete coverage of domestic and world wide events is given. News is presented as it happens. It is not slanted, withheld or distorted for propaganda purposes. As a result, South American listeners have learned to place dependence on news broadcast by United States short wave stations, it was declared.

The total amount of broadcasting done by all American short wave stations, including news broadcasts, for South American listeners, is 449 hours per week.

Those attending the conference with Mr. Burke, in addition to Mr. Miller, were Harry C. Butcher, E. K. Cohan, Miss Elizabeth Ann Tucker of the Columbia Broadcasting System; Robert L. Gibson, General Electric Company; Frank Mason, Guy C. Hickok, Frank M. Russell of the National Broadcasting Company; Oswald F. Schuette, Radio Corporation of America; J. G. Leitch, Radio Station WCAB; Kenneth W. Stowman, Radio Station WCAU, Philadelphia, Pennsylvania; J. B. Rock, Walter Evans, Westinghouse Electric & Manufacturing Company; R. J. Rockwell, W. C. Koplovitz, Radio Station WLW, Cincinnati, Ohio; Walter Lemmon, World Wide Broadcasting Corporation; Ed Kirby, Paul Peter, National Association of Broadcasters.

## FOREIGN LANGUAGE BROADCASTERS COMMENDED BY MILLER

Following a meeting Thursday of representatives of radio stations broadcasting foreign language programs, Neville Miller made the following statement:

> "Following a careful study of the foreign language broadcasts over domestic stations, I am happy to say that American broadcasters are rendering a distinctly meritorius and patriotic public service in reaching great groups of our population in the language they understand, and reachable through no other medium.
>
> "Our foreign language broadcasts are not foreign broadcasts; they are American broadcasts in a foreign language. These broadcasts are promulgating Americanism throughout our foreign-born population. Should broadcasts in foreign languages ever be removed, a serious blow would be struck in our own campaign of preparedness and national unity. These groups would then be driven to get their news and their concepts of democracy from government controlled short wave radio stations abroad broadcasting in their own tongues.
>
> "American broadcasters rendering this foreign language service have shown a high degree of responsibility in formulating policies designed to protect the interests of the country. All employees are carefully investigated before hiring, and full personnel records are kept. Foreign language news broadcasts are simply translations of the regular news reports taken directly from the wires of the same press services which supply our daily newspapers and radio stations. Scripts are carefully checked and appraised in light of national defense and Americanism. Trusted and competent linguists are employed to exercise careful supervision of everything said over the air, to eliminate any sinister influence which might be attempted by those unfriendly to our way of life.
>
> "Complete files of programs and continuities are kept for the inspection of proper authorities of government."

Those attending the meeting were:

Quincy A. Brackett, WSPR, Springfield, Massachusetts; Gerald Morey, Edwin J. Morey, Ivon B. Newman, WNLC, New London, Connecticut; Aaron Kronenberg, Brooklyn, New York; Samuel Gellard, WLTH, New York City; M. S. Novik, WNYC, New York City; David Cesem, WOV, New York City; Aristides G. Lazarus, WEVD, New York City; William I. Moore, WBNX, New York City; Emil Dorer, WWRL, Woodside, New York; Frank Mason, National Broadcasting Company, New York; Salvatore D'Angelo, WVFW, Brooklyn, New York; Joseph Lang, WHOM, Jersey City, New Jersey; Arthur Simon, WPEN, Philadelphia, Pennsylvania; Milton Laughlin, WHAT, Philadelphia, Pennsylvania; Alexander W. Dannenbaum, Jr., WDAS, Philadelphia, Pennsylvania; Louis G. Baltimore, WBRE, Wilkes-Barre, Pennsylvania; Martin Antoncic, Carl George, WGAR, Cleveland, Ohio; Edythe F. Melrose, WMBC, Detroit, Michigan; Joseph Hopkins, WJBK, Detroit, Michigan; J. Franklin Viola; Neville Miller and Ed Kirby, NAB.

# Sales

## BROADCAST TIME SALES INCREASE 10 PER CENT IN 1939

Broadcast time sales for the calendar year 1939 amounted to $129,468,022, which was an increase of 10.3 per cent over the $117,379,459 reported for 1938, according to figures compiled by the Accounting, Statistical, and Tariff Department of the FCC.

These figures are based on reports by the three major networks—Columbia Broadcasting System, Mutual Broadcasting System, and National Broadcasting Company—together with 705 other stations, including affiliated stations whose time sales were being conducted by Columbia and National at the end of the year.

The total broadcast expenses of the industry for 1939 were $99,789,920, compared with $92,503,594 for the previous year, an increase of 7.9 per cent. While the networks and their affiliated 23 stations had 54.1 per cent of the total business last year, their proportion of the net business (after deduction of commission payments and amounts due to independent stations for network broadcasting) was 38.2 per cent, and the proportion of the 682 other stations was 61.8 per cent. Time sales last year involved commission payments amounting to $17,405,414 as compared with $16,487,200 the year previous.

The broadcast-service income (revenue less expenses) of the three major networks was $5,631,228, or 23.9 per cent of the total. That of their 23 stations was $5,428,924, or 23 per cent of the total, and that of the 682 other stations was $12,531,792, or 53.1 per cent of the total.

Aside from sales for the use of Canadian and other extra-territorial stations in major network broadcasts, the sales of major network time were $61,310,571, and accounted for 47.4 per cent of the total time sales in the United States for 1939. Other classes of time sales and their comparison with the same classes for 1938 are included in the following:

|  | *1939* |  | *1938* |  |
|---|---|---|---|---|
| *Class of Time* | *Amount* | *Ratio to total %* | *Amount* | *Ratio to total %* |
| Major network time (U. S.) | $61,310,571 | 47.4 | $55,114,258 | 47.0 |
| National non-network time | 30,472,053 | 23.5 | 28,109,185 | 23.9 |
| Local time | 36,815,770 | 28.4 | 33,402,801 | 28.5 |
| Regional network time | 869,628 | 0.7 | 753,215 | 0.6 |
| Total | $129,468,022 | 100.0 | $117,379,459 | 100.0 |

The major networks, in addition to their domestic business shown above, had total sales of $1,311,118 for network broadcasts over Canadian and other extra-territorial stations.

While the foregoing paragraph compares each major class of sales in 1939 with that for 1938, the actual changes within the classes were different, major network total times sales being up $6,196,313, or 11.2 per cent; national non-network up $2,362,868, or 8.4 per cent; and local up $3,412,969, or 10.2 per cent. Receipts from regional networks by stations were about the same for both years.

The 1939 figures include reports from 186 stations which each had revenue for the year in amount less than $25,000, compared with 175 for the year 1938. The 186 stations had total revenue of $2,224,807, compared with $2,520,026 for the 175 in 1938.

The figures released do not include 11 independent stations, reports of which require further correspondence. However, the aggregate amount of revenue involved in these cases is less than $200,000, which is entirely non-network and consists mostly of local business. Nor do the figures cover 38 non-commercial stations, 11 extra-territorial stations, or 49 stations under construction or otherwise not in operation at the close of the year.

The operating expenses of the nine stations operated by Columbia and National, and designated by them as key stations, are not susceptible of direct allocation to network operations on the one hand or to station operations on the other. Therefore, the division of the expenses as reported by the networks between network operations and key station operations reflect arbitrary determinations in some instances.

All figures included in the tabulations are compiled from responses made for networks and stations in compliance with Section 1.361 of the Rules of Practice and Procedure of the Commission, except in the case of Mutual, which filed a report as information to the Commission in connection with the industry survey.

Detailed tables covering operations of the broadcast industry for 1939 will be issued in several days.

## FTC RECORDS GIVE RADIO ADS BEST BILL OF HEALTH

95.8% of radio commercial continuities reviewed by the Federal Trade Commission are above suspicion, even by that august body, according to an extensive analysis recently reported by the Commission. The figures show that only 4.2% of 334,532 scripts checked by the FTC during the first half of 1939 were marked for further inquiry. No figures are available on the number of commercials actually proven unacceptable.

The FTC also announced comparable statistics for magazines and newspapers, as well as other media. Of 123,646 magazine advertisements reviewed, 12.1% were marked for further investigation. 124,793 newspaper ads were checked, and 7.9% marked, giving radio the best record on this score.

The entire radio advertising section of the FTC release follows:

### RADIO ADVERTISING

Surveys of radio advertising were carried on during 1939, on a selective and representative basis somewhat similar to the method followed in scrutinizing published advertisements.

Of the total 334,532 commercial radio continuities examined during the first half of the calendar year 1939 (later data not available), 15,390 originated from commercial broadcasts by nation-wide networks. Of these latter continuities, 22.2% were marked and referred for further investigation.

Owing to the obvious interstate appeal of advertisers utilizing the broadcast facilities of nation-wide networks, copies of network commercial continuities are procured on a continuous weekly basis, and the commercial script examined, therefore, comprised all such network announcements.

Commercial radio continuities are procured from individual station broadcasters (for non-network broadcasts) uniformly as to frequency and length of period sampled (and irrespective of transmittal power); with returns being staggered and proportionated throughout the year.

From the total 305,787 commercial continuities examined in script rendered by individual station broadcasters, 150,192 comprised commercial continuities broadcast by medium-powered regional stations. Of these latter continuities, 3.3% were marked for further investigation.

On a whole, it was observed that the average commercial continuities representing nation-wide network broadcasts, were about 7 times the script length of those rendered for individual station commercial announcements.

Commercial continuities covering the built-in commercial portions of electrical transcription recordings intended for radio broadcasts, are procured on a continuous monthly basis direct from the producers of such recordings. (Therefore, while the continuity data presented for this type of broadcast represented all commercial recordings of the producers, there is no data available to indicate the number, or period of time that copies of such recordings, may have been repeated over the air through the facilities of multiple stations.)

The completed tabulation, showing other particulars representing each group type of broadcaster whose commercial continuities were included in the advertising surveys during the first half of 1939, are given in the data presented below. (Individual broadcasters are grouped according to their respective authorized maximum night transmittal power, prevailing during the broadcast period reported upon.)

| | Commercial Continuities | | Broadcasters Surveyed | |
|---|---|---|---|---|
| Type of Broadcaster Maximum Night Power | Quantity Examined | Per Cent Marked | Script Procured | Stations or Networks Represented |
| Nation-Wide Networks | 15,390 | 22.2% | 100% | 3 |
| Regional Networks | 9,228 | 6.5% | 100% | 22 |
| Total All Networks | 24,618 | 16.4% | 100% | 25 |
| *Individual:* | | | | |
| Low Local (100 watts) | 113,927 | 2.3% | 16⅔% | 308 |
| Med. Regional (1,000 watts) | 150,192 | 3.3% | 16⅔% | 252 |
| High Regional (10 kw) | 19,736 | 4.4% | 16⅔% | 36 |
| Clear Channel (Inc. Special High) (25 kw-300 kw) | 21,932 | 7.0% | 16⅔% | 36 |
| Total Individual Station | 305,787 | 3.3% | 100% | 632 |
| Transcriptions | 4,127 | 13.4% | 100% | —— |
| | 334,532 | 4.2% | | |

## THE CASE FOR ADVERTISING

The Bureau of Radio Advertising has mailed to all members copies of an article entitled "The Case for Advertising," reprinted from *Nation's Business,* July, 1940. This is a follow-up to "The Case for Distribution," previously sent out, and gives further eloquent answer to the critics of advertising and the American system of free, competitive enterprise. Information contained in the article should be helpful to every station operator in coping with the many problems posed by the so-called consumer movement.

In this same connection, NAB Reports publishes herewith the full text of the resolutions adopted by the Advertising Federation of America at their 36th annual convention in Chicago last month:

### I

### Defense of the Nation

The American people are today faced with new and urgent problems of national defense calling for the unselfish united effort of all Americans. We desire that the Advertising Federation of America, as a clear patriotic duty, offer immediately to the Government of the United States whatever assistance the Federation and its members can render in preparing the nation to meet any threat, and we request the officers of the Federation to communicate such an offer to the Government.

As in a former emergency, when the Federation gave important help to the Government through its national organization and through the local work of its many affiliated Advertising Clubs in helping to unify public opinion, this association now stands ready to undertake a similar task when called upon. The men and women of this organization can be counted on to devote the coordinated facilities of the Federation to patriotic service, helping to unite the people of this great nation in thought and action, that we shall be prepared to protect our cherished freedom.

### II

### Advertising and the American Way

The importance of advertising as a social and economic force is crystallized into a single thought by the program theme of this convention: Advertising's Contribution to the American Way of Living.

This contribution has been important, for advertising powerfully motivates and stimulates many of those individual acts and group processes which determine the way Americans live. A symbol of free competitive enterprise and of free choice by consumers, advertising arouses the desire and ambition for better living and simultaneously performs an economic service which helps to make better living possible.

The preservation of the American way of free individual enterprise and free consumer choice assumes more than usual importance today in the shadow of perils assailing freemen and free peoples in so many parts of the world.

Therefore we urge advertising men and advertising women everywhere to respect and take pride in the contribution of good advertising to the American way of living, that by the quality and sincerity of their work they may add daily to the value of this contribution, and thus help to safeguard it as a permanent part of American business.

### III

### Truth in Advertising

On this twenty-ninth anniversary of the historic advertising convention in Boston, when the great crusade for Truth-in-Advertising was inaugurated by this Federation, with wholehearted participation of Advertising Clubs throughout the country, we subscribe anew to the ideals and principles then set up, and re-dedicate ourselves to the unremitting task of making advertising more believable and more reliable in every respect.

With the help of constructive laws, which were passed with the support of the Advertising Federation and its affiliated groups, fraud and deception have largely been eliminated from advertising. Rising standards of service to the buying public now require even greater refinement in advertising practice, and we urge constant effort to improve the quality and to make advertising as fully informative as good advertising can be, to the end that its fullest measure of effectiveness may be realized.

### IV

### Consumer Education

The Advertising Federation of America heartily approves and welcomes the rising interest in better education of the individual man and woman in the art of buying merchandise. We urge all business leaders and advertising men and women to cooperate with consumers in this activity, for it is self-evident that more intelligent buying will bring opportunities for better selling and more effective advertising.

### V

### Federation's Educational Program

In view of the great need today for dissemination of reliable information about advertising, we urge all affiliated Advertising Clubs and National Groups to give full cooperation to the national educational program of the Advertising Federation of America, and we invite the participation of all advertising interests not now affiliated.

This program, conducted by the Federation for more than ten years, has been most effective in promoting a better understanding of advertising's contribution to the American way of living, and we call for an expansion of this activity.

We feel that this work is especially important at the present time, to counteract the many misleading statements made about advertising, involving false economic reasoning and distortion of facts. When found in textbooks, such faults should specifically be pointed out and answered, as has been done by the Federation.

We believe that it is one of the most important responsibilities of the Advertising Federation of America to see that the public is informed on the economic functions of advertising and its influence on the improvement of our standards of life.

### VI

### Mutuality of Interest

With all advertising subjected to attacks from many sources, a united front is necessary to cement public confidence in advertising, and the Advertising Federation of America urges that each branch of advertising exercise self-restraint, good judgment, and tolerance in its attitude toward other advertising interests and media.

# Miscellaneous

## RECENT PUBLICATIONS

"*National Policy for Radio Broadcasting*" (Harper and Brothers, $3) gives an up-to-date picture of the broadcasting industry and its problems as seen by C. B. Rose, Jr. The book constitutes a report prepared under the auspices of the National Economic and Social Planning Association.

*Printer's Ink* of June 28 carried an interesting article about the broadcasting industry's scrap with ASCAP, by Eldridge Peterson.

*Editor and Publisher* on July 13 said editorially that cancellation of radio commercials for the political conventions was one reason why sponsors should turn to newspapers.

# Television

## MORE TELEVISION AUTHORIZATIONS

Three additional television grants under its promotional experimental rules were announced Thursday by the FCC. They cover construction permit for a new Philadelphia television station, to be operated by WCAU Broadcasting Co. on television channel No. 5 (84,000-90,000 kilocycles) with 1 kilowatt aural and visual power; construction permit to Purdue University to operate its television station W9XG, at West Lafayette, Ind., on channel No. 3 (66,000-72,000 kilocycles) with 750 watts aural and visual power; and modification of license of the State University of Iowa station W9XUI, at Iowa City, to use channels Nos. 1 and 12 (50,000-56,000 and 210,000-216,000 kilocycles) with 100 watts visual only.

WCAU proposes to experiment with 441 to 729 lines, and 15 to 30 frames; to compare vertical and horizontal polarization as to signal noise ratio, effect of tall buildings, hills, and obstructions, interference from diathermy and ignition systems, and signal strength; to investigate pre-emphasis in the transmitter and de-emphasis in the receiver; and compare FM (frequency modulation) and AM (amplitude modulation) as the sound component of its proposed station.

Purdue University contemplates experimenting with transmission standards, development of new types of pick-up tubes or iconoscopes, research into the design and construction of side-band filters, development of the transmission line or impedence modulation system, research into new methods of background control, and improvements in wide-band amplifiers, plus possible further experimentation with lines and frames, polarization, and new forms of synchronizing signals.

The State University of Iowa station will test different systems of modulation, conduct experiments concerning frequency stability and band width, measure field intensity to determine results of polarization, and otherwise carry on engineering experimentation tending to develop uniform transmission standards of acceptable technical design, plus training of technical personnel.

Neither Purdue nor the State University of Iowa will engage in public program service.

## FCC AND RMA COOPERATE

Cooperation between the Federal Communications Commission and the Radio Manufacturers Association in organization of a National Television Systems Committee, to function under the auspices of RMA, will include all industry interests, according to President J. S. Knowlson of RMA. Companies active in television development which are not members of RMA as well as those holding Association membership are included in the list announced by President Knowlson of those invited to have representation on the new National Television Systems Committee.

Coincident with the FCC announcement last week of the television development plan, President Knowlson of RMA issued the following statement:

> "I don't think there is much to add to the information given out by Chairman Fly of the Federal Communications Commission on the proposed formation of an industry television committee. While not all those interested in television are members of RMA, it seemed quite obvious that as the accredited Association of the industry it was the responsibility of the Association to assume the job of getting everyone together, and with the cooperation of the FCC we assumed that responsibility.
>
> "I am sending out invitations to the following companies to nominate representatives which should be appointed to the National Television Systems Committee functioning under the auspices of the Radio Manufacturers Association; Columbia Broadcasting Systems, Inc., Don Lee Broadcasting System, Allen B. DuMont Laboratories, Inc., Farnsworth Television & Radio Corporation, General Electric Company, Hazeltine Corporation, J. V. L. Hogan, Hughes Tool Company, Institute of Radio Engineers, Philco Corporation, Radio Corporation of America, Stromberg-Carlson Telephone Manufacturing Company, and Zenith Radio Corporation.
>
> "Dr. W. R. G. Baker of Bridgeport, Connecticut, Director of the RMA Engineering Department, has been appointed chairman of the new National Television Systems Committee. The chairman, while correlating the work of the committee, will have no vote. I understand that Dr. Baker plans to call an early meeting of the committee for organization purposes at which meeting Chairman Fly of the FCC will informally discuss the problems with the committee members.

"I think I am safe in saying that both the Commission and RMA feel that in this way we are setting the vexing problem of television standards on a path which will lead to a satisfactory solution. We are both encouraged to feel that by so doing we are serving the interests of all concerned."

### AN ERROR

The July 19 REPORT on p. 4430 erroneously listed the power of the Don Lee Broadcasting System television station W6XAO as 100 watts for the visual channel instead of 1000 watts.

## The Commission

### FCC SETS UP INVESTIGATION UNIT UNDER DAVID LLOYD

An investigation unit has been set up in the Law Department, James Lawrence Fly, Chairman of the FCC, stated at a press conference on Monday of this week. David Lloyd, formerly Assistant Chief Counsel of the Senate Civil Liberties Committee, will be Special Counsel in charge of the unit.

He stated that this has been a great need of the Commission for some time and he expects the unit to get out into the field and investigate transactions and records and interview applicants. He called attention to the fact that ex parte statements are all that the Commission has had to rely on when new applications are filed. He pointed out the fact that the Commission is making many important grants and said that the investigations of the new unit will not be limited to broadcasting.

Mr. Fly expressed doubt that the ex parte presentations which have been made have been sound administration. If the Commission had had an investigation unit in the past, some of the difficult situations which have turned up might have been avoided. The new unit, he told the newsmen, will be generally available for all things under the Commission's jurisdiction. And in addition to legal representation, it will also involve accounting and engineering angles.

Mr. Fly stated that it will be a relatively small unit which can draw on other departments when necessary to meet any special situation.

He expressed the hope that the Commission can get some competent person to deal with labor problems. This, he said, is a separate angle but is more or less related and he explained that there is no one at the Commission at the present time investigating labor situation and problems.

"We have no liaison person," he said, "who can speak the language and reflect the viewpoint of labor."

Chairman Fly stated that he will meet on July 31 with the new television committee which is being sponsored by RMA. He expressed the feeling that the new television committee is a good set-up and "that the industry is in a good frame of mind to go ahead and do a good job." The committee, he said, "will not only study existing systems but will plan and coordinate work for further development and improvement."

### FCC RULES REPEALED

Section 4.137 of the FCC Rules Governing Broadcast Services Other Than Standard Broadcast Applying to Non-commercial Educational Broadcast Stations, was repealed and the following substituted therefor:

"Section 4.137 *Frequencies.* (a) The following frequencies are allotted for assignment to non-commercial educational broadcast stations:

| Kilocycles |
|---|
| 42,100 |
| 42,300 |
| 42,500 |
| 42,700 |
| 42,900 |

"(b) Stations serving the same area will not be assigned adjacent frequencies.

"(c) Frequency modulation shall be employed exclusively unless it is shown that there is a special need for the use of amplitude modulation.

"(d) Only one frequency will be assigned to a station."

### FCC RULE EFFECTIVE DATE EXTENDED

Effective date of the FCC Rules and Regulations Sec. 3.32(b) which prohibits broadcasting of commercial programs on experimental authorizations, was further extended from August 1 to October 1, 1940.

### FCC BROADCAST MEASUREMENTS

During the month of June, experts of the FCC measured 724 broadcast stations, leaving 115 not measured.

Of those measured, 670 stations showed a maximum deviation within 0-10 cycles; 50 stations a maximum deviation within 11-25 cycles; and 4 stations a maximum deviation within 26-50 cycles. No stations showed a maximum deviation within 20 or over 50 cycles.

### FCC APPROVES APPLICATIONS FOR NEW TELEVISION OUTLETS

New television stations for the national capital and New York City are speeded by action of the FCC in confirming previous tentative approval of applications by the Allen B. DuMont Laboratories, Inc., for such outlets. The Commission also authorized DuMont and Columbia Broadcasting System to start television broadcasts under the new promotional rules from their Passaic and New York stations respectively.

DuMont's new Washington station will operate on new television channel No. 1 (50,000-56,000 kilocycles) with 1 kilowatt power for aural and visual transmission, and its New York station will use television channel No. 4 (78,000-84,000 kilocycles) with like power.

DuMont's present television station W2XVT, at Passaic, N. J., is enabled to increase power to 5 kilowatts, aural and visual, and transmit on channel No. 4. Columbia Broadcasting System station W2XAB, at New York, can use channel No. 2 (60,000-66,000 kilocycles, 7½ kilowatts power, aural and visual.

These new authorizations closely follow Commission action earlier this week in speeding construction of San Francisco's first television station, to be operated by Don Lee Broadcasting System, and, at the same time, giving the "go" signal for Don Lee station W6XAO, at Los Angeles, and National Broadcasting Co. station W2XBS, New York, to use new television channel No. 1 (50,000-56,000 kilocycles), which the proposed San Francisco station will likewise employ.

Opening additional television facilities throughout the country is made possible by the Commission's new rules encouraging experimental operation to promote the art. Approvals in all cases are contingent upon programs to foster research and development.

The DuMont Washington and New York stations, for example, will inquire into the advantages of various types of film projectors, experiment with mobile pick-up utilizing wire links and radio links, and will seek public cooperation on various types of program material. Coaxial cable will be used in transmitting programs between Washington and New York, and the Washington station will test the practicability of providing satisfactory service to Washington and Baltimore from a single transmitter.

The program of research for DuMont's Passaic station embraces tests of various antenna systems utilizing both vertical and horizontal radiators, experiments with systems other than RMA and DuMont, and investigating the effects of phase-shifts, noise, field patterns, etc.; test of transmitter equipment, including power tubes; ultimate experiments in the possible use of FM (frequency modulation) for television broadcasting on the ultra-high frequencies.

In seeking to develop uniform transmission standards of acceptable technical quality, CBS station W2XAB proposes to make comparable investigation of all synchronizing pulses for which generating equipment is available, make comparative study of different combinations of lines and frames, investigate the effect on allocations of using different polarizations in certain adjacent areas, and work with the general public in determining reaction to various changes in program technique.

## COMMISSION DEFINES REQUIREMENTS FOR CONTOUR MAPS

It has come to the attention of the FCC that uncertainty exists regarding the exact requirements of Section 1(b) of the Standards of Good Engineering Practice concerning High Frequency Broadcast Stations. The following additional information is supplied to avoid unnecessary work on the part of applicants and to insure that only essential data is included in applications for high frequency broadcast stations.

Section 1(b) of the Standards sets out the procedure to be followed in taking into account the effect of topography on the service areas of proposed high frequency broadcast stations. Profile graphs must be drawn along at least eight radials from the proposed site of the station. These profiles should be equal or greater in length to the radii of the roughly estimated service area. They are divided into not less than ten equal sectors and the average elevation of each sector determined. In no case should the length of a sector be in excess of five miles.

The profile for a sector should be plotted by contour intervals between 40 and 100 feet and where the information permits at least 10 points should be plotted, i.e., the distances should be indicated corresponding to the various contours. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot intervals may be used in this distance. On the other hand, where the terrain is fairly uniform or gently sloping, the smallest contour interval indicated on the topographic map should be used although only a relatively few points may be available in a given sector. After the profile has been charted for a sector, the average elevation therein shall be determined by one of several approximate means. For example, the elevations at equally spaced points in a sector may be averaged or the average determined by means of a planimeter. The median elevation (elevation exceeded for 50% of the distance) in some cases would give more accurate results for the purpose and may be used.

The elevations or contour intervals shall be taken from the U. S. Geological Topographical Quadrangle Sheets for those sections of the Country where such maps are available. If such maps are not published for the area in question, the next best topographic information available shall be used. Such information may be obtained for certain sections of the country from topographical maps available from the Tennessee Valley Authority, Department of Agriculture (Soil Conservation maps), and the Bureau of Public roads (Highway Planning maps), other U. S. Government departments and state and local governmental agencies. Also railroad depot elevations and highway elevations from road maps may be used. The data from the Sectional Aeronautical Charts will be accepted where no better information is available, although these maps show only the 1000-foot contour intervals. Bench marks indicated on the aeronautical charts can be used to find approximate elevations between 1000-foot intervals at some points along a radial.

The Commission will not ordinary require the submission of the topographical maps beyond 15 miles from the site, but the maps must include the principal city or cities to be served. However, the source of the topographical information used beyond this distance should be indicated. If it appears necessary, the Commission may require the submission of the detailed supporting information.

Each application shall be accompanied by a map showing the 50- and 1000-microvolt contours of the proposed station. For this purpose, the Sectional Aeronautical Charts or their equivalent, having a convenient scale may be used. This map shall show the radials along which the expected field strength has been determined. In computing the area within the 1000 and 50 microvolt contours large bodies of water should be excluded (oceans, gulfs, sounds, bays, large lakes, etc., but not rivers).

The U. S. Geological Survey Topography Quadrangle Sheets may be obtained from the U. S. Geological Survey, Department of the Interior, Washington, D. C., at a cost of ten cents each. The Sectional Aeronautical Charts are available from the U. S. Coast and Geodetic Survey, Department of Commerce, Washington, D. C., at a cost of forty cents each.

## WCPO PETITION DENIED

The FCC has denied the petition of Scripps-Howard Radio, Inc., licensee of station WCPO at Cincinnati, for hearing or rehearing on the grant to WCOL, Inc., on June 3, of a license authorizing WCOL, at Columbus, to operate on 1200 kilocycles with 250 watts power, unlimited time, which facilities are also permitted WCPO. On March 29 the Commission denied a similar petition of Scripps-Howard Radio, Inc., in connection with the grant of WCOL's construction permit October 10 of last year.

The latest denial states:

> "The instant petition . . . merely suggests that operation by WCOL under the grant results in interference in petitioner's present service area, but sets forth no facts in any way indicating that the Commission erred in concluding that 'upon a comparison of the benefits and detriments sustained in the respective communities, public interest, convenience and necessity will be served by the grant of the application.' Furthermore, no facts are set forth in the petition upon which the Commission could find that the terms, conditions and obligations set forth in the application and permit of WCOL have not been met, nor has the petitioner brought to the Commission's attention any cause or circumstance, arising since the granting of the WCOL construction permit, which would make the operation of such station against the public interest, convenience or necessity."

## INTERNATIONAL BROADCAST STATIONS AS OF JULY 23, 1940

| Licensee and Location | Call Letters | Frequency (kc) | Power | Application |
|---|---|---|---|---|
| Columbia Broadcasting System Inc.<br>Near Wayne, New Jersey | WCBX | 6120, 6170,<br>9650, 11830,<br>15270, 17830,<br>21570 | 10 | CP 50kw |
| WCAU Broadcasting Company,<br>Newtown Square, Pennsylvania | WCAB | 6060, 9590,<br>15270, 21520,<br>25725 | 10kw | CP 50kw |
| (Application pending to consolidate WCAB, Philadelphia, opertted by WCAU Broadcasting Co., with WCBX, New York, operated by Columbia Broadcasting System, with two 50kw transmitters on Long Island.) | | | | |
| The Crosley Corporation,<br>Mason, Ohio | WLWO | 6060, 9590,<br>11870, 15270,<br>17760, 21650 | 50kw | |
| General Electric Company,<br>San Francisco, California | KGEI | 6190, 9530,<br>15330 | 20kw | CP 50kw |
| General Electric Company,<br>South Schenectady, New York | WGEA | 9550, 15330,<br>21500 | 25kw | CP 50kw |
| General Electric Company<br>South Schenectady, New York | WGEO | 6190, 9530,<br>21590 | 100kw<br>(Op. at 65kw) | |
| National Broadcasting Company, Inc.<br>Bound Brook, New Jersey | WNBI | 6100, 17780 | 35kw | CP 50kw |
| National Broadcasting Company, Inc.<br>Bound Brook, New Jersey | WRCA | 9670, 21630,<br>11890 | 35kw | CP 50kw |
| Westinghouse Electric and Manufacturing Company,<br>Millis, Massachusetts | WBOS | 6140, 9570,<br>15210, 21540 | 10kw | CP50kw (Begin op. August)<br>(Future application for another 50kw) |
| Westinghouse Electric and Manufacturing Company,<br>Saxonburg, Pennsylvania | WPIT | 6140, 9570,<br>11870, 15210,<br>17780, 21540 | 40kw | |
| (The above contemplated application may or may not affect the continuance of this station.) | | | | |
| World Wide Broadcasting Corp.,<br>Scituate, Massachusetts | WRUL | 6040, 11730,<br>11790, 15130,<br>15250, 21460 | 20kw | CP50kw (Begin op. 30 days) |
| World Wide Broadcasting Corp.,<br>Scituate, Massachusetts | WRUW | 11730, 11790,<br>15130, 15250,<br>25600 | 20kw | CP 50kw |

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has announced adoption of an Order granting the application of Harold Thomas for a construction permit to erect a new station at **Bridgeport, Conn.,** to operate on the frequency **1420 kilocycles,** with power of 250 watts, unlimited time, upon condition that permittee shall file an application for modification of construction permits specifying exact transmitter location within two months after the effective date of the order.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral argument in a broadcast case will be heard by the Commission during the week beginning Monday, July 29. It is subject to change.

### Thursday, August 1

Oral Argument Before the Commission

Report No. B-108:

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Texas.—In re: Revocation of Station License of KSAM.

### FUTURE HEARING

Following future hearing in a broadcast case has been scheduled before the Commission during the past week. It is subject to change.

### September 9

WPAY—Chester A. Thompson (Transferor), The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of Control of Corp., **1370 kc.,** 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

The Twin States Broadcasting Co., Augusta, Ga.—Granted construction permit for a new Class IV station to operate on **1210 kc.,** 250 watts power, unlimited time, to be located in or near Augusta. (B3-P-2891).

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted authority to transfer control of corporation from KGKO Broadcasting Co., to George B. Dealey, E. M. Dealey, J. M. Moroney and M. M. Donosky, in trust for A. H. Belo Corp.; issued 350 shares of new common stock, for a cash consideration of $250,000. Station operates on **570 kc.,** 1 KW night, 5 KW day, unlimited time. (B3-TC-217)

John Shepard, Jr., Transferor, John Shepard, III, and George R. Blodgett, Trustees, Transferee.—Granted authority to transfer control of The Winter St. Corp. (parent corporation of the Yankee Network, Inc.), from John Shepard, Jr., to John Shepard, 3rd, and George R. Blodgett, Trustees of the John Shepard 3rd, and The Robert F. Shepard, Trusts. (The Yankee Network, Inc., is licensee of the following stations: WAAB, WEAN, WICC, WNAC, W1XOJ, W1XOY, W1XOV, W1XER, WEOD, WEKX, WEKY, WEKZ). The Commission's action in granting consent to this transfer, shall not be construed as an approval of any future transfer of control of licensee corporation which may result from any change in the parties designated as trustees or which may arise out of any amendment or revocation of the trusts, disposition of assets thereof, or otherwise.

KBST—John Galbraith, Big Spring, Texas.—Granted consent to transfer control of corporation (The Big Springs Herald Broadcasting Co., licensee of KBST) from Joe Galbraith to Howard Barrett, Bonnie Davis, Houston Harta and M. B. Hanks, 250 shares of common stock for a consideration of $3,750. (Station operates on **1500 kc.,** 100 watts, unlimited time). (B3-TC-232)

WNAC—Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit to increase night power from 1 KW to 5 KW, operating unlimited time on **1230 kc.** (B1-MP-322)

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted construction permit to change frequency from **1240** to **620 kc.**, and increase power from 1 KW to 5 KW, install new transmitter and make changes in antenna. (B-P-2385)

Purdue University, W. Lafayette, Ind.—Granted construction permit for new television station to operate on frequencies **66000-72000 kc.** (Channel No. 3), upon an experimental basis only, using 750 watts power aural and visual.

State University of Iowa, Iowa City, Iowa.—Granted construction permit for new television station to operate on frequencies **50000-56000 kc.** and **210000-216000 kc.** (Channel Nos. 1 and 12), on an experimental basis only; 100 watts power, visual only.

WCAU Broadcasting Co., Philadelphia, Pa.—Granted construction permit for new television broadcast station to operate on frequencies **84000-90000 kc.** (Channel No. 5), on an experimental basis only; power 1 KW aural and visual.

## RENEWAL OF LICENSES

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal, for the period August 1 to October 1, 1940:

WGIL, Galesburg, Ill.; WNBZ, Saranac Lake, N. Y.; WSPB, Sarasota, Fla.; KGDM, Stockton, Cal.; KGEK, Sterling, Colo.; KLBM, La Grande, Ore.; KLCN, Blytheville, Ark.; KLPM, Minot, N. Dak.; KMBC and auxiliary, Kansas City, Mo.; KMPC auxiliary, Beverly Hills, Cal.; KOME, Tulsa, Okla.; KRSC, Seattle, Wash.; KSAN, San Francisco; KTOH, Lihue, T. H.; KVIC, Victoria, Texas; KWAL, Wallace, Idaho; KWJB, Globe, Ariz.; KWOC, Poplar Bluff, Mo.; WAML, Laurel, Miss.; WATW, Ashland, Wisc.; WBBM auxiliary, Chicago; WCAT, Rapid City, S. Dak.; WDAE, Tampa, Fla.; WESX, Salem, Mass.; WFOR, Hattiesburg, Miss.; WHA, Madison, Wisc.; WHLD, Niagara Falls, N. Y.; WJMC, Rice Lake, Wisc.; WMBD, Peoria, Ill.; WMFF, Plattsburg, N. Y.; WNBF, Binghamton, N. Y.; WNOE, New Orleans; WOMT, Manitowoc, Wisc.; WPRO and auxiliary, Providence, R. I.; WRR and auxiliary, Dallas, Texas; WWNC, Asheville, N. C.; WPRA, Mayaguez, P. R.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted renewal of license for the period August 1 to October 1, 1940.

WDSU—WDSU, Inc., New Orleans, La.—Granted renewal of license for the period August 1 to October 1, 1940.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only pending determination upon application for renewal, for the period ending October 1, 1940.

KTW—The First Presbyterian Church of Seattle, Seattle, Wash.—Present license further extended upon a temporary basis only pending determination upon application for renewal, for the period ending October 1, 1940.

WGST and (Aux.).—Georgia School of Technology, Atlanta, Ga.—Present license further extended upon a temporary basis only pending determination upon application for renewal, for the period ending October 1, 1940.

WMC and (Aux.).—Memphis Commercial Appeal Co., Memphis, Tenn.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1940.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1940.

KTBC—State Capital Broadcasting Assn., Inc., Austin, Texas.—The present license of KTBC was extended to September 1, upon a temporary basis, subject to all the terms and conditions of the order of revocation entered February 7, 1940, and subject further to the final determination of the Commission on said order.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authority to operate simultaneously with WTIC, for a period of 2 months, ending no later than October 1, 1940.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Present license extended upon a temporary basis only to September 1, in conformity with and subject to all of the terms and conditions of the order of revocation entered March 22, 1940, and subject further to final determination of the Commission on said order.

WAPI—Ala. Polytechnic Inst., Birmingham, Ala.—Special experimental authority to operate unlimited time using directional antenna after sunset at Tulsa, Okla., was extended for a period of two months for the period August 1 to October 1, 1940.

W9XG—Purdue University, W. Lafayette, Ind.—The television broadcast station license was further extended upon a temporary basis to September 1, pending receipt and determination upon application for renewal.

W2XDA—General Electric Co., Schenectady, N. Y.—The television broadcast station license was further extended upon a temporary basis to September 1, pending receipt and determination upon application for renewal.

W2XOY—General Electric Co., Albany, N. Y.—The television broadcast station license was further extended upon a temporary basis to September 1, pending receipt and determination upon application for renewal.

## DESIGNATED FOR HEARING

WTNJ—WOAX, Inc., Trenton, N. J.—Application for renewal of license to operate on **1280 kc.**, 500 watts, S-WCAM, WCAP. (Applicant already has application for modification of license pending, requesting unlimited time of operation.)

Trent Broadcasting Corp., Trenton, N. J.—Application for construction permit to erect a new station to operate on **1230 kc.**, 1 KW, unlimited time, employing directional antenna.

## MISCELLANEOUS

Onandaga Radio Broadcasting Corp. (area of Syracuse, N. Y.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.**, power 100 watts (B1-PRY-225).

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Granted modification of construction permit for new broadcast station to operate on **1200 kc.**, 250 watts, unlimited time, for approval of transmitter and studio location, approval of antenna, and change in type of transmitting equipment (B3-MP-1008).

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Granted construction permit to install new transmitting equipment (B3-P-2741).

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit which authorized increase in power and installation of directional antenna for night use, for extension of completion date from August 5, 1940, to October 5, 1940; **950 kc.**, 5 KW, unlimited time, directional antenna night (B1-MP-1017).

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted license to cover construction permit as modified for installation of new transmitter and increase in power; **1200 kc.**, 250 watts, unlimited time (B1-L-1191).

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted license to cover construction permit as modified which authorized local move of transmitter, installation of new transmitter and antenna, increase in power, and change in hours of operation; **1370 kc.**, 100 watts, 250 watts LS, unlimited time (B3-L-1192).

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted authority to make changes in the automatic frequency control unit (B3-F-150).

South Carolina Broadcasting Co., Inc. (area of WCSC, Charleston), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 25 watts (B3-PRY-222).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted motion to accept amendment to application for construction permit so as to request use of **1340 kc.** instead of **1390 kc.**, with 500 watts power night, 1 KW LS, unlimited time (B5-P-2545).

WPAY—Chester A. Thompson, Transferor, The Brush-Moore Newspapers, Inc., Transferee, Portsmouth, Ohio.—Granted petition for continuance of hearing on application for transfer of control of corporation, from August 12, 1940, to September 9, 1940.

Ben J. Sallows, Alliance, Nebr.—Denied as in case of default the application for construction permit for new broadcast station at Alliance, Nebr., to operate on **1210 kc.**, 100 watts night, 250 watts LS, unlimited time (Docket No. 5882).

KADA—C. G. Morris, Ada, Okla.—Granted license to cover construction permit for changes in equipment and increase in power from 100 watts to 250 watts; **1200 kc.**, unlimited time (B3-L-1193).

KOIN—KOIN, Inc., Portland, Ore.—Granted license to cover construction permit for installation of directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night; **940 kc.**, (B5-L-1194). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-444).

WJHP—The Metropolis Co., Jacksonville, Fla.—Granted license to cover construction permit as modified for new broadcast station, **1290 kc.**, 250 watts, unlimited time (B3-L-1195). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-445).

WBAB—Press Union Publishing Co., Atlantic City, N. J.—Granted construction permit to make changes in equipment (B1-P-2927).

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted modification of construction permit for change of frequency, increase in power, installation of new transmitter and antenna, and move of transmitter, for approval of antenna and transmitter site; **1330 kc.**, 1 KW power, unlimited time (B3-MP-999).

KHAS—Nebraska Broadcasting Co., Hastings, Nebr.—Granted modification of construction permit for new station, for authority to install new type transmitter and make changes in vertical antenna; **1200 kc.**, 250 watts power, unlimited time (B4-MP-1021).

KEIH—KLZ Broadcasting Co. (area of Denver, Colo.), Portable-Mobile.—Granted modification of relay broadcast license to change type of equipment (B5-MLRE-61).

WAIY—WIBX, Inc. (area of Utica, N. Y.), Portable-Mobile.—Granted license to cover construction permit for new broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts (B1-LRY-201).

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Granted license to cover construction permit for changes in equipment and increase in power from 100 watts to 250 watts; frequency **1420 kc.**, unlimited time.

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Granted special temporary authority to change present directional antenna in accordance with the engineering report submitted and to operate on frequency **560 kc.**, 500 watts power, using directional antenna unlimited time after changes made and proof submitted to the Commission, in order to obtain relief from the Canadian interference situation, on **640 kc.**

WIEO—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate on regular assignment on board the steamship *America* in conjunction with visual transmitter W2XBU, using relay station WEJA in New York City as cue channel supporting southbound sound channel of Station W2XBS in connection arrival of steamship *America*, for the period July 26, 1940, and ending not later than July 30, 1940, for preliminary testing and program transmission.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m., EST, Monday through Friday, inclusive, for the period beginning July 30, 1940, and ending not later than August 28, 1940, in order to broadcast musical program as described in letter dated July 12, 1940 (provided WSVS remains silent). All programs to be sustaining.

WHXA—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Granted special temporary authority to use the WSM vertical radiator located 6 miles north of Franklin, Tenn., as a support for the high frequency antenna, a single turn-stile element to be mounted at top of structural section of WSM tower, 100 watts to be fed into it from an RCA Type ACT 150 transmitter using crystal control having accuracy of .01 per cent, from July 29, 1940, to not later than August 27, 1940, in order to conduct field intensity surveys on **44500 kc.**

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast special night baseball games only.

KFEQ—KFEQ, Inc., St. Joseph, Md.—Granted special temporary authority to operate from 9 p. m., CST, to 12 midnight, with power of 500 watts on August 6, 1940, in order to broadcast election returns only.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted renewal of license of broadcast station WBHP, **1200 kc.**, 100 watts, unlimited time (Docket No. 5798).

The Huntsville Times Co., Inc., Huntsville, Ala.—Designated for hearing the application for construction permit for new Class IV broadcast station to operate on **1200 kc.**, 250 watts, unlimited time, and requesting facilities of present station WBHP.

Bellingham Broadcasting Co., Bellingham, Wash., and KVOS—KVOS, Inc., Bellingham, Wash.—Adopted as final the proposed findings of fact and conclusions of the Commission, together with the amendment of May 29, DENYING the application of Bellingham Broadcasting Co. for construction permit for new broadcast station, and GRANTING renewal of license of KVOS (B-92).

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted extension of effective date of Provision (3) of Commission's Order of December 5, 1938, for a period of 60 days from July 26, 1940.

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Denied petition for rehearing in re the application of Puget Sound Broadcasting Co. (KVI), Tacoma, Wash., for modification of license to increase night power to 5 KW on frequency **570 kc.**, which was granted by the Commission May 14, 1940.

WCAB—WCAU Broadcasting Co., Philadelphia, Pa.—Granted petition authorizing extension of the effective dates of Sections 4.43(c) and 4.45 of the rules governing international broadcast stations, for a period of 30 days.

WMIP—Northwest Airlines, Inc., c/o Aeronautical Radio, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft stations KHCNK and KHCNI on frequency **2790 kc.** in order to relay broadcast proceedings of the Minneapolis Aquatennial from 9:45 p. m. to 10 p. m., local time, on July 23, 1940, to Radio Station WCCO.

WSAJ—Grove City College, Grove City, Pa.—Granted extension of special temporary authority to remain silent for the period August 1, 1940, to not later than September 19, 1940, in order to observe college vacation.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF, with power reduced to 250 watts, from 8 p. m. to 11 p. m., CST, on August 2 and 9, 1940; from 8 to 9:30 p. m., CST, on August 12, 1940, and from 9 p. m. to 11 p. m., CST, on August 14, 1940, in order to broadcast special night games of the St. Louis Cardinals and Browns baseball teams only.

Helen L. Walton and Walter Bellati, and Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Granted motion for consolidation and continuance of hearing now set for August 5, 1940, to September 4, 1940, on applications for new stations at Jacksonville, Ill.; Walton & Bellati to operate on **1150 kc.**, 250 watts daytime; Stephenson, Edge & Korsmeyer to operate on **1150 kc.**, 250 watts, daytime.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

WGR—Buffalo Broadcasting Corporation, Buffalo, N. Y.—Construction permit for changes in antenna, move transmitter to Lake Shore Road, Township of Hamburg, N. Y. Amended: Change transmitter site designation to Big Tree Road.

### 680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Construction permit to install new transmitter; increase power from 5 KW to 50 KW; change hours of operation from limited to unlimited, using directional antenna after local sunset at St. Joseph, Mo., and move transmitter to near Morrisville, N. C. Amended to omit request for move of transmitter, changes in directional antenna for night use only, and request Class II.

### 800 Kilocycles

NEW—Camden Broadcasting Co., Camden, N. J.—Construction permit for a new station to be operated on **800 kc.**, 500 watts, daytime.

### 940 Kilocycles

KOIN—KOIN, Inc., Portland, Ore.—License to cover construction permit (B5-P-2471) for increase in power and installation of directional antenna for night use.

KOIN—KOIN, Inc., Portland, Ore.—Authority to determine operating power by direct measurement of antenna power.

### 950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) to increase power and install directional antenna for night use, requesting extension of completion date from 8-5-40 to 10-5-40.

### 1080 Kilocycles

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Authority to make changes in the automatic frequency control unit.

### 1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Construction permit to increase power from 1 KW to 5 KW, install new equipment and directional antenna for night use. Amended re changes in directional antenna.

KRSC—Radio Sales Corp., Seattle, Wash.—Transfer of control of corporation from E. W. Andrews to Palmer K. Leberman, 11¼ shares.

### 1200 Kilocycles

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—License to cover construction permit (B4-P-2785) for changes in equipment.

KHAS—Nebraska Broadcasting Co., Hastings, Nebr.—Modification of construction permit (B4-P-2367) as modified for a new station, requesting authority to install new type transmitter, and changes in vertical antenna.

KOOS—KOOS, Inc., Marshfield, Ore.—Authority to determine operating power by direct measurement of antenna power.

WTHT—The Hartford Times, Inc., Hartford, Conn.—License to cover construction permit (B1-P-2240) as modified for new transmitter and increase in power.

WLOF—Hazlewood, Inc., Orlando, Fla.—Modification of construction permit (B3-P-2394) as modified for a new station, to install a new transmitter.

KADA—C. C. Morris, Ada, Okla.—License to cover construction permit (B3-P-2606) for changes in equipment and increase in power from 100 watts to 250 watts.

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Construction permit to make changes in equipment.

NEW—Worcester Broadcasting, Inc., Worcester, Mass.—Construction permit for a new station to be operated on **1200 kc.**, 250 watts, unlimited time. Class IV.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

### 1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Modification of construction permit (B4-P-2537) as modified, for move of transmitter from 4706 S. 48th St., Lincoln, Nebr., to 48th and Vine St., Lincoln, Nebr., make antenna changes, and increase power from 100 watts night, 250 watts day, to 250 watts day and night.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Construction permit to move transmitter from 328 E. Main St., Rochester, N. Y., to Maiden Lane, Greece, N. Y., make changes in transmitting equipment, change frequency from **1210 kc.** to **1340 kc.**, increase power from 250 watts to 1 KW, and install directional antenna for day and night use. Class III-B.

WGCM—WGCM, Incorporated, Gulfport, Miss.—License to cover construction permit (B3-P-2618) for new antenna, increase power and move transmitter.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Authority to determine operating power by direct measurement of antenna power.

### 1230 Kilocycles

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson, and John W. Boler, a partnership, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Construction permit for a new station to be operated on **1230 kc.**, 500 watts night, 1 KW day, unlimited time. Class III-B.

### 1240 Kilocycles

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Construction permit for reinstatement of construction permit (B5-P-2517) to install new equipment, and make changes in authorized equipment.

### 1250 Kilocycles

WDSU—WDSU, Inc., New Orleans, La.—Construction permit to install new transmitter, move transmitter from Belle Chase Highway, Gretna, La., to 1/5 mile south of intersection of Verrett and Donner Canals, New Orleans, La., increase power from 1 KW to 5 KW day and night, and install directional antenna for day and night use. Class III-A.

### 1270 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit to increase power from 500 watts to 5 KW, new transmitting equipment, directional antenna for night use, move studio and transmitter. Requesting Class III-A. Amended: re geographic location.

### 1280 Kilocycles

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, and install directional antenna for night use. Class III-A.

### 1290 Kilocycles

WJHP—The Metropolis Co., Jacksonville, Fla.—Authority to determine operating power by direct measurement of antenna power.

WJHP—The Metropolis Co., Jacksonville, Fla.—License to cover construction permit (B3-P-917) as modified, for a new station, and to change location of studio from 125 W. Church St., Jacksonville, Fla. to 500 Laura St., Jacksonville, Fla.

### 1310 Kilocycles

NEW—Radio Corp. of Annapolis, Annapolis, Md.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Class IV. Amended: To request facilities of WINX, Washington, D. C.

WBRW—McDowell Service Co., Welch, W. Va.—Modification of construction permit (B2-P-2816) for a new station requesting approval of antenna, new transmitter and approval of studio and transmitter site.

### 1340 Kilocycles

KFRO—Voice of Longview, Longview, Texas.—License to cover construction permit (B3-P-2117) as modified for move of transmitter, directional antenna for night use, new transmitter, change frequency, increase power and hours.

KFRO—Voice of Longview, Longview, Texas.—Authority to determine operating power by direct measurement of antenna power.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Construction permit to install new transmitter and increase power from 500 watts night, 1 KW day to 5 KW day and night, directional antenna night. Amended: To use directional antenna both day and night.

### 1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from **1350** to **630 kc.**, changes in directional antenna night, increase power from 1 KW night, 5 KW day to 5 KW day and night, requests facilities of KFRU and WGBF. Amended: To change frequency to **680 kc.**, increase power to 50 KW, install new equipment and directional antenna for day and night use, move transmitter from Water Works, Conduit & Logan Sts., St. Louis, Mo., to near Merrimac, Ill., and omit request for facilities of WGBF and KFRU.

### 1370 Kilocycles

KENO—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nevada.—Modification of construction permit (B5-P-2355) which authorized new station, for approval of transmitter site at (The Meadows) N. E. ¼ of Section 1, Township 21S, Range 61E, M. D. B. & M., Las Vegas, Nev., approval of vertical antenna, change in type of transmitter and increase power from 100 watts night, 250 watts day to 250 watts day and night.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wisc.—Authority to determine operating power by direct measurement of antenna power.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—License to cover construction permit (B3-P-2058) as modified, for move of transmitter, new transmitter, antenna, increase in power and change in hours of operation.

WHUB—WHUB, Inc., Cookeville, Tenn.—Modification of construction permit (B3-P-2298) as modified, for a new station, requesting extension of completion date from 7-27-40 to 9-1-40.

NEW—Rose City Broadcasting Co., Tyler, Texas.—Construction permit for a new station to be operated on **1370 kc.,** 250 watts, unlimited time.

WKPT—C. P. Edwards, Jr., & Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—License to cover construction permit (B3-P-2616) as modified for a new station.

WKPT—C. P. Edwards, Jr., & Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Authority to determine operating power by direct measurement of antenna power.

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Authority to install automatic frequency control equipment.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Construction permit for new transmitter, changes in antenna, change frequency from **1370 to 1350 kc.,** and increase power from 250 watts to 500 watts night, 1 KW day. Class III-B.

### 1400 Kilocycles

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

NEW—Grenco, Inc., Greenwood, S. C.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts, daytime. Class IV.

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—License to cover construction permit (B5-P-2682) for changes in equipment and increase in power.

### 1430 Kilocycles

WOKO—WOKO, Inc., Albany, N. Y.—Construction permit to install new transmitter, make changes in vertical antenna and increase power from 500 watts night, 1 KW day to 500 watts night, 5 KW day. Class III.

### 1440 Kilocycles

KXYZ-KIIS—Harris County Broadcast Co., Houston, Texas.—Transfer of control of corporation from Fred J. Heyne to M. Tilford Jones, 5 shares or 50 per cent.

### 1450 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit to install new automatic frequency control equipment and make changes in transmitting equipment.

### 1480 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit for new transmitter and directional antenna for day and night use, increase power from 5 to 50 KW, move transmitter to Lake Shore Road, Township of Hamburg, N. Y. Class I-B station. Amended: Change transmitter site designation to Big Tree Road.

### 1500 Kilocycles

WSSJ—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico.—Modification of construction permit (B-P-2473) which authorized construction of new station, for approval of transmitter site at Monserrate No. 28, San Juan, P. R., studio site at Monserrate No. 30, San Juan, P. R., and approval of vertical antenna.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Authority to determine operating power by direct measurement of antenna power.

NEW—Earl C. Dunn and Chas. W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Texas.—Construction permit for new broadcast station to be operated on **1500 kc.,** 250 watts, unlimited time. Studio and transmitter to be determined Corpus Christi, Texas.

WMRC—Textile Broadcasting Co., Greenville, S. C.—Modification of construction permit (B3-P-2738) which authorized new station, for approval of studio and transmitter locations at Mayberry St., Greenville, S. C., approval of antenna and change type of transmitter.

### MISCELLANEOUS

NEW—Marcus Loew Booking Agency, New York, N. Y.—Construction permit for new high frequency broadcast station to be operated on **43500 kc.,** 12949 square miles, transmitter Cliffside Park, N. J.

W2XJI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit to move transmitter locally to 500 Fifth Ave., New York, N. Y. Amended: re transmitter location to be 444 Madison Ave., New York, N. Y.

NEW—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **46,500 kc.,** 3050 square miles.

NEW—Star-Times Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **43,100 kc.,** 9900 square miles.

W1XG—General Television Corp., Boston, Mass.—Modification of license to change frequency from **42000-56000, 60000-86000 kc.** to **44000-50000 kc.** Amended: Re frequencies **50000** to **56000 kc.** Revised Form 318 filed.

NEW—Zenith Radio Corp., area of Chicago, Ill.—Construction permit for a new relay broadcast station to be operated on **133030, 134850, 136810, 138630 kc.,** 100 watts, special emission for frequency modulation.

Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corp. Period 9-15-40 to 9-15-41.

WAUV—Courier-Journal and Louisville Times Co., Louisville, Ky.—License to cover construction permit (B2-PRY-194 as modified) for new relay station.

NEW—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Construction permit for new high frequency broadcast station to be operated on **44100 kc.,** 8100 square miles.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Air Conditioning Training Corp.**—A complaint charging misrepresentation in the sale of a correspondence course in air conditioning and refrigeration has been issued against Air Conditioning Training Corporation, and its officers, Benjamin M. Klekner, Morris A. Gluck and Leon J. Knight, 789 Wick Ave., Youngstown, Ohio.

According to the complaint, the respondent corporation misleadingly represented that students who complete its training course are assured of employment in the air conditioning and refrigerating industry; that the air conditioning industry has designated the respondent to train men for employment; that many vacancies exist in the air conditioning and refrigeration industry that are available to students who complete its training, and that representatives of the air conditioning and refrigeration industry actively participate in the conduct of the school and in the giving of instruction, when such are not the true facts.

Further misleading representations alleged in the complaint are that respondent's salesmen are experts in vocational guidance; that students while pursuing its course will be qualified and able to secure part time work in the servicing of air conditioning and refrigeration equipment, and that persons with insufficient background are qualified to pursue its course of instruction, when such are not the facts.

The respondent also allegedly claims that beginning wages in the air conditioning and refrigeration industry are greater than they are in fact; misrepresents the extent and nature of fees payable by students for its course of instruction, and exaggerates the extent of its laboratory and shop equipment. (4182)

**Bauer Manufacturing Company,** 1429 East Bowman St., Wooster, Ohio, has been charged in a complaint with the dissemination of misleading representations in the sale of ladders.

According to the complaint, the respondent advertises that its ladders have proven 30 per cent stronger by actual scientific tests than competitive ladders, and that such strength is due to countersunk rung construction. In truth, the complaint continues, respondent's ladders manufactured with the countersunk rung construction are no stronger or more substantial than ladders manufactured from similar materials by its competitors who do not use countersunk rung construction. (4190)

**A. S. Butler & Company**—A complaint has been issued against Minnin Shapiro and Jack Winkler, trading as A. S. Butler & Company, 667 North Clark St., Chicago, alleging misleading representations in the sale of second-hand fruit jars.

According to the complaint, the respondents buy discarded fruit jars from junk dealers and after cleaning them and supplying new rubber bands and caps for such articles, place them in new cardboard cartons for resale to retail dealers without any label to indicate that they are discarded fruit jars.

It is alleged that the practice of the respondents in failing to disclose that their fruit jars have been previously used misleads retail dealers and members of the purchasing public into the erroneous belief that such jars are new, and because of their lower cost, into the purchase of substantial quantities of such articles, thus unfairly diverting trade to the respondents from their competitors. (4192)

**Helene Curtis Industries**—See National Mineral Company.

**National Mineral Company**—A complaint has been issued against National Mineral Company, trading as Helene Curtis Industries, 3633 South Racine Ave., Chicago, charging misrepresentation in the sale of a hair-waving cosmetic product, "Helene Curtis Duchess Machineless Wave," consisting of an oil preparation, "Helene Curtis Duchess Machineless Oil Solution," and pads designated "Helene Curtis Duchess Machineless Pads."

According to the complaint, the respondent represents that its oil preparation supplies nourishment and imparts strength and vigor to the hair and causes the growth of hair; nourishes and invigorates the hair roots and hair shaft, and is the original machineless oil wave, when such are not the facts.

The respondent further allegedly represents that its pads are equipped with a thermostatic device which controls and regulates heat, when in truth it is only a thermoscopic device which merely indicates changes in temperature.

Representations that the respondent manufactures its products are also alleged to be untrue, as such products are obtained by the respondent from other sources. (4185)

**Ohio Art Company**—Concealing the German origin of reeds within toy musical tops is charged in a complaint issued against Ohio Art Company, Bryan, Ohio.

According to the complaint, the respondent uses materials of both foreign and domestic origin in its toy musical tops. Among such foreign-made parts, it is alleged, are musical reeds which are imported from Germany, and are stamped with the word "Germany". In assembling the tops, the respondent allegedy conceals from view of the prospective purchasers the word "Germany", and sells such products without any marking to inform purchasers that the musical reeds are of German origin.

It is further charged that the respondent imprints on the toy musical tops the legend "Made in U. S. A.", and on the cartons the words "Made by The Ohio Art Co., Bryan, Ohio," when in truth such products are not wholly of domestic origin and manufacture but contain reeds made in Germany. (4183)

**Paulmac Textile Company, Inc.**—A complaint has been issued against the Paulmac Textile Company, Inc., 32 West 38th St., New York, alleging misleading representations in the sale of ribbons and braids.

According to the complaint, the respondent sells ribbons and braids having the appearance and feel of silk, without disclosing the fact that they are not in fact composed of silk but are composed in whole or in part of rayon. It is alleged that typical of such products is a ribbon having the appearance and feel of velvet but whose constituent fiber is 87 per cent rayon and 13 per cent silk, the pile of such ribbon being entirely of rayon. A further example, the complaint continues, is a ribbon having the appearance and feel of silk but in fact composed wholly of rayon.

It is alleged in the complaint that the practice of the respondent in failing to disclose the rayon content of its products misleads the purchasing public into the erroneous belief that such products are composed entirely of silk. (4191)

**Frank L. Singer Fur Company**—Misleading representations in the purchase of raw furs from trappers is alleged in a complaint issued against Frank L. Singer, trading as Frank L. Singer Fur Company, Peekskill, N. Y.

According to the complaint, the respondent, by means of price lists, circulars, folders and booklets, represents to trappers and dealers in fur that he will pay certain specified prices for designated grades and qualities of furs, when such is not a fact. In truth, the complaint continues, the respondent quotes such fictitious prices only for the purpose of inducing trappers and dealers to ship their furs to him, and without any intention of paying to such shippers the prices mentioned in his advertising matter, but with the expectation that they will dispose of their furs to him for only a portion of the advertised prices because of the difficulty and expense incident to securing a return of the furs shipped to the respondent.

It is also alleged that the respondent makes misleading representations relating to market conditions and the demand for certain of the several grades and types of furs he desires to purchase, thus inducing many trappers and dealers to ship furs to him and accept lower prices than would be realized from other sources. (4189)

**U. S. Air Seal, Inc.,** Girard, Ohio, was charged in a complaint with the dissemination of misleading representations in the sale of a compound. "Air Seal," designed to prevent blow-outs in tires.

The respondent allegedly advertises that its product will cause tires to be safe from blow-outs; will prevent blow-outs caused by large holes; will control a blow-out tire by retaining enough air for safe stopping, and will eliminate friction, when such are not the facts.

According to the complaint, the respondent further misleadingly advertises that its product will extend the life of the tube; will preserve rubber; is superior to similar products used to prevent the escape of air from tubes, and will give 25 per cent or any appreciable increased tire mileage, when such are not the facts. (4187)

**Whitewater Brewing Company** and its manager, Alex Weingart, 200 North Jefferson St., Whitewater, Wis., have been charged in a complaint with misrepresentation in the sale of beer.

According to the complaint, the respondents sell a brand of beer designated "Badger", the containers of which bear the picture of a badger and the legend: "Badger Beer, Whitewater Brewing Company, Whitewater, Wisconsin". Other advertising material allegedly features a picture of a badger holding a plaque on which appeared an outline of the State of Wisconsin with the word Wisconsin written across the outline. It is also alleged that the respondents have used on certain of their advertising material the legend "The Pride of Wisconsin". The complaint points out that the badger is one of the emblems of the State of Wisconsin which is generally known as the "Badger State".

It is alleged that the use by the respondents of such words, legends and pictures without any accompanying words sufficiently disclosing the correct origin of their product, has the tendency to cause the purchasing public to believe that their beer is brewed in Wisconsin, when in truth it is brewed in Chicago by a concern which sells such beer to the respondents.

The complaint also points out that there is a marked preference on the part of the public for beer brewed in Wisconsin and that the misrepresentation as to the origin of respondents' beer serves to unfairly divert trade to the respondents from their competitors. (4188)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Hy-Test Cement Company**, Fox Building, Philadelphia, has been ordered to discontinue certain practices in violation of the Federal Trade Commission Act.

Commission findings are that the respondent, for the purpose of promoting the purchase of its products, published from time to time the results of cement tests made by the National Bureau of Standards, and identified all masonry cements used in such tests. The findings continue that the respondent, one of the companies participating in the tests, violated the established understanding between the Bureau and participants in the tests that such tests were of a confidential nature, were for the purpose of improving the mortars tested, and the results were not to be used for sales promotion.

The Commission's order prohibits the respondent from divulging or assisting the purchasing public in determining the identity of the manufacturer or the brand name of any cement which was tested by the Bureau of Standards of the United States Department of Commerce, the results of which tests were published with cements tested listed under code or symbol numbers by the Bureau of Standards in "Research Paper 683, A Study of the Properties of Mortars and Brick and Their Relation to Bond."

The order further prohibits use by the respondent for sales promotional purposes of any report by a United States agency, where use of such report is violative of any regulation issued by the agency, or where such use implies that the agency has approved or recommended the use of respondent's products. (3779)

**Maple Lawn Hatchery**—See Maple Lawn Poultry Farm.

**Maple Lawn Poultry Farm**—Roy T. Ehrenzeller, trading as Maple Lawn Poultry Farm and Maple Lawn Hatchery, McAllisterville, Pa., has been ordered to discontinue misleading representations in the sale of baby chicks.

Under the order, the respondent is directed to cease representing that the flocks of poultry supplying the eggs from which his baby chicks are produced are owned, controlled, or supervised by him.

The order further forbids representations by the respondent that eggs or chicks hatched from eggs which were obtained from flocks that have not been blood-tested and found free from disease or have not been culled, are from blood-tested and culled flocks or are free from disease. (3941)

**Prostex Company**—George G. Neff, trading as Prostex Company, Miami, Okla., has been ordered to discontinue disseminating misleading representations in the sale of a medicinal preparation known as Glantex.

Under the order, the respondent is directed to cease representing that Glantex will cure, or act as a safe, effective treatment for prostatitis, cystitis, urethritis, sugar diabetes, dropsy, ileocolitis, gastritis, malaria, inflammation of the bladder, acute indigestion, ptomaine poisoning, rheumatism, back and leg aches, or run down feeling.

The order further forbids representations that the respondent's preparation possesses any therapeutic value in excess of that due to its laxative properties. (3291)

**San Pedro Fish Exchange**—A group of California fish and sea food product wholesalers and brokers were ordered to cease entering into any agreement or combination in restraint of trade and paying or receiving illegal brokerage fees in violation of the Federal Trade Commission and Robinson-Patman Acts.

Principal respondents are: San Pedro Fish Exchange, San Pedro, and Southern California Wholesale Fish Dealers Association, Los Angeles, their officers and member wholesaler-distributors, and four purchasing or brokerage agents, Seafood Brokerage, Inc., and its officers, directors and stockholders, San Pedro; Los Angeles Fish Exchange, M. N. Blumenthal and Southern Sea Products Brokerage Corporation and its officers, directors and stockholders, all of Los Angeles. The findings state that Seafood Brokerage, Inc., is controlled and its stock owned by members of San Pedro Fish Exchange or their representatives, and Southern Sea Products Brokerage Corporation is controlled and its stock owned by members of the Southern California Wholesale Fish Dealers Association or their representatives.

Officers of the respondent groups specifically named as respondents are: San Pedro Fish Exchange—Anthony B. Jaconi, Giosue Di Massa and Albert H. Finch, all of San Pedro; Southern California Wholesale Fish Dealers Association—Charles Rennick, secretary and manager; Seafood Brokerage, Inc.—John Ivancich, Giosue Di Massa, Yoshitsura Kamiya and Hugh Reves, manager; Southern Sea Products Brokerage Corporation—Elmo C. Jack, manager.

Findings are that members of the San Pedro Fish Exchange and Southern California Wholesale Fish Dealers Association as wholesaler-distributors buy from producers and shippers in various States and foreign countries, and together with these two organizations hold a monopoly on the purchase, sale and distribution of certain varieties of fish and sea products in the trade territory extending inland from San Pedro and Los Angeles through California and several States to the eastward.

Further findings of the Commission are that the respondent associations and corporations banded together to promote the business and profits of the two respondent wholesaler-distributor groups and pursued a concerted course of action in establishing, fixing and maintaining the prices at and the conditions upon which their products were purchased and sold by respondent distributors to other dealers and to consumers; in seeking to acquire and maintain a monopoly in the sale and distribution of fish and sea food in their trade area, and in imposing their prices and policies on all dealers in fish and sea products in their trade territory. (3739)

**Silver Service Corporation** and Edwin I. Gordon, 58 East Washington St., Chicago, have been ordered to discontinue misleading representations in their sale of sales promotion plans to retail merchants.

The respondents are ordered to cease representing that they are conducting any special or advertising campaign to introduce or advertise silverware.

The order further prohibits the respondents from representing, or assisting the purchasers of their plan to represent, that any sales promotion plan in which credit vouchers, or so-called prizes are given to the entrants or contestants without regard to the relative correctness of solutions submitted, is a contest. Representations that prizes awarded in connection with such sales promotion plan entitle the recipients to receive a financial advantage based on the usual retail price of merchandise are also forbidden by the order, when such is not the case.

It is also ordered that the respondents cease representing fictitious prices as being regular prices, when, in fact, they are in excess of the prices at which their merchandise is regularly and customarily offered for sale. (3654)

**Sohn Bros.**—Arthur Sohn and Carl Sohn, trading as Sohn Bros., 1709 West Roosevelt Road, Chicago, have been ordered to discontinue certain representations in the sale of mattresses.

The respondents are ordered to cease representing that mattresses which are composed in whole or in part of old, used, discarded or second-hand materials are new mattresses or are made from new or unused materials.

The respondents are further ordered to desist from failing to permanently affix to such mattresses labels or tags which cannot readily be removed, obliterated, obscured or minimized and which clearly and conspicuously reveal that the mattresses are in fact composed in whole or in part of old, used, discarded and second-hand materials. (4073)

**Western Novelty Company**—An order to discontinue misleading representations in the sale of finger rings has been issued against John H. Mulkey, trading as Western Novelty Company, 305 Southwest Third Ave., Portland, Ore.

The respondent is ordered to cease representing directly or by implication that rings set with hematite, or any non-precious crystal or stone, are set with diamonds, "Alaska Black Diamonds," or Genuine Laska Black Diamonds."

The order further forbids representations by the respondent that such rings are set with any precious or semi-precious stones, or that the sets are produced in the territory of Alaska. (4082)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**M. J. Allen Company**—Maurice J. Allen, trading as M. J. Allen Co., 1038 Tenth St., Des Moines, Iowa, stipulates that he will desist from representing by means of the trade name "La Palm Rapid Hair Grow," or in any other manner, that his preparation will grow hair or cause hair to grow more rapidly; will aid in the more rapid growth of hair, or will give new life or life to the hair. (02599)

**H. W. Barker Chemical Company**—H. W. Barker, trading as H. W. Barker Chemical Co. and Barker Laboratories, 500 South Water St., Sparta, Wis., agrees to discontinue representing that "Barker's XZMO" is a competent treatment for eczema, piles, athlete's foot, nerve disorders, weed poisoning or any other skin or flesh troubles; that it has any appreciable therapeutic value in excess of a mild antiseptic and astringent with no keratolytic or penetrating action; that it will destroy the cause of itching, or that the information furnished by him to sufferers of eczema, athlete's foot, piles or skin troubles is reliable. The respondent further agrees to cease using the coined word "XZMO" or any other term that simulates the word "eczema". The respondent also stipulates that he will discontinue employing the word "Laboratories," or any similar word, as part of his trade name, or in any manner representing that he has a laboratory unless that is a fact. (02601)

**Cedar Hill Formulae Company,** New Britain, Conn., agrees to cease representing that "Stanley's Crow Repellant" will afford absolute protection for planted seed corn from molestation by insects or animal pests when such is not the case, or exaggerating the extent such product will protect planted seed from damage by animal pests. The respondent also stipulates that it will discontinue claims that "Stanley's Crow Repellant" is known to be more effective, convenient or economical to use than any other material; is non-poisonous; does not affect germination in any way, or will "insure" a good corn crop. (02594)

**Civil Service Aid Publishers**—Irving Groger and Leo I. Rieff, trading as Civil Service Aid Publishers, 505 Fifth Ave., New York, entered into a stipulation to discontinue certain representations in the sale of manuals designed to prepare persons for Civil Service examinations.

The respondents agree to cease employing the words "Civil Service" as part of their trade name or in other manner implying connection with the Civil Service Commission or with the United States government. The respondents further agree to desist from naming as open to their students any Civil Service positions that are non-existent, or from implying that they have access to the questions contemplated by the Civil Service Commission for any future examination. (2880)

**H. E. Clarke Company**—H. E. Clarke, trading as H. E. Clarke Company, 701 Ridge Ave., Pittsburgh, agrees to cease representing that "H. E. Clarke's Nasal Filter" is of value in the prevention of any case of nasal irritation except when caused by the inhalation of dust or other impurities through the nostrils, or that it will afford complete protection against nasal irritation which might result in such manner. The respondent further agrees to desist from exaggerating the extent to which his device will protect against or lessen the severity of any disease, ailment or condition. It is also agreed by the respondent that he will discontinue advertising that his device is an effective agent in protecting against colds; that it is completely invisible when inserted in the nostrils; that generally physicians have recommended it; that the mat filters used in his device are sterile, or that the patent application covering his product affords complete or full protection. (02600)

**Dog Aid**—Bernice Berner, trading as Dog Aid, Arlington, Va., agrees to cease representing that "Witch's Brew," designed for the relief and cure of skin irritations of dogs, is a competent remedy or effective treatment for sarcoptic mange, eczema, or other skin irritations of dogs; has cured 25,000 such cases; is the only preparation of its kind that carries a money-back guarantee, or has never failed. (02595)

**Exhibitors Products Company**—Alfred LePine, trading as Exhibitors Products Company, Kensington, Ohio, in a stipulation agrees to discontinue certain representations in the sale of a shampoo or liquid soap designated "Sulphasol" and a medication designated "Best in Show Conditioning Capsules," both for use on dogs.

The respondent stipulates that he will cease using the word "Conditioning" as part of the name of his product so as to imply that it is efficacious generally as a conditioner of dogs for show purposes.

It is further agreed that the respondent will cease representing that "Best in Show Conditioning Capsules" is an effective treatment or competent remedy for all maladies, diseases and ailments to which dogs are subject, or that its use will prevent sickness or generally improve the appearance of dogs for show purposes.

The respondent also stipulates that he will discontinue claims that "Sulphasol" is a new product or that it imparts any therapeutic effects other than such as may be due to the action of its sulphur content on certain organisms in the skin and hair, as the sarcoptic mite of scabies and certain fungi. (2878)

**Hays Advertising Agency,** Burlington, Vt., has entered into a stipulation in which it agrees to discontinue certain representations in advertisements concerning cow remedies, disseminated on behalf of Dairy Association Company, Inc., Lyndonville, Vt.

Hays Advertising Agency agrees to cease advertising that "Bag Balm," a stock preparation, is completely antiseptic; is healing, unless limited to its aid to nature in the process of healing; is a competent treatment or effective remedy for acute mastitis or inflamed or caked udders, unless limited to its value as a massage and counter-irritant, or that it cannot taint milk.

The respondent further stipulates that it will desist from advertising that "Kow Kare," a stock preparation, will prepare a cow for freshening or prevent calving disasters, unless limited to such aid as it may afford these conditions when cows are not assimilating or digesting feed properly. (02598)

**LaRue Laboratories**—William S. LaRue, trading as LaRue Laboratories, 2309 Ames Ave., Omaha, Nebr., in connection with the sale of "LaRue's Master Scalp Treatment," agrees to cease advertising that dandruff is caused by germs; that bad nerves are the paramount cause of all gray hair; that use of his product will retard either gray or falling hair, or will stimulate hair growth or help bring back its natural oil and give it brilliant luster. The respondent also agrees to cease employing the words "LaRue Laboratories" as his trade name, when in fact there are no such laboratories, or employing the word "Laboratories" in any way so as to imply that he owns, operates or controls a place devoted to experimental study of any branch of natural science or the application of scientific principles in the preparation of his product. (2874)

**Marcus-Lesoine, Inc.,** L. J. Marcus and John A. Lesoine, 575 Sutter St., San Francisco, dealers in cosmetic products, agree to cease representing that "Lovalon Hair Rinse" is a vegetable product; gives hair more life; or is permanent in effect, or enables one to say goodbye to dull or drab hair. The respondents also agree to discontinue representations that "Lovalon Oil of Lemon Hair Rinse" accomplishes the same results as a lemon rinse; restores natural loveliness of the hair, or invigorates the scalp or hair. (02596)

**Pyramid Metals Company,** 1335 North Wells St., Chicago, agrees to cease representing in any manner that 18-8 metal trim is offered for sale by it when such is not a fact, or quoting prices for 17-7 trim as being prices for 18-8 trim, or in any other manner misrepresenting the type, quality, composition or nature of products which it sells. (2877)

**Relco Drug Company**—See Reliance Drug Company.

**Reliance Drug Company**—George W. Lundgren, one of the co-partners trading as Reliance Drug Company, 326 East 35th St., New York, and the Relco Drug Company, Inc., 2159 Fifth Ave., New York, present owner of Reliance Drug Company, agree to cease representing that "Reliance Double Quinine Hair Grower" and "Reliance Hair Dressing Pomade", when applied externally, will cause or promote the growth of hair; will stop falling hair, or will remove dandruff in the sense that it will not reappear. (2875 and 2876)

**Smith Manufacturing Company**—Ada G. Smith, trading as Smith Mfg. Company, 107 Underwood St., Fayetteville, N. C., agrees to discontinue advertising that "Smith's instant Hair Grower" and "Smith's Instant Hair Grower Special" grow hair; grow present hair from one to three inches per month, or will grow hair on any bald head or temple in three weeks or less where the roots are living. The respondent also stipulates that she will cease representing that "Smith's Instant Tetter Salve and Scalp Cure" is a competent remedy or an effective treatment for dry scalp, tetter, eczema, dandruff, falling hair, or other scalp disease; heals sores or skin diseases, or would do more than temporarily relieve the itching that may be associated with certain skin diseases and promote the healing of raw surfaces. Ada G. Smith also agrees to discontinue using the word "Cure" as part of the trade name of "Smith's Instant Tetter Salve and Scalp Cure," and the word "Grower" as part of the trade names "Smith's Instant Hair Grower" and "Smith's Instant Hair Grower Special." (02597)

**Sha-Po Manufacturing Co.**—A stipulation has been accepted from Lewis Tanenbaum, trading as Sha-Po Manufacturing Company, 185 Mercer St., New York, in which he agrees to discontinue certain representations in the sale of hats and caps.

The respondent agrees to cease representing that hats and caps which are composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweatbands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that such products are composed of second-hand or used materials, provided that if sweatbands are not affixed to the hats or caps, then such stamp must appear on the bodies of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (2879)

**Washington Furniture Mfg. Co.**—L. Kenneth Schoenfeld, trading as Washington Furniture Manufacturing Company, 1964 Fourth Ave., South, Seattle, Wash., agrees to cease selling, offering for sale, or supplying to his customers for resale, any products marked with prices which are in excess of the prices for which such products are sold in the usual course of trade. (2881)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 31, August 2, 1940

## THE WEEK IN WASHINGTON

The NAB won an outstanding victory for the broadcasting industry this week when the U. S. Circuit Court of Appeals in New York decided that broadcasters had the right to broadcast phonograph records without a license. (p. 4465.)

Both CBS and NBC have urged advertising agencies and band leaders to start using music that the networks will be able to broadcast after December 31. Both networks likewise have told their affiliates that they intend to make no deal with ASCAP that would work to the disadvantage of affiliates. (p. 4468.)

ASCAP's request to send a speaker to the NAB convention followed repeated refusals to talk to the NAB about a new contract. (p. 4472.)

Neville Miller urged the FCC to simplify its new FM application Form 319 with the industry's cooperation. (p. 4473.)

Representative Dingell (D-Mich.) introduced a resolution to make August 26 "National Radio Day." (p. 4474.)

Five hundred fifty-seven stations join in the search for man power for the National Defense Program. (p. 4474.)

The FCC announced that briefs in connection with its network investigation must be filed before September 15. (p. 4476.)

## NAB Wins Phonograph Record Decision

The NAB won an outstanding victory for the broadcasting industry this week when the U. S. Circuit Court of Appeals in New York decided that broadcasters have the right to play phonograph records without a license.

Retaining special counsel for this test case, the NAB went to bat for Station WNEW, New York City, and the industry in a suit brought by the RCA Manufacturing Company, Inc., and Paul Whiteman.

Judge Learned Hand handed down the decision July 25. It was a notable victory for the entire industry as well as WNEW.

The text of the decision:

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT

No. 357—October Term, 1939

(Argued June 17, 1940; Decided July 25, 1940)

RCA Manufacturing Company, Inc., *Plaintiff*,

against

Paul Whiteman, W.B.O. Broadcasting Corporation, and Elin, Inc., *Defendants*.

On appeals by the RCA Manufacturing Company, Inc., W.B.O. Broadcasting Corporation, and Paul Whiteman from a judgment of the District Court for the Southern District of New York, in an action for an injunction forbidding the broadcasting of phonographic records.

Before:

L. Hand, Clark and Patterson, Circuit Judges.

"Crawford & Sprague, of New York City (White & Case, Joseph M. Hartfield and Stuart Sprague, all of New York City, of counsel), for W.B.O. Broadcasting Corporation;

"David Mackay, of New York City (David Mackay, Lawrence B. Morris and Jerome H. Adler, all of New York City, of counsel), for RCA Manufacturing Company, Inc.;

"Maurice J. Speiser, of New York City (Herbert R. Speiser and Nathan Bass, both of New York City, of counsel), for Paul Whiteman."

L. Hand, C.J.:

This case comes up upon appeals by the plaintiff, RCA Manufacturing Company, Inc., and the defendants, Paul Whiteman and

*(Continued on page 4466)*

YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!
St. Francis Hotel San Francisco August, 4-5-6-7

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## NAB WINS PHONOGRAPH RECORD DECISION

*(Continued from page 4465)*

W.B.O. Broadcasting Corporation. Before the action was brought Whiteman had filed a complaint against W.B.O. Broadcasting Corporation and Elin, Inc., to restrain the broadcasting of phonograph records of musical performances by Whiteman's orchestra. By leave of court RCA Manufacturing Company, Inc., then filed the complaint at bar, as ancillary to Whiteman's action, asking the same relief against W.B.O. Broadcasting Corporation and Elin, Inc., as Whiteman had asked in his action, and in addition asking that Whiteman be adjudged to have no interest in the records of his performances, because of contracts between him and itself. Whiteman thereupon discontinued his action, leaving only the ancillary action in which the judgment on appeal was entered. The dispute is as to whether W.B.O. Broadcasting Corporation, as the purchaser of phonograph records prepared by RCA Manufacturing Company, Inc., of Whiteman's orchestral performances, may broadcast them by radio. Whiteman's performances took place in studios of RCA Manufacturing Company, Inc., which arranged for their reproduction upon ordinary phonographic disc records, and which, with the consent of Whiteman, sold the records to the public at large. Of the nine records here in question five were sold between November, 1932, and August 15, 1937, during which period every record bore the legend: "Not Licensed for Radio Broadcast". (Apparently the four earlier records did not advise the purchaser of any such limitation.) After August 15, 1937, this notice was changed to read as follows: "Licensed by Mfr. under U. S. Pats. 1625705, 1637544, RE. 16588 (& other Pats. Pending) Only For Non-Commercial Use on Phonographs in Homes. Mfr. & Original Purchaser Have Agreed This Record Shall Not Be Resold Or Used For Any Other Purpose. See Detailed Notice on Envelope." These later records were inclosed in envelopes which even more clearly gave notice of the same limitations. W.B.O. Broadcasting Corporation every week bought from a New York company, Bruno-New York, Inc., such records as it needed; it used them thereafter to broadcast over its radio system. Bruno-New York, Inc., had bought the records in question under a contract with RCA Manufacturing Company, Inc., in which they agreed after its date (August 9, 1937) to resell "only for non-commercial use on phonographs in homes as per the notice appearing on the record labels and envelopes." It may be assumed that W.B.O. Broadcasting Corporation is charged with notice of the legends on the records, and with the contract of Bruno-New York, Inc., and that it broadcasts them on its radio system in disregard of both.

The questions raised below were whether Whiteman and/or RCA Manufacturing Company, Inc., had any musical property at common-law in the records which radio broadcasting invaded; whether Whiteman had passed any rights which he may have had to RCA Manufacturing Company, Inc., under certain agreements, not necessary to be set out; and whether, if either Whiteman or RCA Manufacturing Company, Inc., had any such common-law property, the legends and notice enabled them, or either of them, to limit the uses which the buyer might make of the records. The judge held that all of Whiteman's rights had passed to RCA Manufacturing Company, Inc., which for that reason was entitled to enjoin the broadcasting of these records; and that Whiteman was also entitled to an injunction against W.B.O. Broadcasting Corporation because it was unfair competition to broadcast his performances without his consent. All parties appealed except Elin, Inc. The RCA Manufacturing Company, Inc., appealed because the judge did not recognize its common-law artistic property, arising out of the skill and art necessary to obtain good recording, and also because of the affirmative relief granted to Whiteman. Whiteman appealed because of the holding that he had lost all his rights to RCA Manufacturing Company, Inc., under its contracts with him. W.B.O. Broadcasting Corporation appealed because any relief was granted against it.

It is only in comparatively recent times that a virtuoso, conductor, actor, lecturer, or preacher could have any interest in the reproduction of his performance. Until the phonographic record made possible the preservation and reproduction of sound, all audible renditions were of necessity fugitive and transitory; once uttered they died; the nearest approach to their reproduction was mimicry. Of late, however, the power to reproduce the exact quality and sequence of sounds has become possible, and the right to do so, exceedingly valuable; people easily distinguish, or think they distinguish, the rendition of the same score or the same text by their favorites, and they will pay large sums to hear them. Hence this action. It was settled at least a century ago that the monopoly of the right to reproduce the compositions of any author—his "common-law property" in them—was not limited to words; pictures were included. *Turner* v. *Robinson,* 10 Ir. Ch. 121; S. C. 10 Ir. Ch. 522; *Prince Albert* v. *Strange,* 1 McN. & G. 25. This right has at times been stated as though it extended to all productions demanding "intellectual" effort; and for the purposes of this case we shall assume that it covers the performances of an orchestra conductor, and—what is far more doubtful—the skill and art by which a phonographic record maker makes possible the proper recording of those performances upon a disc. It would follow from this that, if a conductor played over the radio, and if his performance was not an abandonment of his rights, it would be unlawful without his consent to record it as it was received from a receiving set and to use the record. *Arguendo,* we shall also assume that such a performance would not be an abandonment, just as performance of a play, or the delivery of a lecture is not; that is, that it does not "publish" the work and dedicate it to the public. *Ferris* v. *Frohman,* 223 U. S. 424, 435; *Nutt* v. *National Institute,* 31 Fed. (2d) 236 (C.C.A. 2); *McCarthy* v. *White,* 259 Fed. Rep. 364; *Uproar Co.* v. *National Broadcasting Co.,* 8 Fed. Suppl. 358. Nevertheless, even if Whiteman's "common-law property" in his performances survived the sale of the records on which they were inscribed, it would be very difficult to see how he, or *a fortiori* the maker of the records, could impose valid restrictions upon their resale. Concededly that could not be done (regardless of the present statutory prohibition) if the restriction went to the resale price. *Bobbs-Merrill Co.* v. *Straus,* 210 U. S. 339. It would also have been impossible if the restriction forbad the buyer to use the article except with other articles bought of the record maker. *Motion Picture Patents Co.* v. *Universal Film Co.,* 243 U. S. 502. We do not, however, have that question to decide, for we think that the "common-law property" in these performances ended with the sale of the records and that the restriction did not save it; and that if it did, the records themselves could not be clogged with a servitude.

Copyright in any form, whether statutory or at common-law, is a monopoly; it consists only in the power to prevent others from reproducing the copyrighted work. W.B.O. Broadcasting Corporation has never invaded any such right of Whiteman; they have never copied his performances at all; they have merely used those copies which he and the RCA Manufacturing Company, Inc., made and distributed. The putatively protected performances were themselves intended for that purpose and for that alone; the situation was precisely the same as though Whiteman and RCA Manufacturing Company, Inc., had combined to produce an original musical score and inscribe it upon records. The records at bar embodied Whiteman's "common-law property"—his contribution as a conductor—in precisely the same way that the record of such a score would embody his composition. Hence the question is no different from whether he might disseminate a musical score to the public at large, but impose a limitation upon it that buyers should not use it to broadcast for profit. Whatever might be said of that—if the sale were not a "publication"—it will hardly be argued that if it was a "publication" in the sense that that destroys the "common-law property", the restriction upon the use of the record would be valid notwithstanding. Restrictions upon the uses of chattels once absolutely sold are at least *prima facie* invalid; they must be justified for some exceptional reason, normally they are "repugnant" to the transfer of title. If "the common-law property" in the rendition be gone, then anyone may copy it who chances to hear it, and may use it as he pleases. It would be the height of "unreasonableness" to forbid any uses to the owner of the record which were open to anyone who might choose to copy the rendition from the record. To revert to the illustration of a musical score, it would be absurd to forbid the broadcast for profit of its record, if any hearer might copy it and broadcast the copy. Thus, even if Whiteman and RCA Manufacturing Company, Inc., have a "common-law property" which performance does not end, it is immaterial, unless the right to copy the rendition from the records was preserved through the notice of the restriction.

As applied to books, where the problem is precisely the same, there is not very much law as to whether such restrictions prevent complete dedication, but the judges who have passed upon the question have declared, at times with much certainty, that they are nugatory. In 1898 the Court of Appeals of New York flatly so decided in *Jewellers Mercantile Agency* v. *Jewellers Publishing Co.*, 155 N. Y. 241, and that is the leading case. Judge Putnam had held the same in 1896 (*Ladd* v. *Oxnard*, 75 Fed. Rep. 703, 730) and he was followed by Judge Townsend (*Larrowe-Loisette* v. *O'Loughlin*, 88 Fed. Rep. 896), Judge Lacombe (*Wagner* v. *Conried*, 125 Fed. Rep. 798) and Judge Ward (*Savage* v. *Hoffman*, 159 Fed. Rep. 584). In his dissenting opinion in *International News Service* v. *Associated Press*, 248 U. S. 215, 256, Mr. Justice Brandeis spoke of the law as "well-settled" to that effect. (See also the reasoning of the court in *Chamber of Commerce* v. *Wells*, 100 Minn. 205.) It is quite true that if "publication" were merely a question of intent, these decisions are wrong, for the intent is obvious not to dedicate the whole right. The problem is not so simple; in dealing with a monopoly the law imposes its own limits. Certainly when the "common-law property" is in a work which the Copyright Act covers, there can be no doubt; Congress has created the monopoly in exchange for a dedication, and when the monopoly expires the dedication must be complete. If the records were registrable under the act, the restriction would therefore certainly not limit the dedication. The fact that they are not within the act should make no difference. It is indeed argued that by virtue of *Donaldson* v. *Decket*, 4 Burr. 2408, there is a perpetual common-law copyright in works not copyrightable under the act; we have answered that argument in *Fashion Originators Guild* v. *Federal Trade Commission*, 112 Fed. (2) ——, and need not repeat what we said. That being true, we see no reason why the same acts that unconditionally dedicate the common-law copyright in works copyrightable under the act, should not do the same in the case of works not copyrightable. Otherwise it would be possible, at least *pro tanto*, to have the advantage of dissemination of the work at large, and to retain a perpetual though partial, monopoly in it. That is contrary to the whole policy of the Copyright Act and of the Constitution. Any relief which justice demands must be found in extending statutory copyright to such works, not in recognizing perpetual monopolies, however limited their scope.

It is true that the law is otherwise in Pennsylvania, whose Supreme Court in 1937 decided that such a legend as the records at bar bore, fixed a servitude upon the discs in the hands of any buyer. *Waring* v. *WDAS Broadcasting Company*, 327 Pa. St. 433. We have of course given the most respectful consideration to the conclusions of that great court, but with much regret we find ourselves unconvinced for the reasons we have tried to state. However, since that is the law of Pennsylvania and since the broadcasting will reach receiving sets in that state, it will constitute a tort committed there; and if an injunction could be confined to those sets alone, it would be proper. It cannot; for even if it be mechanically possible to prevent any broadcasting through the angle which the state of Pennsylvania subtends at the transmission station, that would shut out points both in front of, and beyond, Pennsylvania. We must therefore choose between denying any injunction whatever—since in our judgment the act is unlawful only in Pennsylvania—or enjoining W.B.O. Broadcasting Corporation from broadcasting throughout the Union and in Canada in order to prevent a tort in Pennsylvania alone. This would be an obvious misuse of the writ which goes only in aid of justice.

Whiteman and the plaintiff also rest their case upon the theory of unfair competition, depending for that upon *International News Service* v. *Associated Press, supra* (248 U. S. 215). That much discussed decision really held no more than that a western newspaper might not take advantage of the fact that it was published some hours later than papers in the east, to copy the news which the plaintiff had collected at its own expense. In spite of some general language it must be confined to that situation (*Cheney Bros.* v. *Doris Silk Corp.*, 35 Fed. (2) 281); certainly it cannot be used as a cover to prevent competitors from ever appropriating the results of the industry, skill, and expense of others. "Property" is a historical concept; one may bestow much labor and ingenuity which inures only to the public benefit; "ideas", for instance, though upon them all civilization is built, may never be "owned". The law does not protect them at all, but only their expression; and how far that protection shall go is a question of more or less; an author has no "natural right" even so far, and is not free to make his own terms with the public. In the case at bar if Whiteman and RCA Manufacturing Company, Inc., cannot bring themselves within the law of common-law copyright, there is nothing to justify *a priori* any continuance of their control over the activities of the public to which they have seen fit to dedicate the larger part of their contribution. We are adjured that courts must adjust themselves to new conditions, and that in the case at bar justice clearly points the way to some relief. We cannot agree; no doubt we should be jealous to execute all reasonable implications of established doctrines; but we should be equally jealous not to undertake the composition of substantial conflicts of interests, between which neither the common-law, nor the statute, has given any clue to its preference. We cannot know how Congress would solve this issue; we can guess—and our guess is that it would refuse relief as we are refusing it—but if our guess were the opposite, we should have no right to enforce it. If the talents of conductors of orchestras are denied that compensation which is necessary to evoke their efforts because they get too little for phonographic records, we have no means of knowing it, or any right to assume it; and it is idle to invoke the *deus ex machina* of a "progress" which is probably spurious, and would not be for us to realize, if it were genuine.

Finally, appeal is made to the doctrine that W.B.O. Broadcasting Corporation is guilty of a tort—or at least that it is a factor in determining its "unfair" competition—because it induces Bruno-New York, Inc., to violate its contract with RCA Manufacturing Company, Inc. Whatever remedies RCA Manufacturing Company, Inc., may have under that contract, they are not before us. As between Bruno-New York, Inc., and W.B.O. Broadcasting Corporation, the contract is a nullity; RCA Manufacturing Company, Inc., had no power to impose the pretended servitude upon the records; and W.B.O. Broadcasting Corporation is free to buy and use them in entire disregard of any attempt to do so. It scarcely seems necessary to discuss the strange assertion that to broadcast the records in some way invades somebody's "right of privacy", presumably Whiteman's: *Sidis* v. *F-R Publishing Corp.*, 112 Fed. (2) —— (C.C.A. 2). Nor need we say that insofar as radio announcers declare, directly or indirectly, that the broadcast of a Whiteman record is the broadcast of a Whiteman performance, that conduct is a tort which Whiteman could enjoin. That would indeed be "unfair competition".

It follows that the complaint must be dismissed, and for reasons which make it unnecessary to determine how far Whiteman's contracts with RCA Manufacturing Company, Inc., preserved any common-law copyrights he might have had, if they had survived the sale of the records.

Judgment reversed; complaint dismissed; costs to W.B.O. Broadcasting Corporation.

# CBS, NBC Urge Agencies to Join Music Battle

Both the Columbia Broadcasting System and the National Broadcasting Company have urged advertising agencies and band leaders to start using music that the networks will be able to broadcast after next December 31.

Both networks likewise have told their affiliates that they intend to make no deal with ASCAP that would work to the disadvantage of affiliates. Broadcasters are urged to read every word of the following six letters which clearly state the networks' position.

## NBC to Agencies

NATIONAL BROADCASTING COMPANY, INC.

RCA Building, Radio City
New York, N. Y.

July 23, 1940.

I am sure you are familiar with the situation which has recently arisen between the National Broadcasting Company and ASCAP (The American Society of Composers, Authors and Publishers). There are, however, some important facts regarding the matter which I am anxious for you to get first hand.

NBC's license agreement with ASCAP covering the use of its music for broadcasting purposes expires on December 31, 1940. ASCAP has offered to renew our licenses, but only on terms which we considered to be exorbitant. Such a move would add materially and unfairly in our opinion to the cost of broadcast advertising and broadcasting operation. After serious consideration we have definitely decided we cannot accept these terms. Therefore, without an ASCAP license NBC will be unable to broadcast their music after December 31, 1940.

There will be available for use by all NBC advertisers on programs broadcast over NBC networks or M&O stations, the catalogues of Broadcast Music, Inc., Associated Music Publishers, G. Ricordi & Co., Milan, Society of European Stage Authors and Composers (SESAC), A. P. Schmidt Co., E. C. Schirmer Music Company, Society of Jewish Composers, Publishers and Song Writers and other concerns and individuals. Likewise, there is music available in the public domain which can be arranged from the original sources.

It is obviously important, therefore, for all of us to lay our plans now covering the operating conditions which will exist after the end of this year.

In order to avoid possible copyright infringements we recommend that advertising agencies and their clients make an immediate study of their program music problems. Particular care should be taken to check signatures and theme music presently used on your programs to make sure that such music can be broadcast by NBC after the end of the year. We feel that there is much that can be done immediately to accustom yourselves to the new situation which will be in effect on January 1st, 1941. For example, you may want to instruct your orchestra leaders to commence using in the body of your NBC programs music which NBC will be licensed to broadcast.

This problem will involve not only the NBC network shows but also the local programs, whether live or electrically transcribed, which are broadcast over NBC managed and operated stations. We suggest that if you now have any such programs, or contemplate them in the future, that you check carefully material incorporated in them. Many advertisers who already have on hand electrical transcriptions or who make them before the first of the year may contemplate their use on NBC M&O stations after January 1st. Obviously, such records should be carefully checked to be sure that all musical material will be licensed for broadcast.

It is, of course, impossible to cover in this letter all of the many questions which will arise regarding the new operation and specific problems which may come up. A complete understanding of the changes involved is essential so that we will all be prepared to successfully continue our operations after December 31, 1940.

This is a common problem and it is important that everyone affected give every consideration to its solution.

Cordially yours,

(Signed) Niles Trammell.

## NBC to Affiliates

NATIONAL BROADCASTING COMPANY, INC.

RCA Building, Radio City
New York, N. Y.

July 17, 1940.

The current licenses held by NBC for the performance of ASCAP music will expire on December 31, 1940. ASCAP has refused to renew such licenses except upon terms which are so onerous that we have concluded that we cannot accept them.

As you have doubtless noted from the plan of licensing which ASCAP proposes to impose upon broadcasters, NBC would be required to pay ASCAP 7½% of the gross amount paid for the use of the broadcasting facilities of the stations over which a network program is broadcast. While the license fees payable by NBC on network business under this plan would vary from year to year, it is sufficient to point out that had the plan applied to 1939 income, NBC would have had to pay to ASCAP fees 5 or 6 times greater than those which it is now paying. This is so exorbitant as to be completely unacceptable.

In rejecting ASCAP's demand, we have given careful consideration to the interests of our affiliates as well as the network. Although the new ASCAP plan of licensing would result in decreased payments by many stations so far as their personal licenses covering only local and national spot programs are concerned, it would require vastly increased payments for NBC network programs. NBC obviously cannot itself bear an increase of 500% or 600% in its payments to ASCAP. The increased cost would, therefore, have to be passed on and the additional burden would seriously affect NBC affiliates. We are not going to make any deals which put an unfair financial burden on NBC affiliates, having in mind the additional expenses which are necessarily being incurred at the present time as the result of the position now taken by ASCAP. We have, of course, no intention of making any arrangement which would benefit NBC at the expense of its affiliates.

Without an ASCAP license, it will be necessary for NBC to discontinue playing ASCAP music as of December 31, 1940. We are actively supporting the efforts of Broadcast Music, Inc., to enlarge its catalog of music. In addition, NBC is working to make available for use, after the expiration of our current licenses, as much music as we possibly can. Having in mind the difficulties attendant upon an abrupt elimination of ASCAP music, we are taking steps at this time to increase the use on NBC programs of music which we will be licensed to perform beyond December 31, 1940, in order to effect a gradual transition.

Despite the difficulties which are inevitable, broadcasting will continue as usual.

Sincerely,

(Signed) Niles Trammell.

## NBC to Band Leaders

NATIONAL BROADCASTING COMPANY, INC.

RCA Building—Radio City

New York, N. Y.

July 17, 1940.

On December 31, 1940, the license agreements between NBC and ASCAP expire. ASCAP has refused to renew them except on terms which are so onerous that we have concluded that we cannot accept them. Without a license it will be necessary for NBC to discontinue playing ASCAP music commencing with the first of next year.

That means that a large part of the pupular music which NBC has been using in the past will be unavailable for its use after December 31st, and it is obvious that we must now begin to accustom ourselves and NBC artists to the use of such music as will be available to us after that date.

With this in mind we are taking steps to increase the use on NBC studio sustaining programs of music which we are licensed to perform beyond December 31, 1940. Among the catalogues which are available for use on NBC programs subsequent to that time are those of Broadcast Music, Inc., Associated Music Publishers, G. Ricordi & Co., Milan, Society of European Stage Authors and Composers (SESAC), A. P. Schmidt Co., E. C. Schirmer Music Company, Society of Jewish Composers, Publishers and Song Writers and other concerns and individuals. Likewise, there is music available in the public domain which can be arranged from the original sources.

It is now essential that we increase the use of such music on all NBC programs including our remote control sustaining shows, and commencing July 31, 1940, the policy of NBC will be that all orchestras broadcasting on NBC sustaining programs shall schedule at least one such composition during each of their NBC broadcast periods. The use of such music will necessarily have to be increased as December 31st approaches.

We also suggest, however, that leaders of orchestras broadcasting over NBC make a study of their signatures, having in mind that after December 31, 1940, they will be unable to broadcast over NBC the ones they are currently using if they are in the ASCAP repertoire. It would appear advisable for orchestras which expect to broadcast over NBC subsequent to that time to consider changing their signatures now to numbers which they will unquestionably be able to use next year.

You will note that among the catalogues we will continue to be licensed to use is Broadcast Music, Inc. NBC proposes to popularize the music of BMI by using it wherever it can and we particularly ask your cooperation in this endeavor.

We cannot overemphasize the importance of being prepared in advance to meet the situation which will exist after December 31, 1940. In addition to the problem, NBC has of maintaining proper balance in musical programs, the purely clerical task of checking the availability of music which you may wish to play after the first of the new year will require the training of personnel to handle the additional burden. A gradual start in that direction will be service not only to us but to orchestras and advertisers as well. If our Music Department can be of assistance to you in solving the problems caused by this situation, please do not hesitate to call upon us.

Sincerely,

(Signed) Niles Trammell.

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## CBS to Agencies

COLUMBIA BROADCASTING SYSTEM, INC.

485 Madison Avenue, New York

Wickersham 2-2000

Executive Offices
Paul W. Kesten
Vice-President

During the past six months the broadcasting industry has been fighting a $4,400,000 fight against "ASCAP"—a fight to protect radio advertisers and broadcasters alike from a $4,400,000 hold-up, over and above an unjustified $4,300.000 toll paid in 1939 for the privilege of broadcasting music which ASCAP controls.

The fight is going well.

During the next six months, the Columbia network asks that its clients, acting in their own behalf as radio advertisers, take one step which only they can take—to break the strangle-hold which ASCAP has hitherto had upon radio broadcasting, and to win not only this fight against a $4,400,000 increase in broadcasting costs, but to free radio permanently from the certainty of future intolerable demands.

If this seems to be a strong statement of the basic issue involved, you will find that the facts more than justify it. Some of these facts follow:

* * * *

Between 1923 and 1931 the bill which broadcasters had to pay to ASCAP (American Society of Composers, Authors & Publishers) for the privilege of broadcasting music controlled by that society increased from *$10,000* to nearly *$1,000,000* per year. But that was only the beginning!

Since 1931 the tribute demanded by ASCAP, and paid by the broadcasters, has more than quadrupled from that million dollar figure. In 1939 ASCAP wrung *$4,300,000* out of the broadcasters. Was this for more music played on more broadcasts? Just the contrary. That increase was accompanied by an actual *drop of over 40%* in the number of musical programs on the air.

The result is that radio paid ASCAP in 1939 *40 times* as much per dollar of revenue as did any other user of music, such as the motion picture industry, the night clubs, dance halls, etc.

Now ASCAP, which has controlled the major portion of music which has been used on commercial and sustaining radio programs, has made further demands upon the radio industry which would increase its present toll on the industry by over 100%, and which would *increase the charge against network programs by over 300%*. These charges would apply to all programs whether or not they used ASCAP music.

These demands by ASCAP are, obviously, impossible of acceptance if radio broadcasting and network broadcasting is to continue to serve the public and the needs of national advertisers on its present economic base. While broadcasters have always been willing to pay a fair amount on a reasonable basis for the privilege of broadcasting music, we are convinced that it is utterly impossible to find any ground for negotiation with an organization which has promulgated these demands as a final ultimatum.

Columbia has therefore decided, for its network and for its owned and operated stations, that it will not and cannot submit to these demands.

The gun ASCAP is pointing at our heads will be fired January 1, 1941, after which no ASCAP music will be available for CBS programs. But by that time, with the work that has been done and which can be done by our advertisers and ourselves between now and then, there should be nothing but a blank cartridge in the breech.

This much has been accomplished:

1. *Organization and operation of "BMI".*

Determining to defend the interests of the listening public and of advertisers, as well as their own interests, the broadcasters took steps last fall to implement their supply of non-ASCAP music through the organization of Broadcast Music, Inc. *Over 300 stations,* representing approximately ¾ of the entire business done by the industry, have together with the networks, *contributed over $1,250,000 to BMI.* The primary purpose of this organization is the promotion of the writing of new music and lyrics by giving opportunities to new composers and authors. Broadcast Music, Inc. has now achieved the stature of an outstanding music publishing organization and has attracted talented composers and writers heretofore excluded from the ASCAP inner circle.

BMI is now turning out popular tunes with "hit" potentialities and at the present rate will have *300 popular numbers* by the end of the year.

*Four of these recently climbed up into the 20 most popular hits as listed by "Variety."* BMI is also releasing non-ASCAP arrangements of the most popular public domain music and should have over 1,000 of these available for use by December 31st.

2. *Drastic drop in ASCAP music on sustaining programs.*

Since April, the use of ASCAP music on Columbia sustaining programs (over 200 quarter-hours per week) *has been reduced by 33⅓%.* This has meant the substitution of hundreds of non-ASCAP numbers in our musical selections. This has been effected without the slightest deterioration of any program and without loss of any audience appeal.

3. *No special "ASCAP-credits."*

Beginning in May on all remote pick-ups of dance bands, CBS eliminated all restricted ASCAP numbers which required special credits.

4. *Non-ASCAP numbers on name-band pick-ups.*

Effective August 5th, all remote dance bands will be required to include at least one-non-ASCAP number. From this start the proportion of non-ASCAP numbers will be steadily increased.

5. *Music on its own merit.*

Perhaps still more significant to those who know the "high-pressure side" of the music business—Columbia has closed its doors to the professional song pluggers who know that the success of a new number is often in direct proportion to the amount of money appropriated by the Publisher for plugging it on the networks.

We are, you will see, in full stride on making the transition from ASCAP music to non-ASCAP music. Nor are we dependant only on BMI for rich sources of material. The fact is that the potential *reservoir of non-ASCAP music is, of course, much larger than the reservoir of ASCAP music.* In addition to the music made available through BMI, Columbia has the following supplies of non-ASCAP music:

Music controlled by the Society of European Stage Authors and Composers (SESAC), including the library of A. P. Schmidt Co.

Music controlled by Associated Music Publishers.

Music controlled by G. Ricordi & Co. (Milan).

Music controlled by the Society of Jewish Composers, Publishers and Song Writers.

Music of E. C. Schirmer Music Company.

Special library arrangements of public domain music, as well as music available under special licenses from individual music publishers not members of ASCAP.

Even a superficial study of the question indicates that ASCAP has been able to throttle broadcasters and advertisers largely because of the unintended cooperation of program builders and the activities of ASCAP song pluggers.

*Reduced to its plainest terms, only one thing is needed between now and January 1st to free radio broadcasting from ASCAP's $4,400,000 squeeze-play. This thing is the determination of radio advertisers that they will popularize only the music which will continue to be available to them after December 31, 1940. And that can be accomplished very simply—just by playing this music on the air on commercial programs. If the transition to non-ASCAP music is begun at once, virtually every hit tune in America should lie outside of ASCAP's clutch before January 1.*

There have been important issues in radio broadcasting before now in which the interests of radio advertisers and of radio broadcasters were identical. We think it will be evident that there has never been an issue which compares in importance with this one, nor on which the self-interest of our clients and ourselves was so clearly the same.

Members of the CBS sales and service staffs will be at the disposal of each CBS client to facilitate the handling of individual programs during this transition period.

Sincerely,
The Columbia Broadcasting System.

## CBS to Affiliates

COLUMBIA BROADCASTING SYSTEM, INC.
485 Madison Avenue, New York
WIckersham 2-2000

Office of the Executive Vice President
Edward Klauber

July 18, 1940.

The form of the ASCAP contract which has now been submitted to broadcasters is more burdensome than expected, even when viewed in the light of the "demands" made by ASCAP last March. The NAB has made an analysis of the "single station" proposal which was published in the *NAB Reports* and we have analyzed the "network" proposal. Neither proposal gives the broadcaster any assurance of substantial availability of music as heretofore. Furthermore, the base on which payments are to be computed is substantially broadened, thus tending to dissipate the widely heralded savings to individual stations.

When the ASCAP demands were delivered to the broadcasters last March, we wrote you that Columbia had no intention of acceding to such demands, and advised you that there was then no present possibility that ASCAP music would be heard on the Columbia network after December 31st.

Nothing has happened in the meantime to induce us to change our decision. On the contrary, the wisdom of our decision has been further proved by two developments—first, the intolerably onerous and inequitable provisions in the proposed ASCAP contracts, and second, the definite promise of an increasingly adequate alternate supply of music through BMI.

You realize that any development which adds substantially to the expenses or burdens of network broadcasting operates to the ultimate detriment of both network and affiliate, whether imposed in the first instance on the one or the other. As pointed out in our letter of April 2, without network plugging of ASCAP tunes, the value of an ASCAP license to any station will be greatly diminished. Accordingly, it must be apparent to anyone who has studied the music problems facing our industry that the ASCAP tactics cannot succeed as long as the networks do not play ASCAP music.

We want to repeat that we are in this fight to the finish, not only in the interests of ourselves but in the interests of affiliates and advertisers and that, as a network and for our owned and operated stations, we will go along with any plan, to be worked out through the BMI set-up, for the continuance of its operations and the enlargement of the music available to broadcasters. Further, in order to answer any questions by affiliates as to a possible deal with ASCAP in the unlikely event that ASCAP modifies its present intolerable proposals, our position is that we have no intention of accepting such modifications unless the deal is economically feasible for both networks and affiliates and also is acceptable to representatives of affiliates. We feel that our own best interests, as well as the best interests of our affiliates, can best be served by adhering to this position.

Sincerely yours,
The Columbia Broadcasting System.

## CBS to Band Leaders

COLUMBIA BROADCASTING SYSTEM, INC.
485 Madison Avenue, New York
WIckersham 2-2000

Office of the Vice President in Charge of Operations
Lawrence W. Lowman

July 23, 1940.

On account of the present situation existing with respect to performing rights in musical compositions controlled by ASCAP, with which band leaders and members are familiar, Columbia is proceeding with its plans for the gradual and complete elimination of ASCAP controlled music from its network. As you know, our license witb ASCAP expires December 31, 1940, and, because of the impossible demands which ASCAP has made upon us, we do not expect that any ASCAP controlled music will be broadcast over our network after the end of this year.

We have already taken steps achieving a substantial reduction in performances of ASCAP music on our studio sustaining programs. It is now necessary that we reduce ASCAP controlled music in other fields, including remote pick-up dance programs.

Accordingly, effective August 5, 1940, each remote pick-up dance band broadcast by Columbia will be required to schedule and play one non-ASCAP number for each one half hour of broadcasting time. In case of dance bands with programs of fifteen minutes, this means that a non-ASCAP number must be scheduled and played on every other program.

This is the minimum requirement for the time being, and naturally many bands will see that it is to their best interests to exceed this minimum as quickly as possble. Within a short time and from time to time, we expect to increase the requirements for the performance of non-ASCAP numbers so that substantially in advance of the end of the year remote pick-up dance bands will be broadcasting no ASCAP controlled music. We will try to effect this switch-over as gradually and with as little inconvenience as possible. In tbis connection, bands should take steps at this time to adopt signature numbers not under ASCAP control so that there will be no question as to the use of signatures by bands after the end of the year.

Several sources of non-ASCAP music are at present available and these include special arrangements of public domain music and selections from catalogs of copyrighted music not controlled by ASCAP. Among the latter, Broadcast Music, Inc., has now available in excess of fifty new popular tunes which are available in standard orchestrations.

Our music librarian will be bappy to cooperate with band leaders in making available to tbem titles and copies of numbers which are not controlled by ASCAP. Mr. Roy Passman of our Program Department will be glad to give you such additional information as you may desire.

Sincerely yours,
The Columbia Broadcasting System.

## BMI Developments

The first BMI song to appear on a phonograph record for general retail sale will be available in the record shops on August 2. It is Ray Herbeck's recording of *What Good's the Moon* for Okeh Records—Okeh 5659.

Other records of BMI numbers from Okeh, Columbia, and Victor are scheduled for the near future.

## BMI FEATURE TUNES
### August 5-12

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. MADAME WILL DROP HER SHAWL
4. SWINGIN' AT THE SEANCE

BMI has appointed Jimmy Cairns as Professional and Sales representative in the mid-west with headquarters in Chicago and Harry Hume in the same capacity on the Pacific Coast with offices in Los Angeles. Additions have also been made to the professional staff in the New York offices.

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An open market for music—so that broadcaster and advertiser will have an opportunity to choose what music they wish to play rather than be forced by economic necessity to pay for and popularize the music of a single group of publishers—the ASCAP group—is the ultimate aim of the broadcasters' battle to free the air of monopoly, Sydney M. Kaye, vice president and general counsel of Broadcast Music, Inc., told a group of representatives of advertising agencies at a luncheon held July 31st by BMI at the Hotel Waldorf Astoria. The luncheon was attended by radio program directors, account executives, and officers from virtually all of the leading agencies. After his talk Mr. Kaye answered questions relative to the use of the music which will be available for broadcasting after the first of the year when the current ASCAP contracts expire.

"Under the proposed ASCAP contracts," said the speaker, "the radio industry is being asked to pay eighty times as large a percentage of its revenue for music as ASCAP is now receiving from another industry. We are confronted with a demand for approximately $45,000,000 or $9,000,000 a year for the next five years, and for this we have no guarantee whatsoever as to what music will be available. It is manifestly impossible for the industry to absorb such exorbitant demands which are equal to a 100 per cent increase for the industry and, for example if applied to the networks would absorb their combined profits. It is obviously in the interest of the advertiser and advertising agency to protect themselves from an exorbitant increase in costs; to protect their programs from sudden change by substituting now the music which radio will be licensed to play after January 1, 1941, and in opening the door to creative talent struggling for an opportunity to be heard over the air. We urge them to call on the services of Broadcast Music, radio's own music enterprise, to solve their musical problems.

"The entire future of radio and radio advertising is threatened," said the BMI executive, "unless the advertiser can obtain competitive market for music just the same as he had for everything else that enters into the advertising business. If radio advertisers are willing to go through a short period of readjustment of the musical content of their programs there is no doubt in my mind but that they can obtain an open market for music at reasonable cost. The United States is the only country in the world where such a music situation exists and I am sure it will not exist for long here when the people are acquainted with the facts. There is no objection to a performing rights society in principle but it ought to be a democratic organization open to all who can create music and where payment is made in precise ratio to the utilization of the creator's work and not offer a contract which produces monopoly. Such a society needs only a staff of accountants to properly allocate the proceeds from users of music.

"The radio industry does most emphatically not want music for nothing. It is currently paying at the rate of $5,000,000 a year and we want to see this money go to those who deserve it after the American public has had an opportunity to hear the music from all talented composers and is not required to select its favorites from just a few."

Mr. Kaye pointed out that the task was not as difficult as it seemed, as a breakdown of radio performance indicated that 388 popular tunes accounted for 47 per cent of the music time on the air and 2500 tunes for 83 per cent. ASCAP music on sustaining programs has been materially reduced to date, without any apparent diminution in interest, he added.

Broadcast Music, Inc., he said in answer to a question, will grant full indemnity to any advertising agent, advertiser or performer who uses numbers from its catalogue. This differs, he explained, from the ASCAP contract which grants a limited indemnity to broadcaster and none at all to advertiser or agency.

In concluding he asked the agencies to select coordinators to work with music specialists at Broadcast Music and at the radio stations in solving the difficulties incidental to the change of theme songs, background music, music of secondary appeal and music of primary appeal.

## ASCAP Asks Place On Convention Program

ASCAP's request to send a speaker to the NAB convention followed repeated refusals to talk to the NAB about a new contract.

Neville Miller pointed this out to John G. Paine, ASCAP's general manager, in a recent letter in response to Mr. Paine's request for a place on the convention program.

Every broadcaster will read with great interest the following exchange of correspondence:

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS
Thirty Rockefeller Plaza
New York City

Mr. Neville Miller, President
National Association of Broadcasters
Normandy Building
1626 K Street, N. W.
Washington, D. C.

My dear Mr. Miller:

The interest shown by your members in the new ASCAP contract, is keenly appreciated by this Society. It indicates to us that the entertainment, cultural, and educational values of music, and its contribution to the progress of radio, is at long last being realized.

In view of this awakened appreciation of music, I believe it will interest the members of your organization who are going to attend your forthcoming Convention, to get some first-hand facts about the plans, purposes and policies of ASCAP, and its desire to contribute to the advancement of radio, particularly as they affect the Public Interest.

We therefore would be pleased to send a representative to San Francisco, at our expense, to address your Convention.

I would greatly appreciate hearing from you at your earliest convenience, so that our speaker can be fully prepared to present a paper worthy of the importance of the occasion.

With all good wishes for the success of your Convention, please believe me to be,

Cordially yours,
AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,
John G. Paine.

JGP:LN

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NATIONAL ASSOCIATION OF BROADCASTERS
Normandy Building, 1626 K St. N. W.
Washington, D. C.

July 17, 1940.

Mr. John G. Paine, General Manager
American Society of Composers, Authors and Publishers
30 Rockefeller Plaza
New York City

Dear Mr. Paine:

I have your letter requesting time on the NAB Convention Program. We appreciate your interest in our Convention, and willingness to send an ASCAP representative at your expense to San Francisco, all of which confirms our opinion that the NAB Convention is a most important meeting for broadcasters and will be attended by representative broadcasters from all parts of the country.

I regret that the interest of your Society in the NAB, and your recognition of the fact that it represents the radio industry, comes at such a late date. When I assumed the Presidency of the NAB, I called upon you and the other Officers of your Society, and did all in my power to effect a working arrangement between our two groups, so that the terms of renewal of the present contracts could be discussed by representatives of our groups on a business basis, which would have been mutually advantageous to all concerned. You will recall that I appointed a committee of broadcasters who came to your office a number of times, but our efforts were thwarted by the refusal of your President to appoint a committee to meet with the broadcasters, even though your Board of Directors had authorized the appointment of such a committee.

Your present contract was drawn up behind closed doors; the broadcasters, from whom you receive approximately two-thirds of your entire revenue, were not consulted regarding its terms; and, you will recall, that when the contract was made public, the NAB was intentionally ignored, and not invited to your meeting.

However, in spite of this attitude on the part of ASCAP, the broadcasters have always been glad to extend every courtesy to your Society, and, as you know, your Mr. Claude Mills has addressed a number of our District meetings. Unfortunately, our program for this coming Convention has been completed for some weeks, and due to recent developments in the radio field, our schedule is very crowded and it is impossible now to include any additional speakers.

In your letter you state that NAB members have shown an interest in the new ASCAP contract. Such interest is natural, but I am positive has been misinterpreted by ASCAP. Broadcasters have long been keenly aware of the value of music and its importance, not only to radio, but in the cultural life of our country. Broadcasters would like to be able to stimulate the creative musical interests of this country, but ASCAP's new contract is merely an attempt to perpetuate the ASCAP monopoly, and to extract for its relatively few members the money which should be divided among all writers, according to their talents and the use of their music.

ASCAP's policy has done more to retard music progress in this country than any other factor, and broadcasters are bitterly opposed to the continuation of this policy.

Broadcasters are interested further in your contract because of the splendid music written by the members of your Society, and would like to continue to use this music, but they are unwilling to contribute all the funds available for the purchase of music to the comparatively few members of your Society and close the door upon the meritorious music of the many young writers who previously have been prevented by the ASCAP contract from finding an audience for their works.

Our industry at this moment pays forty times as much for each dollar of its gross revenue as any other industry which does business with your Society, and not being content with that, you now demand we pay eighty times as much and increase our payments from approximately $4,500,000 to almost $9,000,000.

The interest of broadcasters in your contract is accompanied by the strongest condemnation of its terms, and resentment of the injustice which your Society is trying to impose upon the industry by virtue of your present monopolistic power. That interest has not caused any broadcaster to sign your contract, but rather has caused representative broadcasters, who pay over two-thirds of the money your Society receives from all broadcasters, to establish Broadcast Music, Inc., as a means to introduce to the American public the meritorious music of many young writers and to give broadcasters the right to purchase music in a free competitive market the same as they purchase other requirements.

The basic principles in which broadcasters are interested were known to you at the time your new contract was drawn. I believe recognition of these principles and a more cooperative approach would have made any explanation of the contract unnecessary.

Cordially yours,

NEVILLE MILLER,
*President.*

NM/mmr

## Miller Urges Commission to Simplify Form 319

Neville Miller urged the FCC last week to simplify its new FM application form (319) with the industry's cooperation. As the form now stands, Mr. Miller said in a letter to the Commission, it not only imposed an "excessive burden" on applicants but also, in some respects, contained ambiguities which made intelligent answers impossible.

Mr. Miller's letter:

July 26, 1940.

Federal Communications Commission
Washington, D. C.

GENTLEMEN:

We recognize that the Commission has both the right and the obligation under the Communications Act to elicit information regarding an applicant's legal, technical and financial qualifications to operate a broadcast station in the public interest, and in this connection we offer the NAB's fullest cooperation in the development of methods whereby this information may be secured most efficiently.

However, our study of recent revisions of the FCC license application forms and particularly the new form No. 319 for frequency modulation stations indicates that an excessive burden is imposed on applicants by these forms.

Without attempting an exhaustive analysis of any of the Commission's forms, may we direct your attention to such questions as 12 (d), (e) and (f) on Form 319. We assume the purpose of these questions is to cast some light upon the applicant's character and reputation. As phrased, however, they require the submission of certified copies of judgments and decrees arising out of such proceedings as traffic violations, probate matters, divorce actions, and probably even proceedings before the FCC not merely for the applicant but for officers, directors and stockholders of corporate applicants. The task of preparing responses to questions of this sort on behalf of corporate applicants appears to us to necessitate a volume of work not commensurate with the value of the information to the Commission.

Under Question 16 (c) the applicant is required to submit the names and addresses of any "relatives", present or former "associates" of applicant, or, if applicant is other than an individual, of any stockholder, station manager, officer, member of the governing board, director or principal stockholder who have any interest in the application or in any other radio broadcasting station. Is the word "relative" intended to include those related by affinity as well as by consanguinity, and in any event, to what degree of relationship? What is meant by associates? The word "former" in the phrase "former associates", as well as the phrase "has had" appearing in Question 16 (a), are likewise burdensome in the case of corporations having officers, directors and stockholders with extensive business interests extending over many decades since they imply no limitation as to time.

In view of ambiguities of this sort appearing in these application forms, applicants are unable to supply intelligent answers regardless of the amount of effort they devote to the preparation of these forms.

We respectfully suggest that the Commission designate appropriate personnel from its staff to confer with representatives of the NAB in an effort to simplify these forms while retaining their efficacy. Informal conferences on similar matters in the past have produced results that were mutually satisfactory and of definite benefit to the broadcasting industry. It is our belief that such procedure would be equally advantageous in respect of these forms.

Sincerely yours,

NEVILLE MILLER.

NM/hml

# Promotion

## NATIONAL RADIO DAY

Representative Dingell (D-Mich.) has introduced a resolution to make August 26 "National Radio Day." The resolution:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and directed to issue a proclamation designating August 26 of each year as National Radio Day, calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate ceremonies.

## LISTEN BEFORE YOU VOTE

In spite of heat, NAB convention, war and national defense, the LISTEN BEFORE YOU VOTE campaign is doing all right for itself. Yes sir!

Broadcasters in many states are saying it with orders for the red, white and blue posters while they complete their own plans for exploitation. Quick on the trigger in reporting satisfaction with the plan was Warner C. Tidemann, commercial manager, KATE, Albert Lea at Austin, Minn.:

> "I read with growing interest last night the material you mailed us on the new radio promotion, 'Listen Before You Vote.' I think you are to be congratulated, this strikes me as one of the greatest promotions that radio has ever had a chance to make."

And out in Kansas Chester L. Gowen wrote from Salina: "KSAL is happy to announce that it is in complete accord with the NAB suggestion to LISTEN BEFORE YOU VOTE and is enthusiastically completing plans to launch it in this territory."

Major Edney Ridge, director, WBIG, Greensboro, always a keen judge of effective promotions, has expressed approval by nonchalantly forwarding his sizable order.

Iowans, too, are going to see the posters and find out what LISTEN BEFORE YOU VOTE is all about. Orders from F. C. Eighmey, general manager, KGLO, Mason City, and from W. B. Quarton, general manager, WMT, Cedar Rapids, insure that.

The astute Mr. Bissell of WMFF, Plattsburg, N. Y., and hard hitting Mr. Thad Holt, WAPI, Birmingham, will put the posters to work for radio in their respective communities. WROK will take care of the situation in Rockford.

The presses will roll in August. Send orders for posters as soon as you have determined the maximum showing possible.

On the basis of orders received, 8 out of 10 stations say that a minimum of a thousand posters are needed to take full advantage of the opportunity. Whatever your needs, don't delay. Get aboard this "natural" promotion. Four more years before another chance like this!

## MEET MR. JOSLYN

Meet Mr. Joslyn of Rockford, manager of the Broadway Laundry.

He is a patriotic American, willing to spend good money to convince his fellow Americans that the American way of life is best, that foreign "isms" are a snare and delusion.

According to Bill Traum, promotion manager of WROK, Mr. Joslyn came to WROK and said that Rockford people ought to have such a program and that he was going to pay the freight.

Today, WROK broadcasts a weekly 15 minute patriotic program, "The American Way." And believe it or not, there is no commercial on the show, merely an opening and closing credit to Mr. Joslyn.

The program calls attention to the opportunities that exist for men and women in the United States. It features interviews with prominent local citizens who formerly lived in foreign countries who contrast advantages and opportunities in this country with those in their home lands.

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# National Defense

## 557 STATIONS JOIN SEARCH FOR DEFENSE MAN POWER

Five hundred fifty-seven (557) broadcasting stations, up to Thursday noon, August 1, had joined together, through NAB in radio's recently announced National Defense program, which seeks to locate man power for the United States Civil Service Commission.

A minimum of 100,000 skilled workers represents the present requirements of the Army, Navy, Civil Aeronautics Authority and other defense agencies for which the Commission procures workers.

The figure of 557 is an increase of 184 over those listed in NAB Reports of July 26. Other stations are expected to be heard from this week.

The most recent stations to signify their intentions of cooperating in the National Defense man power search are listed below:

### DISTRICT 1
Connecticut
WELI—New Haven
Massachusetts
WBZ—Boston
WBZA—Springfield
Vermont
WQDM—St. Albans
WNBX—Springfield

### DISTRICT 2
New York
WABY—Albany
WOKO “
WBBC—Brooklyn
WCNW “
WENY—Elmira
WEAF—New York City
WINS “ “ “
WJZ “ “ “
WLTH “ “ “
WHLD—Niagara Falls
WSLB—Ogdensburg
WNBZ—Saranac Lake
WOLF—Syracuse

### DISTRICT 3
Delaware
WDEL—Wilmington
New Jersey
WTNJ—Trenton
Pennsylvania
WKBO—Harrisburg
WGAL—Lancaster
KYW—Philadelphia
KDKA—Pittsburgh
WJAS “
WWSW “

### DISTRICT 4
Maryland
WFBR—Baltimore
North Carolina
WDNC—Durham
South Carolina
WIS—Columbia
WFBC—Greenville
Virginia
WRVA—Richmond
West Virginia
WMMN—Fairmont

### DISTRICT 5
Florida
WFTM—Fort Myers
WJHP—Jacksonville
WLAK—Lakeland
WDLP—Panama City
Puerto Rico
*WPAB—Ponce
WKAQ—San Juan

### DISTRICT 6
Arkansas
KTHS—Hot Springs
KLRA—Little Rock
KELD—El Dorado
Louisiana
WJBO—Baton Rouge
WJBW—New Orleans
WWL “ “
Tennessee
WREC—Memphis

### DISTRICT 7
Kentucky
WINN—Louisville
Ohio
WGAR—Cleveland
WTAM “
WHIO—Dayton
WLOK—Lima

### DISTRICT 8
Indiana
WEOA—Evansville
WGBF “
WHIP—Hammond
WIBC—Indianapolis
WLBC—Muncie
Michigan
WWJ—Detroit
WHDF—Houghton
WSAM—Saginaw

### DISTRICT 9
Illinois
WENR—Chicago
WMAQ “
WHFC—Cicero
WSOY—Decatur
Wisconsin
WKBH—La Crosse
WIBA—Madison
WMAM—Marinette
WDSM—Superior

### DISTRICT 10
Iowa
WMT—Cedar Rapids
WFJB—Marshalltown
Missouri
WMBH—Joplin
WDAF—Kansas City
KFUO—St. Louis
Nebraska
KOIL—Omaha

### DISTRICT 11
Minnesota
KDAL—Duluth
WTCN—Minneapolis
North Dakota
KFYR—Bismarck
KDLR—Devils Lake
WDAY—Fargo
KFJM—Grand Forks

### DISTRICT 12
Kansas
KCKN—Kansas City
KFH—Wichita

### DISTRICT 13
Texas
KFDA—Amarillo
KTBC—Austin
KGFI—Brownsville
WTAW—College Station
KROD—El Paso
KTSM “ “
KLUF—Galveston
KTRH—Houston
KOCA—Kilgore
KIUN—Pecos
KONO—San Antonio
KTSA “ “
KXOX—Sweetwater
KGKB—Tyler
KRGV—Weslaco
KWFT—Wichita Falls

### DISTRICT 14
Colorado
KVOR—Colorado Springs
KFEL—Denver
KVOD “
KIUP—Durango
KFXJ—Grand Junction
KFKA—Greeley
Idaho
KID—Idaho Falls
KRLC—Lewiston
KFXD—Nampa
KSEI—Pocatello
KTFI—Twin Falls
KWAL—Wallace
Montana
KFBB—Great Falls
KGVO—Missoula
Utah
KVNU—Logan
KLO—Ogden
KOVO—Provo
KDYL—Salt Lake City
KSL “ “ “

### DISTRICT 15
California
KRE—Berkeley
KHSL—Chico
KIEM—Eureka
KYOS—Merced
KTRB—Modesto
KDON—Monterey
KLS—Oakland
KLX “
KVCV—Redding
KROY—Sacramento
KGO—San Francisco
KJBS “ “
KPO “ “
KSAN “ “
KSFO “ “
KQW—San Jose
KSRO—Santa Rosa
KWG—Stockton
KHUB—Watsonville
Nevada
KOH—Reno

### DISTRICT 16
Arizona
KWJB—Globe
KCRJ—Jerome
KSUN—Lowell
KOY—Phoenix
KGLU—Safford
KVOA—Tucson
KYUM—Yuma
New Mexico
KICA—Clovis
KWEW—Hobbs
California
KERN—Bakersfield
KPMC “
KMPC—Beverly Hills
KFOX—Long Beach
KFAC—Los Angeles
KFWB “ “
KGFJ “ “
KRKD “ “
KVEC—San Luis Obispo
KVOE—Santa Ana
KTMS—Santa Barbara

### DISTRICT 17
Oregon
KAST—Astoria
KBKR—Baker
KOAC—Corvallis
KORE—Eugene
KUIN—Grants Pass
KFJI—Klamath Falls
KLBM—La Grande
KOOS—Marshfield
KMED—Medford
KWJJ—Portland
KXL “
KRNR—Roseburg
Washington
KXRO—Aberdeen
KELA—Centralia
KWLK—Longview
KGY—Olympia
KIRO—Seattle
KOL “
KRSC “
KXA “
KFIO—Spokane
KFPY “
KGA “
KHQ “
KMO—Tacoma
KVAN—Vancouver
KUJ—Walla Walla
KPQ—Wenatchee
KIT—Yakima

### FLY BROADCAST MONDAY

The talk by James Lawrence Fly, FCC chairman, at the NAB convention will be broadcast by CBS and MBS at 5.30-6.00 p. m., Eastern Daylight Saving Time, Monday, August 5.

## The Commission

### COMMISSION WILL RECEIVE BRIEFS ON CHAIN BROADCASTING REPORT

The FCC announced this week that in connection with its investigation of chain broadcasting it would receive briefs filed by interested parties on or before September 15, 1940.

A committee of the Commission composed of Commissioners Brown, Walker and Thompson, submitted their report to the Commission on June 12, 1940, and recommended the promulgation of regulations to eliminate certain practices in chain broadcasting. Copies of the Committee's report, with its Memorandum of Submittal containing the recommendations of the Committee, are being sent to the licensees of all broadcast stations. The Commission invites the submission of their views on the issues raised by the report. Copies will also be supplied upon request to any other interested party desiring to consider submission of a brief or statement.

It was also announced that the Mutual Broadcasting System, Inc., has recently filed a motion with the Commission requesting the adoption of temporary regulation directed toward maintaining the status quo in chain broadcasting pending the promulgation of permanent regulations by the Commission.

Briefs should be directed solely to the accuracy of factual statements contained in the report of the Committee, to the recommendations contained in the Committee's Memorandum of Submittal, and to the advisability of the adoption of the temporary regulation requested by the Mutual Broadcasting System, Inc.

### ASSISTANT GENERAL COUNSEL RESIGNS

Assistant General Counsel George B. Porter is resigning from the FCC to enter private law practice.

Mr. Porter has been in charge of the legal matters affecting broadcasting since the Commission was created in 1934. Before that time he was Acting General Counsel of the Federal Radio Commission, which he joined in 1931, and was for two years an attorney with the Interstate Commerce Commission.

Born at Centerville, Iowa, October 17, 1900, Mr. Porter was graduated from the University of Iowa, A.B., in 1923, and received his LL.B. degree from George Washington University Law School in 1926. After being admitted to the Iowa bar in 1927, he spent two years in law practice as junior member of the firm of Porter and Porter at Des Moines.

Mr. Porter intends to engage in local law practice with A. G. Haley under the firm name of Porter and Haley.

"The Commission reluctantly relinquishes to private practice a man ideally qualified by experience and training for the important work which he has so satisfactorily performed," comments Chairman James Lawrence Fly. To which Acting General Counsel Telford Taylor adds: "Mr. Porter's long experience and expertness in the field of radio law has been highly important and invaluable in the performance of the Law Department's duties. I deeply regret that my association with him has been so brief, and extend to him every good wish in his new activities."

### FCC AMENDS ORDER

On its own motion, the Commission, by a board consisting of Commissioners Fly, Chairman, Walker and Thompson, pursuant to Administrative Order No. 3, reconsidered its action of July 16 in granting the application of the Riverside Broadcasting Co. to construct a new station at Riverside, Calif., to operate on 1420 kilocycles, 250 watts power, unlimited time, and set the application down for simultaneous hearing with three conflicting applications—Broadcasting Corporation of America and Mollin Investment Co., to construct new stations at Riverside to operate on 1390 kilocycles, 1 kilowatt power, unlimited time, and 1390 kilocycles, 500 watts power, daytime only, respectively; and Merced Broadcasting Co., to change frequency and increase power of its existing station at Merced, Calif., to 1390 kilocycles, 1 kilowatt power day, 500 watts power night, unlimited time. These three applications were designated for hearing at the July 16 meeting.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

*Administrative Order No. 3*
(As amended July 24, 1940)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of June, 1940,

IT IS ORDERED, That, whenever the Chairman or Acting Chairman of the Commission shall determine a quorum of the Commission is not present, he is authorized to place the following provisions in effect for the period during which a quorum of the Commission is not present:

(1) There is hereby assigned and referred to a Board consisting of all members of the Commission present and able to act, all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission assigned and referred to the respective Boards and individual Commissioners as provided in Administrative Order No. 2, as amended; *Provided, however,* that this authority shall not extend to investigations instituted upon the Commission's own motion or, without consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by the Communications Act of 1934, as amended.

(2) The Board created by sub-paragraph (1) acting by a majority thereof, shall have power and authority to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by said Board in respect of any matters so assigned or referred shall have the same force and effect, and may be made, evidenced and enforced in the same manner as if made, or taken by the Commission.

(3) Any party affected by any order, decision of report of said Board may file a petition for rehearing by the Commission, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, and every such petition shall be passed upon by the Commission.

This Order shall become effective on the 1st day of July, 1940.

FEDERAL COMMUNICATIONS COMMISSION
T. J. SLOWIE,
*Secretary.*

## TWO PLEAD GUILTY TO UNLICENSED RADIO OPERATION

The FCC announced that recent investigation of unlicensed radio operation in San Francisco, resulted in the indictment of Ralph Wildt and Louis F. Books for violation of Sections 301 and 318 of the Communications Act of 1934, as amended. Both defendants pleaded guilty and will be sentenced by the United States District Court on August 9.

Peter Ruggeri, a minor, also charged with operating an unlicensed radio station will be prosecuted under the Juvenile Delinquency Act. His case is set for trial August 5.

## INCOME SHOWS INCREASE FOR 1939

The total revenue of 705 standard broadcast stations reporting to the FCC for the calendar year 1939 amounted to $89,990,646, as compared with $79,128,760 for the 660 stations reporting in 1938. This is revealed in figures on broadcast income of stations by class and network announced today by the Accounting, Statistical, and Tariff Department of the Commission.

The tabulation shows that there were 397 stations in major networks compared with 350 in 1938. The 397 stations received $22,500,941 from the three major networks, compared with $19,645,447 for the 350 stations in 1938.

There were 519 stations in 1939 each of which had total net time sales in excess of $25,000 compared with 485 for 1938.

The 519 stations had net time sales of $80,306,134 for 1939, compared with $71,082,465 for the 485 stations in 1938.

## FCC FUNCTIONS FOR AUGUST

FCC has announced that the work, business and functions of the Commission for the month of August have been assigned as follows:

| | |
|---|---|
| Commissioner Walker: | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations. |
| Commissioner Thompson: | Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings. |

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments are scheduled in broadcast cases before the Commission during the week beginning Monday, August 5.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

### September 4

NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—C. P., **1150 kc.**, 250 watts, daytime.

NEW—Helen J. Walton and Walter Bellatti, Jacksonville, Ill.—C. P., **1150 kc.**, 250 watts, daytime.

### September 12

Oral Argument Before the Commission

Report No. B-108:

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

Owing to the absence of a quorum this week there was no regular meeting of the Commission.

## MISCELLANEOUS

WNBM—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate aboard steamship *America* on shakedown cruise from Newport News, Va., to New York Harbor and to operate on additional frequencies **4797.5, 6425, 9135,** and **12862.5 kc.,** and to use secondarily as sound channel in conjunction with Television Station W2XBU on assigned frequencies and aforementioned experimental frequencies, for the period July 27, 1940, to not later than July 30, 1940 (provided no interference is caused any other radio service).

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans. —Granted special temporary authority to operate from 9 p. m., CST, to 10:30 p. m., CST, on July 28, 1940, in order to broadcast the final game in the Kansas State Semi-Pro Baseball Tournament only.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 9:45 p. m., local time, to the conclusion of the prize fight between Soose and Overlin on July 24, 1940, in order to broadcast said fight only.

Roanoke Broadcasting Corp., Roanoke, Va.—Granted construction permit for new broadcast station to operate on the frequency **1500 kc.,** with 250 watts power, unlimited time; exact transmitter site and antenna system to be determined subject to Commission's approval (B2-P-2879).

WDAK—L. J. Duncan, Leils A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of transmitter and studio sites at General Tyler Hotel, West Point, Ga., approval of antenna, and install new transmitter; frequency **1310 kc.,** power 250 watts, unlimited time (B3-MP-992).

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted construction permit to install new automatic frequency control equipment and make changes in transmitting equipment; frequency **1450 kc.,** 1 KW night, 5 KW LS, unlimited time, directional antenna night (B4-P-2922).

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. —Granted authority to determine operating power by direct measurement of antenna input (B1-Z-439).

Helen Townsley, Portable-Mobile (area of Great Bend, Kans.).—Granted construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.,** power 75 watts (B4-PRY-224).

KAQY—The Farmers and Bankers Broadcasting Corp., Portable-Mobile (area of Wichita, Kans.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1606, 2022, 2102, 2758 kc.,** power 40 watts (B4-LRY-193).

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted license to cover construction permit (B3-P-2355) for increase in power from 100 to 250 watts, change in hours of operation to unlimited, change in transmitting equipment and antenna, and move transmitter and studio locally; **1370 kc.** (B3-L-1099). Also granted authority to install automatic frequency control equipment, and to determine operating power by direct measurement of antenna power (B3-F-149; B3-F-421).

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., CST, to 11:30 p. m., CDST, July 31, in order to broadcast a special softball game only.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 9 p. m., EST, August 14, to 1 a. m., EST, August 15, in order to broadcast the Free Milk Fund Show from the New York World's Fair on August 14.

KHUB—John P. Scripps, near Watsonville, Calif.—Granted special temporary authority to rebroadcast field day activities July 27 and camp dedication July 28 of the Coast Artillery, California National Guard, encamped at Camp McQuade, to originate through RH 7; **720 kc.** (B5-S-916).

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Denied special temporary authority to operate simultaneously with Station WWVA from 8:45 p. m. to 9 p. m., EDST, on August 3, 1940, in order to participate in the Three Network Program on "Broadcasting".

KOAC—Oregon State Agricultural College, Corvallis, Ohio.—Granted extension of special temporary authority to operate from 9 a. m. to 1 p. m., and from 6 to 10 p. m., PST, for the period July 31 to August 29 (instead of unlimited time as licensed), in order to observe the regular vacation period.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:15 to 10 p. m., CST, on August 3, in order to broadcast "Special World's Fair Radio Tribute" program.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 10 to 10:30 p. m., EDST, on August 5, 12, 19 and 26, in order to broadcast special Army programs.

WLOF—Hazlewood, Inc., Orlando, Fla.—Granted modification of construction permit (B3-P-2394, as modified, which authorized construction of a new broadcast station) to install a new transmitter, **1200 kc.,** 250 watts, unlimited time. This authority is granted upon condition that it shall not be construed as a finding by the Commission upon the application of Radio Corp. of Orlando requesting the same facilities, nor upon application of WLOF for license when construction has been completed, nor upon any of the issues involved therein, nor that the Commission has found that operation of the station is or will be in the public interest beyond the express terms hereof (B3-MP-1020).

WKPT—Kingsport Broadcasting Co., Kingsport, Tenn.—Granted license to cover construction permit (B3-P-2616) as modified authorizing a new station to operate on **1370 kc.,** 250 watts, unlimited time (B3-L-1197). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-446).

KFRO—Voice of Longview, Longview, Tex.—Granted license to cover construction permit (B3-P-2117) as modified, authorizing move of transmitter, installation of directional antenna for night use, installation of new transmitter, change of frequency to **1340 kc.,** increase power to 1 KW, and change hours of operation to unlimited (B3-L-1202). Also granted authority to determine operating power by direct measurement of antenna input power (B3-Z-448).

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted special temporary authority to discontinue the operation of Station KSAM for the period August 1, 1940, and ending in no event later than September 1, 1940, pending a decision on the revocation proceedings of the license.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted license to cover construction permit (B4-P-2785) authorizing changes in equipment; **1200 kc.,** 250 watts, unlimited time (B4-L-1199).

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted authority to determine operating power by direct measurement of antenna input power (B5-Z-447).

WGCM—WGCM, Inc., Gulfport, Miss.—Granted license to cover construction permit (B3-P-2618) which authorized installation of new antenna, move of transmitter, and increase in power to 250 watts; **1210 kc.** (B3-L-1198).

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast program material received from U. S. Coastguard cutters *Spencer* and *Northland* out of New York, the cutter *Taney* out of San Francisco, and a Coastguard plane of the New York Division over the NBC Network on August 4, in connection with the U. S. Coastguard Show.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit as modified for installation of directional antenna for day and night use, and move of transmitter, for changes in equipment; frequency **660 kc.,** 50 KW power, unlimited time. (B1-MP-1009).

WMRC—Textile Broadcasting Co., Greenville, S. C.—Granted modification of construction permit for new station, for approval of transmitter and studio location, approval of vertical antenna and change in type of transmitter (B3-MP-1025).

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Granted license to cover construction permit as modified for new broadcast station; **1210 kc.,** 250 watts, unlimited time, except when WBBL operates S. H. on Sunday (B2-L-1167). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-413).

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-450).

WSAU—Northern Broadcasting Co., Inc., Wausau, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-443).

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-449).

The Brockway Co., Watertown, N. Y.—Granted construction permit for new broadcast station to operate on **1270 kc.,** 500 watts, daytime only; exact transmitter site and antenna to be determined subject to Commission approval (B1-P-937).

Watertown Broadcasting Corp., Watertown, N. Y.—Granted construction permit for new broadcasting station to operate on **1210 kc.,** 250 watts, unlimited time; tower to be marked in accordance with Section 3.45(d) (B1-P-809).

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special temporary authority to operate from 7:30 p. m. to 8:00 p. m., EST, August 3, 1940, in order to broadcast the World's Fair Tribute to Radio.

W2XOR—Bamburger Broadcasting Service, Inc., New York, N. Y.—Granted special temporary authority to operate high frequency experimental transmitter at 444 Madison Avenue, New York, N. Y., for a period not to exceed 30 days, pending action on formal application (File No. B1-PHB-281) for such authority.

WSUN—City of St. Petersburg, Fla.—Granted special temporary authority to rebroadcast program material received from Coast Guard Plane V176 from 12:30 p. m. to 12:45 p. m., EST, on August 4, 1940, in order to broadcast Coast Guard Program.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Continued oral argument originally scheduled for August 1, 1940, until September 12, 1940, in re revocation of license of station KSAM (Docket No. 5838).

KAWM—A. W. Mills, Gallup, N. Mex.—Granted extension of license upon a temporary basis only, pending determination upon the application for renewal of license, in no event longer than October 1, 1940.

## APPLICATIONS FILED AT FCC

### 740 Kilocycles

WSB—Atlanta Journal Co., Atlanta, Ga.—Transfer of control of corporation from Springfield Newspapers, Inc., Miami Daily News, Inc., and The Evening News Publishing Co. to James M. Cox.

### 1110 Kilocycles

WRVA—Larus & Bro Co., Inc., Richmond, Va.—License to cover construction permit (B2-P-2680) to use old Western Electric transmitter as auxiliary transmitter and use directional antenna day and night, with power of 5 KW, emergency use only, move transmitter to site of new transmitter.

### 1120 Kilocycles

NEW—J. M. West, J. Marion West, T. H. Monroe, & P. M. Stevenson, near Austin, Texas.—Construction permit for a new broadcast station to be operated on **1120 kc.,** 1 KW, specified hours. Class III-B station. Requesting facilities of Station KTBC. Amended: To specify transmitter site as near Austin, Texas.

### 1200 Kilocycles

KWSC—State College of Washington, Pullman, Wash.—Construction permit to make changes in equipment and install automatic frequency control equipment.

WAIM—Wilton E. Hall, Anderson, S. C.—Construction permit to install new transmitter, erect a new antenna, and increase power from 100 watts to 250 watts.

### 1210 Kilocycles

NEW—John Memolo, Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1210 kc.,** 250 watts, unlimited time, facilities of WBAX, if WBAX license revoked, transmitter to be located at West of Wilkes-Barre, Pa., on south bank of Susquehanna River. Amended: To give transmitter site as at foot of Carey St., Wilkes-Barre, Pa.

### 1310 Kilocycles

WCLS—WCLS, Inc., Joliet, Illinois.—Involuntary transfer of control of corporation from L. W. Wood (deceased), to Robert W. Thomas, Administrator.

### 1330 Kilocycles

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Construction permit to install new transmitter, increase power from 500 watts to 1 KW. Amended: To request move of transmitter from Ocean Drive, Corpus Christi, to East side Water Street, Bluff Beach, between Aubrey and Belden Sts., Corpus Christi, Texas.

### 1340 Kilocycles

KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) as modified for a new station, to increase power from 500 watts to 1 KW, change hours of operation from daytime to unlimited, install directional antenna for night use, give location of studio as 346 Eighth Ave., Dubuque, Iowa, and extend commencement and completion dates from 8-22-40 and 2-22-41 respectively to 60 days after grant and 180 days thereafter. Class III-B.

### 1370 Kilocycles

WHUB—WHUB, Inc., Cookeville, Tenn.—License to cover construction permit (B3-P-2298) as modified for a new station.

WHUB—WHUB, Inc., Cookeville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

NEW—Herald Publishing Co. of Klamath Falls, Ore.—Construction permit for a new station to be operated on **1370 kc.,** 250 watts, unlimited time, Class IV station.

NEW—Ralph L. Lewis, Greensboro, N. C.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time, Class IV. Amended: Re: antenna.

### 1420 Kilocycles

KRBC—The Reporter Broadcasting Co., Abilene, Tex.—Construction permit to install new transmitter; make changes in antenna; change frequency from **1420 kc.** to **940 kc.;** increase power from 250 watts to 1 KW; and move transmitter from 341 Ambler Ave., Abilene, Tex., to site to be determined, Abilene, Tex. Amended to give transmitter site as 1 mile north of Tye, Tex., and install directional antenna for day and night use.

NEW—Edward E. Reeder, Seattle, Wash.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Class IV. Request **1450 kc.** under Havana Treaty.

NEW—Butler Broadcasting Corp., Hamilton, Ohio.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time, Class IV.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Modification of construction permit (B4-P-2521) as modified for increase in power, changes in equipment and antenna system, and move of transmitter, requesting extension of completion date from 8-20-40 to 12-20-40.

KVAK—Carl Latenser, Atchison, Kans.—Voluntary assignment of license from Carl Latenser to W. H. Reitz.

### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Construction permit to change frequency from **1450** to **590 kc.;** increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; install new equipment and directional antenna for night use; and move transmitter from 399 Clifton St. (between Memorial and Glenwood Drives), Atlanta, Ga., to between Gun Club Rd. and Sweat Drive, N. W., of Atlanta, Ga. Class III-B.

## MISCELLANEOUS

NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new high frequency broadcast station on **43100 kc.,** 12,400 square miles coverage, transmitter to be located at 1035 Barnet Road, Columbus, Ohio.

NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for a new high frequency broadcast station on **43900 kc.,** 15,300 square miles coverage, transmitter to be located at R. D. No. 1, Addison, Ill.

NEW—WGN, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station on **44300 kc.,** 16,822 square miles coverage, transmitter to be located at Rohlwing Road, 2½ miles southeast of Schaumberg, Ill.

NEW—Zenith Radio Corp., area of Chicago, Ill.—Construction permit for a new relay broadcast station on **133030, 134850, 136810, 138630 kc.**, 100 watts, special emission for frequency modulation. Amended to change frequencies to **156750, 158400, 159300, 161100 kc.**

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new high frequency broadcast station on **43900 kc.**, 15,642 square miles, transmitter to be located at RFD No. 1, Hubertus, Town of Richfield, Wis.

KENO—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Modification of construction permit (B5-P-2355) which authorized new station for approval of transmitter site at (The Meadows) NE ¼ of Section 1, Township 21 S, Range 61 E, M.D.B. & M., Las Vegas, Nev., approval of vertical antenna, change in type of transmitter, and increase power from 100 watts night, 250 watts day, to 250 watts day and night. Amended to change type of transmitter.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Acme Premium Supply Corp.**, 3139 Olive St., St. Louis, Mo., is charged with selling aluminum ware, enamel ware, smoker sets, cigarette cases, lamps, glassware and fishing tackle by means of lottery schemes. The respondent allegedly uses push card and punch board devices and Bingo sets to enable it to sell merchandise to the consuming public by means of lot or chance. (4198)

**American Drug and Chemical Company**, 420 South Sixth St., Minneapolis, allegedly misrepresents that its drug product, "Ardanol", is a cure or remedy for sterility in both sexes, will restore fertility of the generative organs, and is a reliable preventive of abortion. According to the complaint, the respondent further misrepresents that its drug products, "Chloro-Zol" and "Germ-I-Tabs", constitute competent and effective antiseptics and germicides and are a reliable means of feminine hygiene, when in truth they possess antiseptic properties of a low toxicity and are not effective antiseptics or germicides. Further alleged misleading representations are that "Chloro-Zol" is a competent and effective treatment for bromidrosis, tetter, Cuban itch, itching between the toes, blisters on the feet, skin irritations, acne, boils, halitosis and body odors. (4200)

**American Institute of Business Administration, Inc.**, and Paul Kline, 126 Liberty St., New York, are charged in a complaint with the dissemination of misleading representations in the sale of correspondence courses in accounting, business law and federal taxation. It is alleged in the complaint that the respondent Kline directs and controls the policies and practices of the corporate respondent.

According to the complaint, the corporate respondent by means of the name "American Institute of Business Administration, Inc." misleadingly represents that it is a national organization of business executives, administrators or accountants, or that it is the medium of such an organization through which instruction or training is given as a public service. The corporate respondent, it is alleged, further misleadingly implies that it is the parent head of nationally organized local groups of special representatives of business and comprises an organized "Institute".

It is also charged in the complaint that the corporate respondent represents that it has organized groups of students in all parts of the United States, and that they are international in scope with students in various foreign countries, when actually, the activities of such school have not been national in extent nor have groups of students been organized in all parts of the United States at any one time, and the number of students in foreign countries have been comparatively few. (4195)

**Associated Sales Agency**—B. T. Clifton, trading as Associated Sales Agency, 108 North 17th St., Birmingham, Ala., allegedly sells clocks, knives, fountain pens, pipes, watches, tie sets, cigarette cases and cigarette lighters by means of a game of chance. According to the complaint, the respondent employs punch boards to enable him to distribute his merchandise to the consuming public wholly by lot or chance. (4201)

**Kongo Chemical Company, Inc.**, 66 East 131st St., New York, allegedly misleadingly represents that "Kongolene," a hair cosmetic, is a pure vegetable product; that its use will straighten the hair, will stop hair from falling out, will promote the growth of hair, and will cure and permanently remove dandruff; that it is the greatest discovery of the age; that its use will benefit the offspring of its users, and that it is safe and harmless, when such are not the true facts. (4193)

**Prinfit Textile Company**, 128-130 West Fourth St., Cincinnati, is charged in a complaint with dissemination of misleading representations in the sale of men's hosiery.

According to the complaint, the respondent misleadingly represents that its "Jerks" hose is the original garterless sock and that it is a manufacturer of hosiery. In truth, the complaint points out, the respondent is a jobber and distributor of the hosiery which it sells and neither owns, operates nor controls any factory, plant or mill for the manufacture of hosiery. (4199)

**Sterling Products**, 170 Varick St., New York, and Vita-Ray Corporation, 176 Middle Ave., Lowell, Mass., allegedly misrepresent that their Vita-Ray cosmetic cream, by means of local application, supplies the need of the skin for Vitamins A and D, and serves to stimulate and nourish the skin. The respondents further misleadingly represent that dryness, lines, wrinkles and coarse pores may be symptoms of vitamin deficiency and that such deficiency may be relieved through the use of their cosmetic cream containing Vitamins A and D. According to the complaint, the respondents' cosmetic cream will have no beneficial or therapeutic effect beyond the soothing, emollient and cleansing effects inherent in any cold cream. The complaint further points out that the skin does not require Vitamins A and D by means of local application. (4197)

**Walker & Woodward**—J. Lawrence Walker and T. Klye Woodward, trading as Walker & Woodward, and Nick A. George, Walker & Woodward, Inc., and John G. Brown, Casper, Wyoming, are charged with misleadingly advertising that their medicinal preparation, "George's Compound," is a cure and effective treatment for numerous ailments, diseases and conditions of the human body, including rheumatism, appendicitis, general run-down condition, neuritis, lumbago, high blood pressure, kidney trouble, streptococcus infection, paralysis, diphtheria, piles, sinus trouble, low blood pressure, pneumonia, black widow spider poisoning, ulcers and ptomaine poisoning. The respondents are further charged with representing that their preparation possesses substantial therapeutic value in the treatment of all ailments of the human body except cancer and diabetes. In truth, the complaint continues, respondents' preparation possesses no therapeutic value in the treatment of any ailment, disease or condition of the human body, in excess of such slight temporary and palliative relief for minor aches and pains as may be afforded by its analgesic properties. (4194).

**D. Wroblewski & Company**—A group of Brooklyn, N. Y., dealers in various medicinal and cosmetic preparations have been charged in a complaint with the dissemination of misleading representations in the sale of their products. The respondents are D. Stefan Wroblewski, Margie Wroblewski and Norman Hartman, trading as D. Wroblewski & Co., as D. S. Wroblewski, Inc., as

Daferu Drug Company, Ltd., as Wroblewski Drug Company, Inc., as Kalwaryjskie Laboratories, Inc., and as D. Wroblewski & Company, Ltd.; D. Wroblewski & Company; D. S. Wroblewski, Inc.; Daferu Drug Company, Ltd.; Wroblewski Drug Company, Inc., Kalwaryjskie Laboratories, Inc., and D. Wroblewski & Company, Ltd., all of 55 Keap St., Brooklyn, N. Y.

According to the complaint, the respondents misleadingly advertise the therapeutic value of their medicinal and cosmetic preparations among which are the following: a so-called medicinal wine designated as "Kalwaryjskie Wino Lecznicze"; "Ampo-Lin," a liniment; "Reginol," a preparation for corns; "Maso Ratunek," a salve; a cough syrup called "Kalwa"; "Wuzi-Wuzi," a purported fever reducer and headache powder; "Krople-Kobiece" or "Women's Drops," represented as a remedy for ailments peculiar to women; "Sparoton," a tablet represented as a treatment of fever and grippe; "Dunski Wyskok," intended for use as a shampoo and for various scalp diseases; facial creams called "Krem Mlodosci No. 1," "Krem Mlodosci No. 2," and "Vitamin F Krem"; and a face powder called "Puder Ksiazecy."

It is further charged in the complaint that the respondents fail to reveal that use of "Wuzi-Wuzi" under the conditions prescribed in their advertisements or under customary or usual conditions, may cause injury to the health of the user. (4196)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**Atlantic Commission Company,** a wholly owned subsidiary of The Great Atlantic & Pacific Tea Company of America, 102 Warren St., New York, has been ordered to discontinue accepting brokerage allowances and discounts in lieu of brokerage upon purchases made for its own account, in violation of the Robinson-Patman Act.

Commission findings, based on a stipulation entered into between the Atlantic Commission Company and the Federal Trade Commission, are that the Atlantic Commission Company is engaged in the business of buying, selling and distributing fresh fruits and vegetables on and for its own account and that of The Great Atlantic & Pacific Tea Company (and its subsidiaries) and also as a broker and on consignment as a commission merchant for the accounts of other buyers and sellers of such products.

Further findings are that the Atlantic Commission Company has purchased fresh fruits and vegetables at a net price reflecting a reduction from the prices at which sellers were currently selling commodities to other buyers, of an amount reflecting in whole or in part, the amount of brokerage which was being paid by such sellers to brokers representing them in effecting sales of their commodities to buyers other than the Atlantic Commission Company.

Other findings are that with many who did not sell to the Atlantic Commission Company at a net price or on a net basis, the Atlantic Commission Company, in connection with purchases for its account, negotiated "quantity discount agreements," which provided for the payment to the Atlantic Commission Company of an amount to be computed on the basis of the rate at which the contracting seller was currently paying brokerage to his brokers representing him in effecting sales of commodities to buyers other than the Atlantic Commission Company.

Under the order, the Atlantic Commission Company is to cease making purchases of commodities for its own account at a so-called net price or on a so-called net basis, and at any other price and on any other basis which reflects a deduction from the prices at which sellers are selling commodities to other purchasers, of any amount representing, in whole or in part, brokerage being paid by sellers to their brokers on sales of their commodities.

The order further prohibits the Atlantic Commission Company from accepting from sellers on purchases of commodities made for its own account any so-called quantity discounts and payments of all kinds reflecting in whole or in part, brokerage being paid by sellers to their brokers on sales of their commodities.

It was further ordered that the Atlantic Commission Company cease accepting from sellers directly or indirectly on purchases of commodities made for its own account, any brokerage and any allowances and discounts in lieu of brokerage in any manner whatsoever. (3344)

**Berwick Pen Company**—See Howard Sales Company.

**Howard Sales Company**—William and Benjamin Vorunion, trading as Howard Sales Company and as Berwick Pen Company, 17-19 William St., Newark, N. J., and 726 Lyons Ave., Irvington, N. J., have been ordered to discontinue certain misleading representations in the sale of fountain pens and pencils.

The order prohibits the respondents from falsely representing certain prices as being the usual and customary prices charged for their fountain pens and pencils. The order further forbids representations that the respondents' pens and pencils are of a quality and character superior to those sold by competitors at comparable prices.

Further representations ordered discontinued are that the sum of 25 cents charged purchasers for replacement of broken or unsatisfactory pens covers only the cost of handling, postage and insurance; that their fountain pens hold 200 per cent more ink than any ordinary fountain pen on the market, or that certificates cut from newspaper advertisements of their pens and pencils are worth $4.41 or any other sum in connection with the purchase of such products.

The respondents were also ordered to cease representing through the use of the symbol "14K," or any other symbol, that the point or nib of their pens is composed of 14-carat gold or gold of the fineness indicated by such symbol, when such is not a fact. (3514)

**Perfect Manufacturing Company,** trading as R. E. Engineers, Madison Road, Cincinnati, has been ordered to discontinue the dissemination of misleading representations in the sale of an electrical and mechanical device for attachment to radio receiving sets.

Under the order, the respondent is directed to cease representing that its device, "Add-A-Tube," when attached to a radio receiving set, gives to it the effect of an additional tube; adds life to the tubes; improves reception from foreign and domestic stations; brings the set up to date, or gives to such set additional sharpness, tone and selectivity.

The order further forbids use by the respondent of the term "Add-A-Tube," or any similar term, when the device does not perform the functions of an additional tube in a radio receiving set. (4163)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Cowen Bros.**—David F. Cowen and Raymond Cowen, trading as Cowen Brothers, 36 John St., New York, agree to cease using the word "Sweatproof" to describe their wrist watch straps, or representing in any way that their leather products have been rendered impervious to the penetration of perspiration. The respondents also agree to desist from representing that their merchandise customarily sells for sums in excess of the prices actually charged. (2882)

**Ferguson Company, Inc.,** Liberty Bank Building, Dallas, Tex., in connection with advertisements disseminated on behalf of Morten Laboratories, Inc., Dallas, Texas, agrees to cease representing that "Hay-No," a medicinal preparation, is a competent remedy or effective treatment for hay fever, or that it has any therapeutic value in excess of affording symptomatic relief for hay fever. The respondent further agrees to cease advertising that the results to be achieved by the use of "Hay-No" in the treatment of sinus irritations, head colds, cold-clogged air passages, distress of nose-blowing and sneezing, stuffiness or other symptomatic conditions are amazing, wondrous or quick, or that the preparation is a discovery. (02605)

**O. M. Franklin Blackleg Serum Company**—See O. M. Franklin Serum Co., Inc.

**O. M. Franklin Serum Company, Inc.,** trading as O. M. Franklin Blackleg Serum Company, Denver, Colo., agrees to discontinue claims that "Franklin Concentrated Blackleg Bacterin" gives positive life immunity against blackleg; always brings positive life immunity with one dose; has a fifteen year untarnished record of positive life immunity with one dose, or that it is invariably effective or 100 per cent efficient for the purpose intended. The respondent further agrees to cease representing that its product contains in one dose more than double the immunizing potency of the usual large 5cc dose of whole culture. (2892)

**Barbara Gould, Inc.,** 35 West 34th St., New York, stipulates that it will cease representing that "Firma-Tone," a cosmetic preparation, is a competent treatment for conditions of relaxed facial contours, heaviness of the jaw line, or flabby skin; enables the user to "hold the clean, firm contours of youth" or to have "youthful" contours of face and neck; stimulates, exercises, tones or strengthens the muscles of the face and neck, or gives "lasting results." The respondent further agrees to cease using the designation "Firma-Tone" for its product or to represent that use of such product may be relied upon either to "firm" the facial or neck contour of the user, or to "tone" the skin or muscles. (2888)

**Grecian Chemical Company,** trading as Zala Perfumery Company and as The Olivo Company, 2030 East Willard St., Philadelphia, in connection with its sale of barber and beauty preparations, agrees to cease using the words "scalp food" as descriptive of its products, or the words "Feed the scalp what it needs" so as to imply that its products act as nutriment for the scalp. The respondent also agrees to cease representing that use of any of its products will replace or restore natural oil in the scalp. (2886)

**A. Marshall & Sons**—Adam Marshall, Frank Marshall and Rudolph Marshall, trading as A. Marshall & Sons, 698 Bergen St., Newark, N. J., have entered into a stipulation in which they agree to discontinue certain representations in the sale of arch supporters.

The respondents agree to cease representing that use of their arch supporting devices will permanently end foot troubles; will permanently remove callouses regardless of their nature, or, unqualifiedly, assure instant and permanent relief in cases of weak arches.

It is also stipulated that the respondents will desist from claims that their devices are made to order, that is, fashioned from a positive cast made from a negative impression of the individual customer's foot through the use of some plastic materials; that their devices are or will remain sanitary when used for the purposes for which they are intended, or that shoes with insoles padded, haphazardly, exercises and treatments are only temporary, impractical and expensive substitutes. (2893)

**M. Mintz, Inc.,** 247 West 35th St., New York, agrees to discontinue use of the word "Alpacas" as descriptive of dresses which are not made of fabric composed of the wool of the Alpaca, and to cease representing that his products, which are made of rayon, are not rayon or are something other than rayon. The respondent also stipulates that he will desist from failing to clearly disclose the fact that the material of which his products are made is rayon, such disclosure to appear in all invoices and labeling and in all advertising matter, sales promotional schemes, descriptions or representations. (2890)

**Nash-Kelvinator Corporation,** 14250 Plymouth Road, Detroit, agrees to desist from the use of the statement "Nothing to get out of order" as descriptive of its refrigerator, or the cooling element, which contains moving parts that may, in fact, get out of order. (2884)

**Niagara School, Inc.,** Cleveland, Ohio, entered into a stipulation in which it agrees to discontinue certain representations in the sale of resident and correspondence courses in vocabulary, public speaking, voice and memory.

The respondent agrees to cease misrepresenting the usual and customary price or the nature and quality of its instruction. It is also stipulated by the respondent that it will discontinue representing an offer as "Special" or "Introductory" when it is in fact a regular offer; representing an offer to be limited as to time or otherwise when such is not the fact, or representing any commodity or service as "Free" when in fact such commodity or service is regularly included as part of the course of instruction or service. (2894)

**Nutritional Service**—Janet Warfel, trading as Nutritional Service, 162 North State St., Chicago, entered into a stipulation in which she agrees to discontinue certain representations in the sale of foods designated "Wyd-E-Wake Silicon Tea," and "Vitamin B Food Cons."

The respondent stipulates that she will cease representing that "Wyd-E-Wake Silicon Tea" is a health beverage; an excellent source of calcium, silicon and manganese; an antiseptic, or an invigorating agent of the generative system. The respondent also agrees to desist from claims that "Wyd-E-Wake Silicon Tea" performs many important functions in the body; has any influence on the body's resistance to disease, or possesses qualities conducive to mental peace, contentment or contemplative pleasure.

Further representations which the respondent agrees to discontinue are that "Vitamin B Food Cons" supply the body with mineral elements; bring one vigor or youthful zestfulness, or are highly potent or readily assimilated into the system.

Janet Warfel also agrees to cease advertising that the human body is deficient in silicon; that mental lethargy or dullness are symptomatic of silicon scarcity; that silicon is helpful in all cases where eyes, hair or nails are in poor condition, or that pimples or boils are cleared up when silicon lacks have been restored to the body. (02603)

**Olivio Company**—See Grecian Chemical Company.

**Poulides Brothers**—Themis Poulides, trading as Poulides Brothers, 80 Washington St., New York, stipulates that he will cease stating in any manner that he has a depot or branch at Cavalla, Macedonia, Greece, or that the cigarettes sold by him are made at and imported from such locality. The respondent also agrees to desist from placing in the hands of his customers for their use any printed matter bearing the name of such customer in conjunction with the words "Manufacturers of," when such cigarettes are not manufactured by the customer; any printed matter bearing the phrase "Blended from our own Direct Importation of Choice Turkish Tobacco," when the customer does not import such tobacco; or printed matter containing the words "Branches at Cavalla, Macedonia," when in fact the customer has no such branch. (2883)

**Shifman Brothers,** Mott St., Newark, N. J., agrees to cease using the word "Doctor" or "Dr." in connection with its products so as to imply that the products so referred to contain special or scientific features resulting from medical determination or services. The respondent further stipulates that it will cease supplying customers for resale mattresses to which are affixed a price purporting to be the retail selling price of such products, when in fact it is in excess of the price at which they are customarily offered for sale in the usual course of business. (2891)

**Smith & Bull Advertising Agency**—V. R. Smith, trading as Smith & Bull Advertising Agency, 553 South Western Ave., Los Angeles, in connection with advertisements disseminated on behalf of Otto Wise, trading as Medical Tea Company of California, Inc., Los Angeles, stipulates that he will desist from representing that "Cento Tea," a medicinal herb tea, is of value in the treatment of gall, liver or kidney ailments; possesses healing or analgesic properties; helps eliminate poisons and foreign matter from the system, or is capable of bringing about a proper distribution of body liquids. The respondent further agrees to cease advertising that every ingredient in "Cento Tea" possesses therapeutic value; that its ingredients are carried to the affected parts; that it is not a laxative or that its hypericum content stimulates the appetite. (02606)

**Zala Perfumery Company**—See Grecian Chemical Company.

**Zenith Products Company**—Earl Ewing, trading as Zenith Products Company, 423 Main St., Wellsville, Ohio, agrees to desist from use of the word "conditioning" as part of the name of his product designated "Best-in-Show Conditioning Capsules," so as to imply that it is efficacious generally as a conditioner of dogs for show purposes or otherwise. The respondent further agrees to discontinue representing that his product is an effective treatment or competent remedy for all diseases or ailments to which dogs are subject, or that its use will prevent sickness and improve the appearance of dogs for show purposes. Further representations which the respondent agrees to discontinue are that "Sulphasol" is a new or revolutionary product; is a skin tonic; will end skin and coat troubles, or imparts any therapeutic effects other than such as may be due to the action of its sulphur content on certain organisms in the skin and hair, as the sarcoptic mite of scabies and certain fungi. The respondent also stipulates that he will discontinue employing the word "guarantee" in his advertising, unless clear disclosure is made of exactly what is offered by way of security. (2887)

NAB Reports
The National Association of Broadcasters

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 32, August 9, 1940

This week's issue of the NAB Reports consists of the officers' and committees' reports to the annual convention in San Francisco this week, along with a brief resume of what happened at the convention.

Next week's Reports will include a more complete report of the convention, as well as the FCC and other official material covering a two weeks' period.

## CONVENTION HIGHLIGHTS

Unanimous approval of the BMI program for licking the ASCAP music monopoly was voted by shouting delegates this week at one of the most enthusiastic sessions in NAB convention history. Theodore Streibert, vice president of the Mutual Broadcasting System, touched off one of the several demonstrations at the session when he announced that none of the principal key stations of that network intended to use ASCAP music after next December 31. Enrollment to use ASCAP music after next December 31, enrollment of the Don Lee originating stations, the H. K. Carpenter and Glen Snyder stations and WOW, Omaha, was also announced. During the convention 51 new stations in all joined BMI, bringing the total membership to 362. A complete list of the new members will be published in next week's REPORTS.

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The BMI Board of Directors approved a new form of contract to become effective next April 1. It calls for a sliding scale of payments, depending on the amount of income, ranging from one and one-half per cent on less than $15,000 to two and one-half per cent on $100,000 or more. Details will be reported in next week's issue.

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The total registration of 661 was one of the largest in the history of NAB conventions. More than 600 attended the banquet on Treasure Island Wednesday night and laughed at "The Greener Pastures," a satirical musical comedy staged by the Dodo Club.

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Mark Ethridge, WHAS; Harold Hough, WBAP; George W. Norton, WAVE; Don Searle, KOIL; Harry R. Spence, KXRO; John Elmer, WCBM; Edward Klauber, CBS; Fred Weber, MBS, and Frank M. Russell, NBC, were elected to the Board.

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As its first act, the newly elected Board took recognition of the services of President Neville Miller. The present contract of Mr. Miller, as President, due to expire next year, was extended for a one year period, being a new two-year contract. As an additional recognition, a substantial increase in his annual salary, effective immediately, was authorized.

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The convention received the following telegram from the San Francisco Local of the American Federation of Musicians:

> "Inasmuch as the members of the Musicians Union have suffered irreparable harm because of what we regard as excessive license fees collected from employers of music by ASCAP we wish to let you know that the officers and Board of Directors of this Local hereby offer our assistance in whatever form possible to break this stranglehold on employers and musicians alike."

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The delegates and their wives and friends danced to BMI music exclusively at the banquet.

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From both James Lawrence Fly, FCC Chairman, and Stephen P. Early, secretary to President Roosevelt, the industry received assurance that the Government had no intention of taking over the Broadcasting Industry in event of war. "I see no occasion for any sort of extraordinary measures as far as radio is concerned," said Mr. Early. "Alarmists with absolutely no factual basis to support them have conjured up the bogey man of the Government operating the broadcasting systems or of the complete curtailment of broadcasting in the event the security of this country were threatened," said Mr. Fly. Next week's REPORTS will contain the texts of these speeches.

The Executive Committee approved a resolution adopted by the Labor Committee, directing the NAB to take appropriate action to obtain reversal of the Wage and Hour Administration's opinion that broadcasting's outside salesmen were not outside salesmen within the meaning of the Wage and Hour Act.

Sherwood Brunton, KJBS, won the *Broadcasting* magazine trophy at the Annual NAB Golf Tournament.

The plan for unit measurement of broadcast advertising was approved by both the Board of Directors and the convention.

The Code of Program Standards was unanimously endorsed after Dr. Frank Kingdon and others had praised its operation during the past year.

Louis Johnson, former Assistant Secretary of War, urged the industry to join with all the power at its command in the National Defense Program. Next week's REPORTS will include the names of stations newly pledged to support this program. The NAB has received 579 pledges.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Annual Reports, 1940

# The President

With this Eighteenth Annual Convention, the National Association of Broadcasters rounds out another twelve months of activity. It has been radio's greatest year. The trend which has heretofore existed in all phases of radio continued throughout the year and gives promise of continuing far into the future. A constant growth in listening audience is evidence of the public's confidence and approval, and broadcasters have responded by steady improvement in the scope and quality of programs.

During the past year, more than 9,000,000 radio sets were sold, increasing the total number of sets in American homes and automobiles to over 45,000,000. With less than 7% of the world's population, our country has nearly a half of all broadcasting stations and receiving sets, and a greater percentage of radio equipped homes than any other nation. The American people want radio sets more than they want anything else in the line of electrical equipment, for more sets were sold than electric irons or toasters, or washing machines, or vacuum cleaners, or any other electrical device. In various polls, radio has won first place time and again in the preference of the American family. The American radio industry has grown faster—in units, in dollar volume and in public service—than has the radio industry of any other country.

Naturally, there is a reason for this continued development and improvement, and it is not hard to find. Radio has a tremendously intimate effect upon American life. Today it is impossible to conceive of our way of life without radio. Annihilating space and distance, American radio has in a short span of two decades commanded the largest single audience of listeners ever gathered in the history of mankind, over 100,000,000 men, women and children. Today we receive the last minute bulletins directly from Europe as an everyday occurrence. New cultural avenues have been opened and educational features developed; new technical frontiers have been broken through in frequency modulation and television. However, a brilliant future surpassing all the achievements of the past lies before us. It is our task to consolidate our advances along many fronts and to lay a firm foundation upon which the future structure of public service broadcasting and television may soon be built.

I am sure that broadcasters realize that radio, although mighty as a force for good, can do equal evil. The experiences abroad of the past year have all too clearly proved this fact and have stirred us to still greater efforts to keep radio in America free, free for all to speak, for all views of all sides, and from breakfast to bedtime to fill the day of the American people with entertainment, education and news reflecting our culture and aspirations, impossible in any nation where democratic principles do not flourish.

The broadcasters have borne well their part of radio's responsibilities of the past year. Your Association has experienced a busy and most satisfactory year. You will find in the report of each Staff Director, detailed information concerning the activities of his Department. I urge you to read these reports, because by so doing you will secure an excellent idea of the varied and manifold activities of the NAB Staff and by reason of this knowledge will make in the future more and constant use of the services which are available to you in the way of assistance by Staff members. I shall not duplicate those reports, but shall review briefly the larger aspects of the work of this Association.

The value of trade associations to industries has resulted in rapid growth of associations over a period of years. Today trade associations occupy a definite place in business life and perform a useful social and economic function sanctioned by law. The work of your Trade Association divides itself roughly into two divisions —one—tangible services rendered to our members, and the other—intangible services, which occupy the greater portion of our time.

Without minimizing the importance of our tangible assets, may I emphasize the necessity for protecting our intangible assets, such as, freedom of speech, public confidence, the basic value of advertising as a force in developing industry and employment and freedom from unnecessary and burdensome government regulation. No one individual can alone protect these, but united we can—and to unite the industry, to organize the common effort, to promote a working together of competing units, to encourage a broader outlook based on research and facts, and to mobilize the best experience and opinion in the industry—this is one of the major tasks of the NAB.

Persistent effort has been maintained throughout the year to perfect the united front of the radio industry. With the enthusiastic cooperation of the Directors and members who served as membership Chairman in the various states and areas, it is gratifying to report a gain in membership from 427 at the time of our last Convention, to 462 as of today. I cannot emphasize too strongly the need of continued and everlasting effort to bring into membership every radio station in the United States.

The District Meetings have become forums of practical usefulness and of great value in promoting discussion of our problems on an informal basis. I believe these meetings can be developed to even greater usefulness. Together with the meetings of the Board of Directors, the Executive Committee, and the various other committees they have enabled us to develop an industry consciousness and unification greater than has ever existed before within the industry.

May I here express our appreciation to the Directors, to those who served on the various committees and to the entire membership for so generously giving of your time and energy to the work of the Association. Without your assistance, it would have been impossible to carry on the affairs of the NAB during the past year.

I am happy to report that for the first time in the history of either major political party, the platform of each party this year contains a radio plank. This is not only a well deserved recognition of the importance of radio but indicates that the leaders of Congress are well aware of our problems and encourages us to believe that helpful legislation may be enacted in the not too distant future, giving to American radio by law the dignity and protection that has already been given by public opinion.

## LEGISLATION

The Johnson Bill prohibiting the advertising on the radio of alcoholic beverages and the Thomas Resolution for adherence to the International Copyright Union were the two major legislative threats during the present session of Congress. We are pleased to report that neither of these pieces of legislation, nor any other legislation adversely affecting broadcasters, was enacted. The

Association's Staff scrutinized all national and state legislation, did not blindly oppose all legislation, but in cooperation with other organizations helped steer the legislation into constructive channels.

Following our custom of being represented by special counsel in litigation involving matters affecting the entire industry, the Association retained special counsel in the *RCA* v. *Whiteman* case and has kept in close touch with all phases of the problems dealing with the playing of phonograph records. We are happy to report that we have been successful in our fight to prevent the levy of an additional burden on stations through another license system. On July 25 the United States Circuit Court of Appeals in New York reversed the decision of the District Court and held that broadcasters had the right to play records without a license.

Radio must not be content to fight a purely defensive legislative battle. We must take the initiative. The present Copyright Law was passed in 1909, prior to the advent of commercial broadcasting. It has many antiquated provisions, such as, the statutory minimum damage provision. The Law should be revised and brought down to date.

The libel law as it applies to broadcasters is unsatisfactory. Broadcasters should either be given the right to eliminate libelous matter, or they should be exempted from liability. The decision in *Summit Hotel* v. *Jolson,* in which case the NAB was represented by special counsel, was a decision favorable to broadcasters, and was a step in the right direction, but many phases of the subject justify further study, to the end that this troublesome question may be correctly solved.

The present conception of the functions of administrative agencies leaves much to be desired. Granting that administrative agencies should be free of supervision by the courts, certainly some procedure should exist for the testing of the legality of an agency's rules and regulations, without requiring the applicant to first violate them.

In all quasi-judicial proceedings, before the FCC, we believe that there should be an opportunity for facts to be judicially found by an independent examiner or some independent quasi-judicial or judicial tribunal. Some such separation of the powers of the Commission as recommended by the President's Committee on Administrative Procedure would be an acceptable solution. In particular, in those cases which involve revocation of or failure to renew broadcast licenses, and where the licensee's entire business is at stake, we have urged that there be provided a separate judicial determination of the facts as well as of the law. Our views on these matters have been submitted to the Attorney General's Committee on Administrative Procedure, which is at present considering the entire subject.

These are but a few of the many legislative problems which we face and which I am sure with assured industry-wide cooperation we can solve.

## PUBLIC RELATIONS

In our community life today there are propagandists about and we in radio, like many other businesses, are in the line of fire. Public opinion is the controlling factor in our Democracy, and therefore we have a legitimate interest in the public's knowing the real facts about radio in all its manifold branches. To do the job right, it must be done both nationally and locally. During the past year, with your help, we have endeavored to do it nationally, and to supply you with the tools, the weapons and the ammunition to do it locally.

Our public relations activity has covered a broad field. We have worked closely with the United States Office of Education through the Federal Radio Education Committee, and have taken a leading part in the Ohio State Institute on Radio and Education, and in many other conferences. There has been a marked change in the attitude of educators generally with reference to radio and radio relationship. The idea that education needed more time on the air has been abandoned because of the realization that educational radio needs not more, but less time on the air, and more time in preparation and rehearsal. Pressure for legislation to set aside specific time for educational programs has therefore been eliminated.

For some time, advertising has been under attack from several angles. It has been charged that advertising is wasteful and burdensome to the consumer and that it gives an undue advantage to large companies and thereby fosters monopoly. These attacks are not directed against abuses in the use of advertising, but against advertising as a business tool. This is a serious threat to radio and to all media. We have believed it important that consumers, educators and public officials should be convinced of the specific economic benefits and social improvements gained through advertising. We have taken an active part in the work of the Committee on Consumer Relations in Advertising, Inc., through which, in cooperation with other media, agencies and advertisers, the public will be given the real story of advertising's contribution to our standard of living. We have been represented at every consumers relations conference held in the last two years. We are working closely with such organizations as the Association of National Advertisers, the American Association of Advertising Agencies and the Advertising Federation of America, all of which are giving serious attention to the consumer movement. The preparation is under way of a program to demonstrate the contribution made by advertising to better consumer service and lower consumer costs.

Our relations with the press have steadily improved. In this connection, we report a most cordial attitude on the part of J. S. Gray, Radio Chairman of the American Newspaper Publishers Association, whose friendly report on radio was a feature of the recent ANPA convention. In passing, it is well to observe that much of the change toward friendliness in the attitude of the newspapers is attributable to the excellent manner in which radio has acquitted itself in the war crisis and the use by radio of newspaper war correspondents, and the cooperation between these and the radio correspondents constitutes a noteworthy chapter in this relationship. Still another factor in bringing about better relationship with the press has been the affirmative manner in which the NAB Bureau of Radio Advertising has been conducted. Its purpose has been to sell radio as a medium of advertising by constructive methods rather than through negative belittling competition. We proceed upon the theory that there is room for both the radio and the newspaper advertising dollar.

In cooperation with committees of the American Bar Association, the American Newspaper Publishers Association and the Newspaper Editors Association, the reporting of judicial proceedings has been studied to the mutual advantage of all groups.

The list of outstanding national organizations with which we have worked during the past year is too long to include here, but you may be sure we have overlooked no opportunity to tell the story of the American System of Broadcasting and to make friends for radio. The efforts of the year were brought to a fitting close in the unprecedented radio ceremonies of last Saturday, when the New York World's Fair of 1940 and the San Francisco Golden Gate Exposition joined hands to convey the thanks of our listeners for public service rendered and to dedicate plaques symbolic of American free radio.

## CODE

The widespread acceptance and endorsement of the Code bespeaks the regard in which it is held not only by broadcasters generally but by women's organizations, labor groups, religious groups, civil liberties groups and the public at large. It has been said, "When all think alike, no one thinks very much." The discussions which have taken place during the past year have emphasized the fact that broadcasters have been thinking a lot and the Code has rendered a real service in stimulating this thinking. We all realize that many times right and wrong dress in shades of gray and that, although we have much of which to be proud, we must not be smug or refuse to listen to criticism. Also, we must be careful not to be more concerned with profits than prestige lest the result be that we lose both. Although our action may be attributed partly to enlightened self-interest, may I emphasize that broadcasters have learned a great deal through experience; they, better than any other group, know what the public prefers and it certainly is in the public interest to prevent the kind of legislation which would mean that pressure groups would succeed in ramming down the throats of the public that which we know from our study and experience the public does not want.

I believe the adoption of the Code was a distinct step forward; that it has proved its value during the past year and that it will continue to grow in usefulness. To the Code Committee and its able chairman, we owe a debt of gratitude. It is especially pleasing to mention that the American Trade Association Executives bestowed a certificate of Honorable Mention on the NAB for its Code, citing the "achievement of instituting a system of self-regulation designed to make further government regulation or control unnecessary, and which would deserve and earn public confidence."

## LABOR RELATIONS

For another year the industry has operated without any major labor trouble, and, generally speaking, the relationship between our industry and organized labor is friendly. Our employees are well paid; our average weekly pay check of $45.20 is believed to be the highest in the country. Without surrendering our rights, we have complied with both the spirit as well as the letter of the various laws enacted in recent years, and both labor officials and government officials dealing with labor problems have publicly praised the policy and activity of the NAB Labor Relations Department. Labor is a friend of the American System of Broadcasting.

## RESEARCH

The activities of the Research Department have been many and varied, in the form of supplying facts and information for the work of the various departments and committees; in working with the FCC, the Census Bureau, the FREC and other governmental agencies, and with various groups and associations in assisting in analyzing the music copyright problem; in the preparation of a master station file, primarily designed for research purposes, but of immeasurable value to the entire industry; and, in taking a leading part in the preparation of the Program Log and Accounting Manual.

The Program Log Recommendation, and the Transmitter Log Recommendation prepared by the Engineering Department, furnish excellent examples of what can be accomplished by cooperation between the staffs of the FCC and the NAB.

We believe the recently issued FCC Forms 301 and 319—the new forms for application for construction permit or modification thereof for standard broadcast stations and high frequency broadcast stations—impose an excessive burden upon applicants. Although we are in sympathy with the Commission's desire to secure on these forms full information regarding the applicant's qualifications, we believe that many of the questions can be so modified as to relieve the applicants of considerable burden in supplying information without unduly increasing the work of the Commission. We hope that by cooperative effort the excellent result which was obtained with respect to the Log Recommendations can be duplicated with respect to these forms.

A Plan for Unit Volume Measurement has been prepared in detail and will be submitted to this Convention for consideration, and we believe this is but the first of many very definite accomplishments which we believe will be achieved in the very near future.

## BUREAU OF RADIO ADVERTISING

The Bureau of Radio Advertising was placed in full time operation on September 1st, to assist members in sales and promotion problems. Trade studies, sales manuals covering specific selling problems, together with other material, have been issued and many members report having secured tangible results with the material. The Bureau is getting at the true facts in fields where resistance in radio advertising has existed and has given the commercial managers not only an impetus to get together, discuss their problems and exchange ideas, but has also given sales data with the aid of which many contracts were closed.

In cooperation with the Sales Managers' Division, the Bureau has taken an active part in AFA and NRDGA conventions, and has cooperated with the ANA and AAAA. It has done a good job in promoting the use of radio as an advertising medium.

## PROMOTION

The relationship with the RMA has been most friendly and cooperative and the Joint RMA-NAB Promotion Campaign has produced very satisfactory results. A continuous campaign has been carried on to increase the number of listeners, to increase the hours of listening per day, to increase the appreciation of the American radio programs and to spread an understanding of the American system of broadcasting. During the past year, it has sponsored such nationwide events as the "Curtain Raiser," "Radio Christmas," the "National Radio Festival," "Listen While You Ride," and "Listen While You Play," and now has in active swing the "Listen Before You Vote" campaign. Under the theme, "Your Electric Utility Can Be Your Best Local Account," a campaign for utility advertising has been conducted.

This department has also worked in cooperation with the radio servicemen and the set manufacturers to reduce the number of inoperative or partially inoperative set and much progress has been made.

## ENGINEERING

In an industry such as radio, it is but natural that engineering is fundamentally first and foremost. This past year has been one of great activity due to the development of television and frequency modulation. Also the ratification of the Havana Treaty by Mexico brings to the front not only the problem of changing the frequency of most of the stations in the country but also other problems in connection with the public and the receivers. I wish to here express the hope that the difficulties which have arisen in connection with the Havana Treaty will be solved, and that the Treaty will become effective at an early date. In addition to keeping in close touch with all these problems, in working with the FCC and the NAB members, our Director of Engineering took a leading part in the preparation of the Transmitter Log and has under preparation a revision of the Engineering Handbook which should be of real value to the industry.

## INFORMATION POOL

Before ending the report on the work of the various Staff members, may I mention a service of the Association Staff, the value of which I do not believe is fully appreciated by NAB members. Each Staff member has collected a pool of information for the use of members—labor statistics, legal authorities, research methods, engineering data, information for speeches, for promotional activities, and data on various other subjects.

We urge you to use this for two reasons: First, because we know it will be of value to you; and second, by using it instead of diminishing its value, you increase its value by testing its usefulness, adding your results to the pool, and thereby making it of greater value to the industry.

## MUSIC COPYRIGHT

Broadcasters have always been willing to pay a fair and equitable price for the use of music. They are the first to acknowledge the cultural value of music, and that music has played a prominent part in the development of radio. However, they demand the right to purchase music in a free and competitive market the same as they purchase their other requirements. They are unwilling to pay ASCAP on news broadcasts, on sports broadcasts, and on other programs using no music. They are also unwilling to pay ASCAP on programs which use non-ASCAP music. They are unwilling to be required to pay the entire price for music to a relatively few composers merely because those composers have secured a monopolistic control of the means of exploitation of their output. They believe the cultural life of America would be greatly benefited by encouraging the creative genius of young and able composers whose works are at present never played because of the character of ASCAP's present contracts. Today, broadcasters pay forty times as much per dollar of their gross as any other customer of ASCAP, and the new ASCAP contracts now demand they pay eighty times as much, increasing their payments from $4,500,000 to nearly $9,000,000. This we will not do!

A year ago, a sincere and honest attempt was made to sit across the table from representatives of ASCAP to negotiate a renewal of the contracts on a business basis. This effort was thwarted by the refusal of the President of ASCAP to appoint a committee to meet with the broadcasters; even though ASCAP's Board of Directors had authorized the appointment of such a committee. In accordance with the mandate of the NAB convention held last year, a final positive effort was made to reach an agreement with ASCAP, upon the failure of which, the special convention was called last September in Chicago. In accordance with the practically unanimous vote of that convention, Broadcast Music, Inc. was organized for the purpose of developing a pool of non-ASCAP music and to assure the broadcasters of the right to purchase their music in a free competitive market. BMI has passed through the organization stage and today is a well-staffed organization, with a membership of over 300 stations. These BMI member stations pay over two-thirds of the revenue which ASCAP receives from the entire industry. Complete information concerning BMI will be given you Tuesday and plans for the future will be discussed at length. Suffice it here to say that today broadcasters have it within their power for once and all to end ASCAP monopoly, to solve this most troublesome question, to give the young composers a chance, and to stimulate creative effort in the United States. Moreover, the solution of this problem by a united industry will have a very salutary effect upon a number of our other pressing problems. Now is a most critical time for broadcasters. We must not fail! Let this Convention send out the word that San Francisco is to be no Munich! We are in this fight to win!

## CONCLUSION

What of the future? Today we meet in a very different world from that which existed this time last year. It would be a bold man indeed who would attempt to prophesy under what conditions we shall meet this time next year. There is need for much long-range thinking, realizing as we must that radio will have a most influential and material effect upon the future of this country. It is not our job to decide for the citizens the questions which must be decided, but it is our task to fairly, adequately and honestly bring them the facts. In so doing, we perform a service in assisting people to govern themselves. We must do it courageously, fearlessly and effectively.

Our part in the world picture today is to do our job—and it is a most important job—well and right in the hope and confidence that in the scheme of things the many stones which form the mosaic we call the American way of life will fit together. We must be sure that, regardless of what may happen, radio's pillar in the temple of Democracy will be sound and will not crumble. The foundation of that pillar must be a free radio. There must not only be no censorship, but no threat of censorship. For, as the U. S. Supreme Court recently said, "It is not the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

The foundation of free radio must be good broadcasting. The American public is the only champion radio needs. So long as our thinking is dominated by intelligence and common sense, there will be no serious threat to free speech, a free press or to a free radio. The American broadcasting industry has good reason to be proud of its record. Its position is one to be treasured and guarded from any hands within and without, which may threaten to destroy it. The American public we serve is marching with us.

Respectfully submitted,

Neville Miller, *President,*
*National Association of Broadcasters.*

# The Secretary-Treasurer's Office

This is the Annual Report for the fiscal year 1939-1940 of the Office of Secretary-Treasurer of the National Association of Broadcasters.

## PERSONNEL

Effective April 1, 1940, the undersigned assumed the duties of the office of Secretary-Treasurer under the title of Assistant to the President. This arrangement was made pending the action of the Board of Directors in filling the position following the resignation, effective May 1, 1940, of Edwin M. Spence.

Upon leaving, Mr. Spence submitted a properly audited statement of the Association accounts which has been accepted and approved by the Board and the surety bond of Mr. Spence discharged.

## HEADQUARTERS PERSONNEL

During the course of the past year the headquarters staff of the Association has been completed in accordance with the provisions of the By-Laws. On November 24, 1939, Russell P. Place was named Counsel and placed in charge of the Law Department. On December 1, 1939, Lynne C. Smeby was chosen Director of Engineering. With these appointments the several departments contemplated in the NAB Reorganization Plan are completely manned. In addition to these Directorships, Samuel J. Henry, Jr., joined the Association staff in August, 1939, as manager of the Bureau of Radio Advertising. At approximately the same time, Arthur Stringer assumed charge of the Radio Promotion or Circulation activity, a work supported jointly by NAB and RMA.

We thus find ourselves at the conclusion of this fiscal year with a full and complete staff at headquarters equipped and working efficiently to serve the needs of the industry.

The reports of the various Department Directors contain all essential information relating to their activities.

The total of full and part-time employees of the Association, including stenographic and kindred office help, numbers 26. The Secretary-Treasurer coordinates the activity of this staff and cares for all general correspondence.

The weekly NAB REPORTS are the means of regular periodic contact with the membership. The task of assembling and editing the material going into these REPORTS has been very ably discharged by Joseph L. Miller. We welcome suggestions from the membership regarding the REPORTS.

### Board Meetings

The Secretary-Treasurer acts, under the By-Laws, as Secretary of the Board of Directors and of the Executive Committee as well as of all Standing Committees of the Association. Following is a list of Board, Executive and Standing Committee meetings held during the year:

### Meetings of Board of Directors

September 13, 1939—Chicago, Illinois
September 14, 1939—Chicago, Illinois
September 15, 1939—Chicago, Illinois
November 2-3, 1939—Chicago, Illinois
February 19-20, 1940—Washington, D. C.
June 21, 1940—New York, N. Y.
June 22, 1940—New York, N. Y.

### Meetings of Committees

| | | |
|---|---|---|
| Executive Committee | August 22, 1939 | New York, N. Y. |
| | February 19, 1940 | Washington, D. C. |
| | April 1, 1940 | Washington, D. C. |
| | May 28, 1940 | New York, N. Y. |
| Accounting Committee | November 16, 1939 | New York, N. Y. |
| | March 19–20, 1940 | New York, N. Y. |
| Code Compliance Committee | July 8, 1939 | Atlantic City, N. J. |
| | September 14, 1939 | Chicago, Ill. |
| | October 2, 1939 | Washington, D. C. |
| | November 28, 1939 | Washington, D. C. |
| | April 11, 1940 | Washington, D. C. |
| Committee on Press, Radio and Bar | March 26, 1940 | New York, N. Y. |
| Committee on Licensing of Records | August 24, 1939 | New York, N. Y. |

| | | |
|---|---|---|
| Copyright Committee | August 2, 1939 | New York, N. Y. |
| | August 9, 1939 | New York, N. Y. |
| | August 23, 1939 | New York, N. Y. |
| | September 14, 1939 | Chicago, Ill. |
| Engineering Committee | January 11, 1940 | New York, N. Y. |
| | March 16, 1940 | Columbus, Ohio |
| | June 28, 1940 | Boston, Mass. |
| Legislative Committee | February 20, 1940 | Washington, D. C. |
| | May 9, 1940 | Washington, D. C. |
| | June 15, 1940 | Washington, D. C. |
| Research Committee | June 18, 1940 | Washington, D. C. |
| | July 10, 1940 | Washington, D. C. |
| Sales Managers Committee | April 15, 1940 | Chicago, Ill. |
| Wage and Hour Committee | March 25, 1940 | Washington, D. C. |

## DISTRICT MEETINGS

The duty of cooperating with the District Directors in the holding of meetings of the membership is a natural incident to the work of the Secretary-Treasurer. During the year just closed, the following District meetings have been held:

| *District* | *Date* | *Place* |
|---|---|---|
| 1 | December 6, 1939 | Boston, Massachusetts |
| 2 | November 28, 1939 | New York, N. Y. |
| | June 22, 1940 | Rochester, New York |
| 3 | January 4, 1940 | Camden, New Jersey |
| 4 | December 16, 1939 | Washington, D. C. |
| | June 1–2, 1940 | Greensboro, North Carolina |
| 5 | January 18–19, 1940 | Columbus, Georgia<br>Orlando, Florida |
| 6 | January 3, 1940 | New Orleans, Louisiana |
| | June 20, 1940 | Memphis, Tennessee |
| 7 | December 5, 1939 | Dayton, Ohio |
| 8 | December 6, 1939 | South Bend, Indiana |
| 9 | December 6, 1939 | South Bend, Indiana |
| 10 | December 8, 1939 | Omaha, Nebraska |
| | June 8, 1940 | St. Louis, Missouri |
| 11 | December 13, 1939 | Minneapolis, Minnesota |
| 12 | December 11, 1939 | Tulsa, Oklahoma |
| | June 9, 1940 | Wichita, Kansas |
| 13 | January 5, 1940 | Dallas, Texas |
| 14 | December 9, 1939 | Denver, Colorado |
| | June 12, 1940 | Salt Lake City, Utah |
| 15 | January 10, 1940 | San Francisco, California |
| 16 | January 9, 1940 | Los Angeles, California |
| | June 17, 1940 | Los Angeles, California |
| 17 | October 6, 1939 | Portland, Oregon |
| | January 12–13, 1940 | Portland, Oregon<br>Seattle, Washington |

## MEMBERSHIP

It is gratifying to report that the membership of the Association stands today at the highest point in its history. The Secretary-Treasurer's report at the membership meeting last year disclosed a total of 425 members. The present membership of the Association totals 461.

The ten weeks membership campaign which ended just prior to this convention proved measurably successful and in this connection we desire to express to the District Directors, the state and area membership chairmen, as well as many individual member broadcasters, our grateful appreciation for the helpful assistance rendered. The following table discloses the gain in membership by dues classification in the period April 1, 1940, to July 15, 1940:

| Class | Number of Members April 1, 1940 | July 15, 1940 |
|---|---|---|
| A | 66 | 93 |
| B | 79 | 81 |
| C | 60 | 63 |
| D | 43 | 44 |
| E | 38 | 40 |
| F | 29 | 28 |
| G | 20 | 20 |
| H | 26 | 26 |
| I | 18 | 18 |
| J | 6 | 6 |
| K | 4 | 4 |
| L | 6 | 6 |
| M | 2 | 2 |
| N | 2 | 2 |
| O | 2 | 2 |
| NBC | 13 | 15 |
| CBS | 8 | 8 |
| Associate | 3 | 3 |
| | 425 | 461 |

A further analysis of membership distribution follows:

| | Total Stations July 1, 1940 | NAB Members July 15, 1940 | Percent |
|---|---|---|---|
| Operating Commercial Stations: | | | |
| Network affiliates | 414 | 297 | 72% |
| Independents | 338 | 149 | 44% |
| Total | 752 | 446 | 59% |
| Non-Commercial stations | 39 | 3 | 8% |
| Construction permits | 56 | 8 | 14% |
| Grand total | 847 | 457 | 54% |

74% of all NBC affiliates are NAB members.
79% of all CBS affiliates are NAB members.
64% of all MBS affiliates are NAB members.
65% of all newspaper owned are NAB members.

(Members are invited to inspect the exhibit of the material used in the membership campaign displayed at the convention.)

Respectfully submitted,

C. E. Arney, Jr.,
*Assistant to the President.*

## FINANCIAL

Since the resignation of Mr. Spence the direct control over Association finances has been exercised by Mr. Miller through the undersigned and through Everett E. Revercomb, Auditor. The following Financial Statement discloses in detail the operations of the Association during the fiscal year, July 1, 1939, to June 30, 1940:

*National Association of Broadcasters*
*Statement of Receipts and Disbursements*
*For the Period July 1, 1939, to June 30, 1940*

### RECEIPTS

| | |
|---|---|
| Cash on Hand, July 1, 1939 (As Reported at Last Convention) | $52,556.59 |
| Receipts during period | 245,502.62 |
| | $298,059.21 |

### DISBURSEMENTS

| | |
|---|---|
| Annual Convention (Partially recovered) | $8,916.84 |
| Board of Directors Meetings | 9,666.33 |
| Broadcast Music, Inc. (Entirely recovered) | 6,061.33 |
| Committee Expenses | 17,279.09 |
| Dues and Publications | 1,141.93 |
| Furniture and Fixtures | 2,126.64 |

| | | |
|---|---|---|
| Legal, Engineering and Accounting Fees | $21,666.77 | |
| Miscellaneous | 14,517.95 | |
| NAB Reports | 10,036.94 | |
| NAB-RMA Expenses (Partially recovered) | 6,919.96 | |
| Office Supplies | 2,645.69 | |
| Postage | 3,643.50 | |
| Printing | 9,669.10 | |
| Rent | 8,499.96 | |
| Salaries | 94,572.07 | |
| Telephone and Telegraph | 4,896.28 | |
| Travel | 12,273.75 | $234,534.13 |
| Cash on Hand, June 30, 1940 | | $63,525.08 |

Respectfully submitted,

C. E. Arney, Jr.,
*Asst. to the President.*

# Engineering Department

At the beginning of the year, July 10, 1939, a number of work projects were before the Engineering Committee. Among these were:

A—Formulation of Field Measuring Standards.
B—Improving relations with the Civil Aeronautics Authority concerning antenna installations.
C—Revision of the Engineering Handbook.
D—Insurance Committee.
E—Federal Communications Commission's method of rating interference.
F—Co-operation with the Radio Manufacturers Association on matters of mutual interest.
G—Co-operation with Radio Servicemen.

The present status of these subjects is as follows:

A—The Field Measuring Standards have been formulated.
B—The attitude of the CAA toward radio tower installations has changed to a more favorable one.
C—The Engineering Handbook revision will be released this fall.
D—Mr. Miller has appointed an Insurance Committee for the purpose of co-operating with insurance companies concerning broadcast station insurance and the Director is cooperating with the Committee.
E—A detailed study of the FCC method of rating interference has been made and conferences have been held with the FCC Engineering Department.
F—Conferences held by Mr. Hogan with RMA Engineers have paved the way for cooperation on matters of mutual interest.
G—"Recommended Qualifications for Radio Servicemen's Organizations" has been formulated and submitted to the Board with a recommendation that it be adopted as a guide for NAB members to use in their cooperative efforts with the servicemen.

Other principal subjects engaging the attention of the Department during the past year are:

a—Television.
b—Frequency Modulation.
c—Facsimile.
d—Havana Treaty.
e—Sample Transmitter Log.
f—Matters pertaining to the FCC.

It is anticipated that the main subjects of attention by the Engineering Committee during the next year will be:

1—Television.
2—Frequency Modulation.
3—Facsimile.
4—Reallocation due to Havana Treaty.
5—The Broadcast Engineering Conference at Ohio State University.
6—Cooperation with RMA.
7—Cooperation with Institute of Radio Engineers.
8—Cooperation with Radio Servicemen.
9—FCC matters pertaining to engineering.
10—Revision of the Engineering Handbook. It is intended that the Handbook be revised each summer for release in the fall.

## NAB DIRECTOR OF ENGINEERING

The reorganization of NAB provided for a Director of Engineering. Mr. Raymond M. Wilmotte carried on the duties of the office until a fulltime Director was appointed on December 1, 1939. Mr. Wilmotte was retained for a period of six months, after the appointment, in a consulting capacity in order to assist the new Director.

## ENGINEERING COMMITTEE

It was decided that the Engineering Committee of 15 should be expanded to 21 in order that broader representation might be had and in order that there might be a representative from each district. Following this pattern, the 1940-41 Engineering Committee will have a member from each district, a member representing each of the three National Networks and a Chairman. To follow the pattern of other departments of NAB, the Engineering Committee was supplemented by an Executive Engineering Committee of six members appointed by President Miller on December 28, 1939, to serve until the 1940 Convention. These men were selected geographically so that the expense of bringing the Committee to meetings would be a minimum.

This has been a year of interesting technical developments that may have an important bearing on the future of broadcasting. Frequency Modulation, Television, Facsimile and the reallocation plan have held the spotlight.

## TELEVISION

Two important hearings on television were held on January 15 and April 8 and these were attended by the Director and reported for NAB REPORTS.

## FREQUENCY MODULATION

Frequency Modulation was the subject of an article written for the January 26 REPORTS. A hearing on Frequency Modulation was held by the FCC on March 18 and this was attended and reported for NAB REPORTS. A summary and analysis of Frequency Modulation was written for the April 5 REPORTS.

## HAVANA TREATY

With the Mexican ratification of the Havana Treaty on December 28, 1939, the way was cleared for putting the agreement into effect. Many United States broadcasting stations have received serious interference in the past from Cuban and Mexican stations. The Havana Treaty provides channels of their own for the Cuban and Mexican stations, thus eliminating this source of interference. Beside the problem of changing the frequency of most of the stations in the country there are several problems in connection with the public and the receivers. There are four problems in connection with the receivers; these are, resetting the push-buttons on the receivers, extending the tuning range to 1600 kc. where necessary, realigning the intermediate frequency amplifier of the receivers in cities where stations will move to 910 kc., and changing the call-letters on push-buttons and on dials. These problems are being worked out with an organization of servicemen known as the Radio Servicemen of America and RMA, and plans for proper publicity are being formulated, with the cooperation of the Director, by the Headquarters Staff. The reallocation was tentatively set for August 1. Other countries, parties to the Havana Conference, have made a number of exceptions to the original agreement, bringing up a doubt as to whether the agreement will go into effect at all. In any event, the agreement probably cannot be put into effect earlier than December 1.

## FIELD MEASUREMENTS

Due to various methods of taking field measurements and interpreting the results, there has been confusion as to the meaning of field intensity maps and it has been difficult to compare the claims of one station with those of another. A "Recommended Practice for Field Intensity Surveys for the purpose of estimating field strength contours of a broadcast station in the regular broadcast band" has been formulated and turned over to the Research Department, and it is hoped that the recommended practice may find general acceptance and bring about a uniformity in coverage work.

### INTERFERENCE RATING

There has been considerable controversy over the FCC's method of rating interference. Conferences have been held with the FCC Engineering Department with a view towards performing a series of experiments to determine what is the proper law to use. The Director of Engineering has prepared for the Engineering Committee an analysis of the present method of determining interference. This matter is being pursued and it is hoped that it may be cleared up in the near future.

### RECEIVING SET REPAIRS

Realizing that station circulation can be increased if listeners will keep their sets in repair and therefore that it is to the broadcasters' advantage to cooperate with radio servicemen, the Committee has formulated "Suggested Qualifications for Radio Servicemen's Organizations" and this can be used by a station in determining if a radio servicemen's organization is worthy of cooperation. Conferences were held with servicemen before formulating the standards.

### OHIO STATE ENGINEERING CONFERENCE

One of the most important educational sources for keeping broadcast engineers up-to-date is the "Broadcast Engineering Conference" held annually in February at Ohio State University. The Conference is held under classroom conditions and treats with current engineering developments in a practical way. NAB officially cooperated in this year's Conference. Mr. Wilmotte and the Director attended as representatives of NAB and participated in the Conference. Two discussion groups dealing with receivers and FCC regulations were led by Mr. Wilmotte. Of the 248 engineers in attendance at the Conference, 140 were from broadcast stations and of these, 127 were from NAB members. Realizing the importance of the Conference to the broadcasting engineers, NAB plans to expand its activity in connection with next year's conference.

### SAMPLE TRANSMITTER LOG

The Director prepared a sample transmitter log and instructions on how to use it, with the cooperation of the FCC Engineering Department, and this log form has been distributed to the membership as a sample log which would meet the FCC requirements.

### BROADENING NAB MEMBERSHIP

The Engineering Committee has discussed the membership requirements of the NAB BY-LAWS which specify that the scope of NAB is in the band (550 to 1600 KC). In view of the developments in FM, television, etc., and the hearings held on these subjects by the FCC, this was brought to the attention of Mr. Miller and he appointed the Director as one member of a Headquarters Committee of three to investigate and report on a proposed By-laws revision. The Revision Committee took the matter under advisement and presented to Mr. Miller, for consideration by the Board and the membership, a proposed revision which would make possible the inclusion of new broadcasting services, both aural and visual as they develop.

### ENGINEERING HANDBOOK

The NAB Engineering Handbook has not been revised since 1938. The Director, under the guidance of Mr. Wilmotte and the Engineering Committee, is revising the Handbook and it is hoped that a revised edition will be ready for distribution early this fall. New sections are to be added on subjects such as frequency modulation and television.

### COOPERATION WITH RMA

The Engineering Committee is cooperating with RMA on problems arising out of the reallocation slated for this fall or early winter and on the matter of push-button receivers having too few push-buttons to allow inclusion of all stations in some localities and on the matter of loop receivers, which are sometimes installed to the detriment of stations with low field strengths.

### SERVICE TO MEMBERS

Many minor projects have been carried on, and the Director has assisted many stations with their individual engineering problems. The membership should feel free to call on the Director of Engineering for assistance on engineering matters on which they might think that he can be of service.

The Director wishes to acknowledge the splendid assistance rendered him by the Headquarters Staff and the Engineering Committee in assuming his new duties. Particular mention is due Mr. John V. L. Hogan, Chairman of the Engineering Committee, and Mr. Raymond M. Wilmotte, advisor to the Director, for their splendid advice and counsel during the first months of the new work.

### EXECUTIVE ENGINEERING COMMITTEE

The members of the Executive Engineering Committee for 1939-40 were: John V. L. Hogan, WQXR, Chairman; J. R. Poppele, WOR; O. B. Hanson, NBC; E. K. Cohan, CBS; Albert E. Heiser, WLVA; Paul A. de Mars, Yankee Network; R. M. Wilmotte, Consultant, ex-officio, and Lynne C. Smeby, Director, ex-officio.

### ENGINEERING COMMITTEE

The members of the Engineering Committee for 1939-40 were: John V. L. Hogan, WQXR, Chairman; John E. Fetzer, WKZO; J. H. DeWitt, Jr., WSM; John T. Schilling, WHB; J. R. Poppele, WOR; Paul A. Loyet, WHO; William G. Egerton, KTSA; O. B. Hanson, NBC; E. K. Cohan, CBS; Carl J. Meyer, WGN; Albert E. Heiser, WLVA; William H. West, WTMV; Porter Houston, WCBM; Paul de Mars, Yankee Network; Herbert Hollister, KFBI; Raymond M. Wilmotte, Consultant, ex-officio; and Lynne C. Smeby, Director, ex-officio.

Respectfully submitted,

LYNNE C. SMEBY,
*Director of Engineering.*

## Legal Department

Since assuming the position of NAB Counsel on November 24, 1939, the work of the Legal Department has divided itself into the following categories:

*LEGISLATION.* Of prime importance to broadcasters is the study and analysis of all bills introduced in the Congress and the State Legislatures affecting them directly or indirectly. This work, together with the incidental correspondence, conferences and follow-up of hearings, has been carried out with unceasing vigilance. No measures adversely affecting broadcasters have been enacted.

*CONGRESS.* Below are the principal pending bills affecting Radio:

*Thomas Bill:* Introduced by Senator Thomas (D-Utah) on the basis of the report of the so-called Shotwell Committee for revision of the copyright laws looking to adherence to the International Copyright Convention, this bill drastically revises the copyright law. Space does not permit of detailed analysis, but numerous provisions, particularly the retention of minimum statutory damages for infringement, make the bill unacceptable to the industry. NAB is opposed to passage of this measure, and will actively voice its opposition when it is set for hearing.

*McGranery Bill:* Introduced by Representative McGranery (D-Penna.), this measure would also drastically revise the copyright law contrary to the interests of broadcasters. Its outstanding feature is to grant copyright in recorded renditions of musical performances. NAB is opposed to the bill and will fight it. According to present indications, hearings will not be held at this session on these copyright bills.

*Johnson Bill:* Introduced by Senator Johnson (D-Colo.), this bill seeks to ban the advertisement of alcoholic beverages over the radio. Because the NAB Code bans advertising of hard liquor, and beer of some alcoholic content is legal in all States, and because we believe the bill is an unwarranted interference with program content and discriminates against radio in favor of other media, NAB has actively opposed this bill. At the moment it is believed to be stymied by the introduction of an anti-lynching amendment by Senator Clark of Missouri. Numerous broadcasters have registered their disapproval with their Senators and Congressmen. Still on the Senate Calendar, although repeatedly passed over as objected to, it remains a threat. The best opinion is that it may pass the Senate if put to a vote, but would be killed in the House.

*Ditter Bill:* Introduced by Representative Ditter (R-Penna.), this measure would amend the Communications Act in the interests of broadcasters. It provides for a minimum license term of three years, for hearings on new applications if the grant would adversely affect an existing station, and requires that no license shall be revoked or renewal denied because of the character or contents of any program, unless such program matter is expressly forbidden by specific provision of the Act or by regulation of the Commission authorized by the Act, and then only after the licensee has been adjudged guilty by a Federal Court of violation of such provisions. The bill would curb the President's emergency powers over broadcast stations. There is small likelihood of hearings on this bill at this session. The Bailey Bill in the Senate, introduced by Senator Bailey (D-North Carolina) is a companion bill. The Directors, as well as the Legislative Committee, have given consideration to NAB's position on these measures.

*Pepper Bill:* Introduced by Senator Pepper (D-Fla.), this bill would require hearings on any application at the instance of any person. It is unlikely to be set for hearing at this session. The Ditter, Bailey and Pepper Bills tie in to some extent with the Walter-Logan Bill to revise administrative procedure, and to amendments to the Communications Act which the NAB has suggested to the Attorney-General's Committee on Administrative Procedure. It is expected that the entire subject will come to a head at the first session of the next Congress, when NAB will seek to promote major improvements for the benefit of the industry.

*Walter-Logan Bill:* This measure, which has passed the House by a vote of about three to one, seeks to improve and standardize administrative procedure in most of the government agencies and commissions. The Legislative Committee voted not to take any action with respect to it. NAB, with approval of the Board of Directors, filed suggestions for improvement of FCC procedure with the Attorney General's Committee on Administrative Procedure, recommending particularly independent examination into the facts, and quasi-judicial review or judicial review on the facts and law by a tribunal independent of the administrative body. In most particulars the NAB endorsed the suggestions of the Federal Communications Bar Association.

## STATE LEGISLATURES

NAB cooperated with New York broadcasters with reference to the Perry Bill introduced in the New York Legislature, and the most burdensome threat to radio to come before a State legislature this year. This bill would have required broadcasters to secure the written consents of all performers on a broadcast program, a literal impossibility in many cases such as parades, football games and the like. It passed the Senate but was killed in the Rules Committee of the Assembly. No other legislation of importance is pending. Legislatures have been in session this year in only thirteen States.

## LITIGATION

*RCA* v. *Whiteman,* now pending decision in the U. S. Circuit Court of Appeals in New York, has engaged NAB attention for the protection of broadcasters' interests in the use of phonograph records. The lower court's decision, unfavorable to radio in finding common law rights in performing artists in their recorded renditions, has been appealed, briefs have been filed and oral argument had. Decision on appeal has not yet been handed down. NAB employed special counsel in New York to represent the interests of the industry.

## LEGAL ASSISTANCE TO MEMBER STATIONS AND THEIR ATTORNEYS

Specific information and advice has been given upon request concerning the Commission's Rules and Regulations, and on matters pertaining to performing rights licenses, the playing of phonograph records, lotteries, treatment of political candidates, defamation, income tax, Social Security and Wage-Hour rulings, misleading advertising and other topics of importance to members. In all of this work care has been exercised to avoid conflict with the services rendered by private counsel in radio matters.

Counsel has been in touch with government agencies and commissions, has attended hearings before the Commission on television and FM, and on administrative procedure before the Attorney General's Committee. Counsel has acted as secretary to the Radio Committee of the Committee on Cooperation between Press, Radio and Bar, which has worked to bring about a basis of mutual understanding between the three groups in their relations with one another and the public.

A radio plank was submitted to the Resolutions Committees of the Republican and Democratic National Conventions at Philadelphia and Chicago.

In addition to routine study of court decisions, special study of the Federal anti-trust laws as they affect the NAB was made and submitted to the Board of Directors.

## LEGAL ASSISTANCE TO NAB STAFF AND COMMITTEES

Analysis of statutes, contracts, forms, the drafting of resolutions and proposed amendments, and general assistance to members of the NAB staff was rendered from time to time as problems presented themselves.

*Sanders Brothers Case.* The decision of the United States Supreme Court in FCC v. Sanders Brothers Radio Station, decided March 25, 1940, is the most outstanding of the year in its effect on broadcast licensees. In accordance with a resolution of the Board of Directors, Counsel has analyzed the decision and submits his analysis below:

*Federal Communications Commission* v. *Sanders Brothers Radio Station,* U. S. (decided March 25, 1940, rehearing denied April 22, 1940.)

The Supreme Court of the United States granted a writ of certiorari in this case to determine whether an order of the FCC granting an application for a construction permit to erect a radio broadcasting station is defective because the Commission did not make findings as to economic injury to an existing station in the same area, due to competitive conditions in that area, which had intervened before the Commission to oppose the application; and whether, assuming that findings on this subject are not essential, the intervening rival station is authorized by Sec. 402 (b) of the Communications Act to appeal to the Court of Appeals for the District of Columbia as "a person aggrieved, or whose interests are adversely affected, by any decision of the Commission granting or refusing any such application".

The Court's opinion, by Mr. Justice Roberts, holds that economic injury to an existing station is not a separate and independent element to be taken into consideration by the Commission in determining whether it shall grant or withhold a license, although the question of competition between a proposed station and an existing one may have an important bearing upon the ability of the applicant to serve his public, and on the question of whether both stations will go under and leave a portion of the public without adequate service, or by a division of the field whether both stations will be compelled to render inadequate service.

Thus economic injury to an existing station as such, and apart from considerations of public interest, convenience or necessity, need not be weighed separately by the Commission. But on the question of whether the grant to the applicant will be in the public interest, competition is relevant. It would seem that a showing that resulting competition would cause both stations to go under, or both to render inadequate service to the public, or make it unlikely that the applicant can adequately serve his public, would defeat the grant.

The opinion also concludes that although a licensee cannot resist the grant of a license on the sole ground that the resulting competition may injure him economically, yet he is entitled to appeal under Sec. 402(b) of the Act, since one likely to be financially injured by the issuance of the license might be the only person having sufficient interest to bring to the attention of the appellate court errors of law in the action of the Commission in granting the license.

Thus, it would seem clear that an existing station which is adequately serving its public, can appeal from an order granting a license to a new applicant which will result in a competitive situation which will prevent either from adequately serving the public for whose attention they would compete. If, on appeal, the existing station can show that the Commission failed to consider the effects of competition on the ability of either station to operate in the public interest, convenience or necessity, or if it can show that the grant of the new license will render it impossible for either station adequately to serve the public, then the decision of the Commission would be reversed for lack of substantial evidence to support the Commission's finding that the new grant would be in the public interest, convenience or necessity.

In deciding that economic injury to an existing station in and of itself and apart from considerations of public interest, convenience or necessity is not a subject on which the Commission must make separate findings, the Court said that the purpose of the Act in respect of broadcasting is the allocation and regulation of the use of radio frequencies by prohibiting such use except under license; that the Act recognizes that broadcasters are not common carriers and are not to be dealt with as such, but that the field of broadcasting is one of free competition; that the Act does not essay to regulate the business of the licensee, and that the Commission is given no supervisory control of the programs, of business management or of policy; that the field of broadcasting is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the channel; that nothing in the nature of a property right vests in the licensee as the result of the granting of a license; and that it is not the purpose of the act to protect a licensee against competition but to protect the public.

Thus, assuming the grant of a new license on substantial evidence that it would be in the public interest, convenience or necessity, both stations, the old and the new must compete for the economic support of their service areas; and the corollary of free competition in broadcasting is freedom from regulation of competition, whether regulation of rates, business management, policy or program content. Stations that must, in the words of the Court, "survive or succumb according to their ability to make their programs attractive to the public" must remain unfettered by the regulatory body in the exercise of their discretion as to how best to compete successfully.

Respectfully submitted,

Russell P. Place, Jr.,
*Counsel.*

## Labor Relations Department

The broadcasting industry's progressive labor policy continues to pay dividends.

Greatest of these has been organized labor's continued friendship, goodwill and respect. Broadcasting needs organized friends. It now has a good one in labor. This relationship should be preserved and fostered.

More tangible are those dividends the industry has received as a result of its policy in its day-to-day dealing with its employees and their representatives.

Broadcasting demands a high standard of workmanship. In return it pays well. The industry's average weekly pay check of $45.20 is believed to be the highest in the country. Although it is extremely difficult for broadcasting employees to keep those regular hours possible in a factory, the average work week in the industry was decreasing toward 40 hours even before federal wage and hour legislation was enacted. Vacations with pay have been the rule rather than the exception for years. Likewise, few broadcasters have ever thought of making pay deductions for sick-leave, time off for fishing trips and the like. Complaints against general working conditions have been few, scattered and minor.

The industry, as a whole, has accepted collective bargaining as a normal and permanent part of its relationship with its employees. Only two stations in the last two years have been accused by the National Labor Relations Board of violating the Wagner Act. During a period when broadcasting employees were rapidly organizing, this is a record of which the industry may well boast.

Nine broadcasting strikes have been called to the attention of the association during the past year. Six of these resulted from failure of stations to agree with technicians' unions on the terms of first contracts. Inexperience with collective bargaining and its technique on the part of station managers undoubtedly was a factor. Those stations which utilized the service of the association's labor relations director in making first contracts fared better.

The other three strikes resulted from failure to agree on terms for the employment of staff musicians. All three were settled by compromise.

To the best of its ability, the industry has complied to the letter of the Wage and Hour Act, even though there is a widespread feeling among broadcasters that Congress had no intention of placing any burdens on such a well-paid industry when it adopted a measure to eliminate sweatshops. I say the industry has complied "to the best of its ability" advisedly. So many rules, regulations and opinions have necessarily been issued to implement the broad terms of the Act that what appeared to be compliance one day turned out to be violation the next.

The law specifically exempted executives, administrative employees, professionals and outside salesmen from both wage and overtime provisions. At first glance, it appeared that 90 per cent of all broadcasting station employees fell into those classifications and that the law would mean little to the industry. The administration's definitions of executive, professional, etc., were so narrow, however, that, in the ordinary small station, only the station manager was exempt. The association is making efforts to remedy this situation.

A great deal of the labor relations director's time during the past year has been devoted to advising station managers to apply the Wage and Hour Act to their employees. His success may be judged by the fact that only three stations have been found to have violated the Act. Settlements without prosecution were arranged in all of these cases.

Personal friendships are as valuable in labor relations as in business. The labor relations director's many friendships among both labor leaders and governing officials dealing with labor have been extremely valuable to the industry. To increase their number, the director has attended practically all the major labor meetings in the country during the past year. At both the A. F. of L. and C. I. O. national conventions, he discussed broadcasting problems with labor leaders, and assisted in arranging convention broadcasts. This was much appreciated.

There has been a tendency during the past year for a few scattered individual broadcasters to allow themselves to be carried away from the industry's general labor policy by the wave of reaction which followed certain labor excesses of the past five years. Since broadcasters were the victims of at least one of those excesses, and since broadcasters are businessmen, this tendency has been entirely natural. Any general feeling on the part of Business is bound to be reflected in the broadcasting industry. But an individual broadcaster should think twice before departing from the industry's labor policy. He should think about the long-range effect of his departure upon his station as a part of a public service industry, as well as about the immediate effect upon his individual operation. Compliance with the industry's labor policy certainly does not mean that the individual broadcaster must make himself an easy mark for any labor union that comes along. He would lose labor's respect if he did.

On a dollars-and-cents basis, however, it will pay to get along with labor. By avoiding strikes and futile labor litigation, the industry already has saved an incalculable amount during the two years since the NAB was organized.

In pursuing this policy, both the industry and individual broadcasting stations have at their command the services of a well-trained labor relations director and a well-equipped labor relations department. The director knows labor leaders and how they think. He knows the technique of collective bargaining. He knows how to conciliate disputes. At his disposal he has a store of labor information that can be invaluable to any member encountering a labor problem.

The director's only complaint ,after two years of service, is that individual members have not made more use of him. Most of the few labor difficulties which stations have encountered during the past two years could have been averted if the NAB had been consulted in time.

Following is a topical review of the principal labor developments in the industry during the past year.

## WAGE AND HOUR ACT

Compliance with the Wage and Hour Act has turned out to be one of the most severe of the industry's many headaches. Rules, regulations and official opinions are so many and complicated that half of the labor relations director's time during the past year has been devoted to trying to keep member stations out of Wage and Hour trouble. These efforts have been quite successful. Three stations were compelled to settle for back-pay, due under the act, after inspection by the Wage and Hour Administration. But the vast majority of broadcasters have done everything they could to comply to the letter of the law, the rules and the regulations. Approximately 500 inquiries about how to comply have come to the NAB Labor Relations Department. The information sent out in return has been supplemented by talks at district meetings in Seattle, Portland, San Francisco, Los Angeles, Boston, Philadelphia, Greensboro, N. C., and Memphis. Information about the act also has been given to the entire membership almost weekly through the NAB REPORTS.

The broadcasting industry's average weekly pay check of $45.20[1] is believed to be the highest of any industry in the country. When the Wage and Hour Act was approved in the summer of 1938, it seemed that the industry would need to make few adjustments—that it already was complying with any law designed to eliminate sweatshops. But the overtime provisions of the law affected not only sweatshop workers but highly paid craftsmen as well. Only executives, professionals and outside salesmen were exempted. And such stringent definitions of "executive" and "professional" were drawn up by the Wage and Hour Administration that the average broadcasting station found it had only one executive and no professionals at all, except musicians and actors. If any employee worked more than 42 hours a week, he had to be paid time and one-half for his overtime. That, of course, tended to make broadcasters limit their employees workweek to 42 hours, and this limit often was as distasteful to the employees as it was to the employers. In most stations, 40 hours is the standard work week. Broadcasters have been free, too, in giving time off for fishing trips, ball games, funerals, and the like without docking employees. But a broadcasting station just isn't a factory; and its employees cannot and do not like to work by the time clock. With all this in mind, the NAB Labor Relations Director appeared at a Wage and Hour hearing July 25 to propose amendment of the administration's definition of "executive" to make possible exemption of the ordinary station's chief engineer, program director and other executives from any hours limitation. The administration's decision is expected late this summer.

When the act was approved, the labor relations director appointed a special Wages and Hours Committee to advise and consult on problems growing out of the act. This committee has met in Washington several times, and has been consulted by letter and telephone on numerous occasions. The committee's last meeting directed the labor relations director to attempt to have the Wage and Hour Administrator reverse a subordinate's opinion that talent charges should be added to base salary of announcers in determining their overtime rate. The Administrator refused this request. Some leading broadcasting attorneys are of the opinion that these talent charges need not be added to base pay in determining overtime when the sponsor is the announcer's employer under Bureau of Internal Revenue rulings.

Efforts have been made in Congress to exempt *all* employees who are paid $150 or more a month. These efforts have failed so far, but there is now talk that the Administration, by regulation, may exempt all making $175 or $200 or more. Even a $200 exemption would relieve most stations of almost all of their Wage and Hour pain.

The NAB Labor Relations Director succeeded in having the Wage and Hour Administrator revise a rule which required wage and hour records for transmitter engineers to be kept at the transmitter.

## A. F. OF M.

The industry is currently at peace with the American Federation of Musicians (A. F. of L.). Although neither the industry nor the union is completely satisfied with the present arrangement, it appears to be working out reasonably well and to have been the best practical adjustment of a difficult problem.

The networks and their affiliates since January 17, 1940, have continued to employ, generally speaking, staff musicians, and to pay these staff musicians the same total annual salary that they paid under the national agreement which expired January 17.

As a result of this general policy, the A. F. of M. has dropped its demand of last November 2 for a new national agreement with a $1,500,000 increase.

A large group of non-network stations is continuing to operate under a national agreement which calls for "quota" expenditures for staff musicians until September, 1940. It seems doubtful that the union will press for renewal of this agreement if the non-network stations continue to employ staff musicians as they have for the past two years.

The opinion of Thurman Arnold, assistant attorney general, that it was illegal for labor unions to compel business to employ unnecessary labor was generally believed to have influenced the musicians to drop their demand for a new national agreement with the networks and affiliates. This opinion has yet to have a final test in the courts. When the courts hand down a final and applicable opinion, the future relationship between the industry and the musicians union can be predicted with far more certainty than it can be today.

Most local agreements between the musicians and the affiliates expired simultaneously with the national agreement, and there have been a few scattered disputes in arriving at new local contracts. Most of these were settled without even any serious local trouble, but two had national repercussions. When Stations KSTP and WRVA failed to reach an understanding with their locals, the union asked NBC and CBS to quit sending them name-band sustaining programs. The networks turned down this request. The union then ordered name-bands to quit network broadcasting. Within ten days, the local disputes were adjusted by compromise, and the name-bands were back on the air.

Joseph N. Weber, president of the A. F. of M. for 40 years, retired at the union's Indianapolis convention in June, on orders from his physician. He was succeeded by James Petrillo, for many years president of the Chicago local. Much-loved in his union, Joe Weber was highly regarded by all who dealt with him. His word was his bond. He was kindly and understanding. He was working first, last and always for his members, but he had a long-range viewpoint that won him much respect from the broadcasters. He was never too busy to hear their complaints and suggestions, and was always ready to try to adjust knotty problems to the best interest of all concerned.

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[1] Federal Communications Commission figure for the week of December 11, 1938.

### ASSOCIATED BROADCAST TECHNICIANS

The International Brotherhood of Electrical Workers (A. F. of L.) has led the pack of unions trying to organize broadcasting employees during the past year. The I. B. E. W. takes in only technicians. For the past year it has been enrolling them in the Associated Broadcast Technicians, an affiliated union which once confined its membership to Columbia Broadcasting System technical employees. The I. B. E. W. says it now has more than 200 contracts with radio stations, and is talking about trying to get a national agreement within a few years.

A great many stations have used the services of the NAB Labor Relations Director in making their first contracts, or renewing old ones, with the I. B. E. W. The NAB labor contract pool has been of invaluable assistance in these cases. The personal friendly relationship between the labor relations director and the officers of the I. B. E. W. and ABT has proved extremely valuable, too. Both Daniel W. Tracy, president of the I. B. E. W.,[1] and D. J. Dunlop, business manager of the ABT, are keen admirers of the NAB labor policy in general, and have called on the labor relations director to help clear up misunderstandings almost as often as the broadcasters have. This relationship has served the industry well. It should be kept and developed.

The NAB, in its advisory capacity, and the I. B. E. W. are approaching common ground on the general form for a contract to cover station technicians. There have been no direct negotiations along this line, and none is contemplated for the immediate future. It is proving helpful to stations negotiating with a union for the first time, however, to find that at least some provisions of the union's proposal are unobjectionable.

### AFRA

The American Federation of Radio Artists has continued to concentrate its activity in the larger production centers. Although the union has obtained a few new contracts during the past year, it struck a snag when it demanded extra fees for staff announcers for reading commercial announcements. This issue arose almost simultaneously in St. Louis, Chicago, Cincinnati, Philadelphia and Schenectady. In only one instance did a station capitulate to the union's demand. That was in Cincinnati. In St. Louis, there was a compromise. A station there agreed to pay extra fees for commercials only when the announcer was called in to read commercials on his normal days-off. In Philadelphia and Schenectady, stations agreed to turn over talent charges if and when the stations collected them from sponsors. In Chicago, the issue was put to arbitration. There was some difference of opinion as to what the arbitration award meant, when it was rendered just a few weeks ago.

This summer, AFRA approached the major transcription companies with a proposal for an agreement (or "code") to cover wages, hours and working conditions of announcers, actors and singers. From an industry viewpoint, the AFRA proposal was of great interest for two reasons. First, its acceptance would have materially increased the cost of transcriptions to broadcasting stations. Second, it would have forbidden the transcription companies to furnish transcriptions to any station which AFRA declared "unfair." The NAB advised both AFRA and the companies that the industry considered application of such a clause would be illegal. Negotiations were still in progress when this report was prepared.

### ACA

The American Communications Association, the C. I. O. union which takes in all broadcasting employees except artists, has obtained a few new contracts during the past year, but its expansion has not compared with that of rival A. F. of L. unions. The ACA membership is still confined almost entirely to Washington, Baltimore, Philadelphia, New York and Buffalo. Philadelphia and Baltimore are its strongholds. The leadership of the union has been accused numerous times of having Communistic leanings, but this has always been denied. The ACA has continued to concentrate on ship and telegraph operators, messenger boys and other telegraph employees, and radio communications employees. No great effort has been made to organize broadcasting employees away from the Atlantic seaboard.

### AMERICAN NEWSPAPER GUILD

The Guild, the other C. I. O. union in the broadcasting field, continues to hold a few contracts covering writers, announcers and some technicians in radio stations, although the Guild was organized as a newspaper employees' union. Expansion has been slow. Internal friction has been a great hindrance to the Guild, especially since the death of its first president, Heywood Broun.

### STRIKES

Of the nine strikes in broadcasting stations reported to the NAB during the past year, five were called by the I. B. E. W., three by the A. F. of M., and one by the ACA. All of the I. B. E. W. strikes resulted from a disagreement on terms for a first contract. The closed, or union, shop was a leading issue in each case. The three musicians' strikes resulted from failure to agree on the amount the stations were to spend for staff musicians during the year. Disagreement over terms for a first contract led to the single ACA strike. Stations faced with a strike might well call in the NAB Labor Relations Director. His experience in dealing with labor unions might avert a nasty situation.

### JURISDICTIONAL DISPUTES

In his report to last year's convention, the labor relations director pointed out that the industry faced the possibility of numerous jurisdictional disputes between various unions—disputes over which union's members should do a particular job. Only one of these has materialized during the year. It is between the I. B. E. W. and the Stagehands' Union over which should operate television cameras and handle the electrical equipment for television shows. There has been no show-down fight as yet.

### LABOR ON THE AIR

Owing largely to the increased liberality of the networks during the past winter in giving national labor leaders time on the air, both the A. F. of L. and the C. I. O. are pretty happy just now about the broadcasting situation. The NAB Labor Relations Director arranged for an increase in the number of labor talks last fall when the C. I. O. was looking with a wary eye at the Code of Program Standards. They felt it would be used to keep labor off the air and, at their San Francisco convention, instructed their national officers "to exercise constant vigilance over the availability of radio facilities to organized labor and if necessary to press for appropriate legislation assuring the fundamental right of full and free access to radio facilities for organized labor." Only the labor relations director's personal appearance before the C. I. O. Resolutions Committee kept the resolution this moderate. In a few instances, unfortunately, the Code has been used to keep local labor leaders off the air, but by and large it has worked to labor's advantage. The A. F. of L. is enthusiastic about it. In a program arranged by the NAB Labor Relations Director, Matthew Woll, A. F. of L. vice-president, last fall said the Code's adoption was a big step toward true democracy. By arrangement with both A. F. of L. and C. I. O., neither makes any complaint to the Federal Communications Commission without first consulting the NAB. During the past year, only one complaint went to the Commission; dozens of others were amicably adjusted.

Respectfully submitted,

Joseph L. Miller,
*Director of Labor Relations.*

## Public Relations Department

In the past year the relations of the broadcasting industry with the public it serves may be described in one word: excellent.

This is not the result of any one person's activity or of any one radio operation. It is the combined result of program service delivered by the entire industry which immediately affects the social and economic life of more than twenty-eight million American homes every day and night in the year.

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[1] Mr. Tracy has resigned his union office, probably temporarily, to become second assistant Secretary of Labor.

The public relations policy of radio and its program policy are, inescapably, one and the same thing. Here no middleman stands between producer and consumer. What we transmit goes directly to the living-room of the home. If we please, we please instantly. If we displease, the displeasure is deep and widespread. No mobilization of so-called public relations tactics—*nothing* can regain the confidence and the goodwill of the listener except a good program, a better program, a more balanced program service.

It is clear from the very nature of things, therefore, that public relations and program policies are interwoven and interchangeable. If there has been one significant and sharply defined development in radio in the past year, this is it. The industry's policies for war coverage, for example, proceeded as much from a consideration of public relation factors as from a consideration of program techniques and availabilities. The same holds true in the adoption of policies for handling political broadcasts in the current presidential election year. For this reason the program thinking of the industry has been drawn into public relations thinking, and public relations has been drawn into the program department. The two cannot remain apart. What is good programming ought to be good public relations. What is good public relations *ought* to be translatable into good programming. To have the two welded in every unit of programming, commercial and sustaining, is our major operating job in 1940-41. The finest guide for this is found in the industry's own Code.

It has been the purpose of NAB public relations activities in the past year to seek out as much pertinent information as possible from all segments of the listening audience, and from all political, social and economic developments which would be most helpful to management and program policy makers. Equally serious and important has been liaison and contact work between the industry and outside groupings of the public who, because of the universal coverage of radio, find themselves and their interests affected. These include the field of women, religion, education, labor, the consumer movement, philanthropy, propaganda, national defense, and others. Below is given a detailed accounting.

### Radio and Religion

The service of American radio in projecting the voice from the pulpit to every home, is acknowledged by every thoughtful churchman. With few exceptions, most representatives of the 207 denominations carrying on their missions in the United States readily appreciate the soundness of the industry's position as expressed in the Code: "Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another's race or religion." And with few exceptions, the overwhelming majority of radio stations in the United States and their clerical speakers have lived up to this self-imposed standard by radio and church. Where these few exceptions have occurred, in a day when both the motives and inspiration may well be questioned, the resultant and growing condemnation of both public and clergy is such as to bring about self-correction, or, failing this, eventual commercial self-destruction.

In the past year, the NAB has had the most helpful and sympathetic cooperation and support of most of the church organizations of the country. We are particularly grateful to Dr. Frank Goodman, executive secretary of the Department of National Religious Radio of the Federal Council of the Churches of Christ in America, and to Edward J. Heffron, executive secretary of the National Council of Catholic Men. Stalwart religionists both, they have brought to the problem a decade or so, each, of practical broadcasting experience.

### Radio and the Women's World

There has been a marked and measurable improvement in the relations of broadcasting with those organizations which represent the millions of club women throughout the country. This is in direct contrast to the situation which existed two or three years ago. At this time, caused chiefly by what the club women felt was an indifferent attitude on the part of radio about the character and quality of children's programs, there existed for them a strong temptation to follow those outside zealots looking for a cause and a mission who promised the relief they sought through pressure tactics and eventual government decree. It is a tribute to the common sense of the American club women that they did not respond to the voice of false prophets. It is also fortunate that at this time the foundations for the NAB Code were being laid, and through this vehicle we were able to provide them the hearing they deserved but hitherto had been unable to receive. As a result of these consultations, many of their views were found to be practical, meritorious and desirably translatable into our program structure. There has followed, upon the recommendation of national club officers, a campaign of self-education on radio by various state and local club units. The NAB has been called upon again and again to send out literature for local use and study. At no time in our contacts with them have we found their interest in broadcasting to stem from anything save a wholesome concern about influences in the home, and especially during the past year, a concern for those influences subversive to our American way of life. It can safely be said that the American system of privately operated, competitive radio has no stronger bulwark of organized public support than that bestowed upon it voluntarily by the club women of the nation with whom NAB has been in contact. The one or two anti-radio blasts which were prominently played in the press last fall relative to afternoon programs in one case, and the handling of the war in another, are not representative of the organized club women of the country, nor typical of their constructive attitude and cooperation. These organizations, on November 29 last, accepted the invitation of the NAB to attend a luncheon conference to outline a year-round program for more practical cooperation. Distinguished club leaders from all over the country came to Washington. We are particularly grateful to Mrs. Saidie Orr Dunbar, president of the General Federation of Women's Clubs, and Mrs. Luella Laudin, executive director of the National Council of Women, for their generous cooperation in making this the successful meeting it was. There follows a list of those attending:

### Those Attending

Miss Helen W. Atwater
American Home Economics Assn.

Mrs. Henry Baker
Service Star Legion

Miss Miriam Birdseye
Association of Women in Public Health

Mrs. Charles E. Bolling
President-General
United Daughters of the Confederacy

Mrs. Frederick H. Brooke
Girl Scouts

Mrs. Leonard J. Calhoun
Mississippi Federation of Women's Clubs

Mrs. Robert W. Cornelison
Radio Chairman, New Jersey State Federation of Women's Clubs

Mrs. William H. Corwith
President, American Legion Auxiliary

Mrs. Saidie Orr Dunbar
President, General Federation of Women's Clubs

Miss Elizabeth Eastman
Young Women's Christian Assn.

Miss Ethel Evans
Young Women's Mutual Improvement Association

Miss Jane Evans
Executive Director, National Federation of Temple Sisterhoods

Miss Catherine Fitzgibbon
Secretary, Women's International League for Peace and Freedom

Miss Bess Furman
National League of Women Voters

Mrs. E. Richard Gasch
Second Vice President, American Federation of Soroptimist Clubs

Mrs. Joseph E. Goodbar
President, National Federation of Press Women

Miss Bess Goodykoontz
National Council of Administrative Women in Education

Miss Dorothy Gordon
National Council of Women

Miss Frances Grant, President
Pan American Women's Association

Miss Rebekah S. Greathouse
National Woman's Party

Mrs. Robert J. Green
Catholic Daughters of America

Mrs. Otto Hammerlund
National Society of New England Women

Dr. O. Latham Hatcher
President, Alliance for Guidance of Rural Youth

Miss Alice Howard
National Association of Deans of Women

Mrs. Thomas Howerton
Osteopathic Women's National Assn.

Mrs. W. Chapin Huntington
President, Society of Women Geographers

Mrs. K. D. Jacob
P. E. O. Sisterhood

Dr. Alice Keliher
Progressive Education Association

Mrs. John Morrison Kerr
National President, Children of the American Revolution

Mrs. Benjamin F. Kraus
Radio Chairman, Massachusetts State Federation of Women's Clubs

Mrs. Luella Laudin
Executive Director, National Council of Women

Miss Mary E. Leeper
Executive Secretary, Association for Childhood Education

Mrs. Edwin C. Lewis
National Radio Chairman, National Society of New England Women

Mrs. Blanche C. Lewton
Chairman of Marketing, Woman's National Farm and Garden Association

Miss Dorothy L. McFadden
Executive Director, Junior Programs

Mrs. Harold V. Milligan
Radio Chairman, General Federation of Women's Clubs

Miss Bertha Nienberg
International Association of Altrusa Clubs

Mrs. Moe Offenberg
President of Washington Chapter, Hadassah

Mrs. J. K. Pettengill
President, National Congress of Parents and Teachers

Miss Constance Roach
National League of Women Voters

Mrs. Henry M. Robert, Jr.
President-General, Daughters of the American Revolution

Miss Josephine Schain
Chairman, Executive Committee, National Committee on the Cause and Cure of War

Mrs. Nathaniel Singer
Radio Chairman, United Parents Associations

Miss Izora Scott
National Woman's Christian Temperance Union

Mrs. Sina H. Stanton
Council of Women for Home Missions

Mrs. Victoria Faber Stevenson
League of American Pen Women

Mrs. James Austin Stone
National Women's Trade Union League

Mrs. Marion Hines Taylor
Zonta International

Mrs. Mary Logan Tucker
United States Daughters of 1812

Mrs. Arthur Vandenberg
Camp Fire Girls

Mrs. R. Gordon Wagenet
Women's International League for Peace and Freedom

Dr. Lulu Waters
Osteopathic Women's National Assn.

Mrs. James Watson
League of American Pen Women

Mrs. Roy C. F. Weagley
Secretary, Associated Women of the American Farm Bureau Federation

Mr. Sterling Wheelwright
National Federation of Music Clubs

Miss Earlene White
National Federation of Business and Professional Women's Clubs

Mrs. Robert Clark Wiggins
Pennsylvania Federation of Women's Clubs

### Radio and Children's Programs

Perhaps the finest example of the active condition of cooperation between the industry and women's groups was evidenced last year when nationally known organizations and leaders voluntarily set up the Radio Council on Children's Programs to implement that section of the children's section of the NAB Code which reads:

"To establish acceptable and improving standards for children's programs, the National Association of Broadcasters will continuously engage in studies and consultations with parent and child study groups. The results of these studies will be made available for application to all children's programs."

The Council is headed by Mrs. Harold V. Milligan, radio chairman of the General Federation of Women's Clubs and president of the National Council of Women. The vice chairmen and the fields which their interest and influence cover are: Mary Gould Davis, American Library Association, public libraries and librarians; Miss Rita Hochheimer, National Education Assocation, schools; Dr. Alice V. Keliher, Progressive Education Association, teachers' organizations; Mrs. Dorothy Lewis, New England Colony of Women, patriotic women's organizations; Mrs. Dorothy L. McFadden, founder-director of Junior Programs, Inc., children's program producers; Mrs. Nathaniel Singer, United Parents' Associations, parents' groups.

Last February the NAB Board of Directors authorized a survey to be jointly conducted by NAB and the Radio Council on Children's Programs. The RCPP named Mrs. Dorothy Lewis as its field representative. She will visit radio stations, advertisers, agencies, contact club women, hold meetings and complete surveys in 44 states. She has already visited the South Atlantic and midwestern sections of the country. Her itinerary this fall, taking her to the far west, Pacific Coast, southwest and deep south will be completed in late December. Mrs. Lewis has made a splendid impression wherever she has been. She has never failed to bring about a broader appreciation of American radio and the difficulties of programming, especially in the children's field. Her findings will be made available to the industry and to advertisers in 1941. We are indeed indebted to her for her prodigious self-sacrifice which caused her to be separated from her family the better part of a year, to travel the highways and byways, because she desired to be useful in a cause in which the welfare of so many and so much is at stake. Likewise our appreciation to others in the Council and to Miss Dorothy Gordon, whose rich experience in children's entertainment has aided so much, and to Mrs. Milligan, whose kindly and influential leadership is bringing about a new and more cordial understanding between radio and its largest group of listeners: the women.

It is significant to record here that in her remarks announcing the formation of the RCCP, Mrs. Milligan said the following:

"The Council is prepared to undertake practical measures for the attainment of this end (better children's programs) even to encouraging the purchase of products of sponsors providing approved children's programs."

(A detailed report of the Radio Council on Children's Programs is given elsewhere.)

### Radio and the Press

Since Munich there has been a growingly mature and better understanding between press and radio. Certainly no appeasement, in the Chamberlain manner, has brought this about, for competition in the origination and publication of news continues vigorous and wholesome. But the dramatic impact of Munich and what followed served to force an outline of the area radio was to occupy in the transmission of news. The subsequent European war and the current national emergency have given a still sharper outline: because of its instantaneous coverage, radio must broadcast news as immediately as it is available. This is its duty to the public. To the credit of both this is realized, and superb examples of press-radio cooperation may be summoned from both the European and the domestic front.

It can be successfully demonstrated, we believe, that the greater amount of coverage of important spot news by radio, the greater number of newspapers sold, and conversely, as more newspapers are sold as a result of spot news developments, the more radio news listening results. In this we have found common ground. But to thoughtful publishers and broadcasters there is yet more important ground commonly shared: the concept and the parallel operation of a free press *and* a free radio in the American democracy. The press cannot live free and radio trammeled; nor can a free American radio continue if a free press is gone. Should one go, the other is next.

We believe that NAB has eliminated an erroneous concept in some sections of the newspaper world which felt that radio wished to live at the expense of the press. This was brought to public attention when NAB Headquarters challenged the propriety of an advertising agency placing a large volume of radio business to conduct a merchandising contest among the stations broadcasting its clients' programs, to be based chiefly on the amount of newspaper publicity obtained, with extra credits allowed for cuts in connection therewith. It was pointed out that radio's rates are based upon delivered radio audiences at minimum cost, not upon incidental newspaper publicity.

The NAB's position has always been that if radio makes news, it should be treated in the news columns accordingly. And in this category it places the listing of radio schedules as a reader service beyond question, as the new newspaper *PM* has recognized, though many other representative dailies have been doing this for years. But this is not what we sell the advertiser. Radio's economic justification is in its ability to reach the ears of buyers intimately and immediately via radio, *not* through newspaper columns. Obviously, the counterpart is that the newspapers' economic justification is their ability to reach the eyes of buyers regularly and effectively. Neither press nor radio can be sold at the expense of the other for long. Each has its field of service. A paper or a radio station will "survive or succumb" as it serves the public and therefore the advertiser. Selling a medium on the basis of what some other media won't or can't do—and not upon what *you will and can do*—is poor selling. No schedule so sold, will long stick.

In the past year the NAB relationship with the ANPA has continued friendly and pleasant.

### Radio and Education

There has been a steady improvement in the quality and scope of educational broadcasting in the last twelve months. The year has been featured also by the increase in the number of educational directors appointed by commercial stations and in the number of schools and colleges offering courses in radio broadcasting technique. The Office of Education reports that there are now 345 schools and colleges offering radio instruction.

Throughout the year the NAB has enjoyed close cooperation with the Federal Radio Education Committee which, it is recalled, is jointly financed by the industry and two educational foundations, having been set up in 1934 at the request of Congress to bring about a better relationship between education and radio. FREC studies, group conferences and advisory services have contributed tremendously to the advances made this year.

There was a serious setback given to educational radio this spring when Congress failed to provide the necessary funds for the Office of Education with which to carry on its radio script exchange, transcription service, cooperative educational programs and advisory services. Unless necessary funds are forthcoming, this important work will have to be abandoned. Scores of stations throughout the country and hundreds of schools have found the Office of Education's material has enabled them to render a year-round educational radio service with wide public appeal. It is sincerely hoped that this work will not have to be abandoned.

There has been an increase in the number of important national and regional meetings where both educators and commercial broadcasters met to discuss their common problems. At the 11th Institute for Education by Radio at Ohio State University, some 500 attended. Some 70 commercial stations sent representatives, at NAB's request. This was the largest representation of the industry ever to attend the Ohio State meeting, generally regarded as the most important radio educational conference in the country. Several panel discussions and large group meetings were conducted by NAB staff men and by commercial station personnel. The general tone of the meetings indicated a very healthy condition in the relationship between education and broadcasting.

One recommendation is made. Consideration may well be given by station management to the damaging effects and loss of audience and goodwill as the result of unannounced moving of established educational programs, especially where these programs have an in-school listening following. Should it become necessary to move an established educational feature, good practice indicates that the transfer to the new time should be made so as to give the audience an opportunity to make plans to listen at the new hour.

### Radio and the Advertiser: Bureau of Radio Advertising

In conformity with the outline of duties set up under the NAB reorganization plan, it will be recalled that among other things, the Director of Public Relations was charged with the duty to "promote the use of radio as an advertising medium."

Pursuant to this mandate, and in close collaboration with the Sales Managers Committee and the NAB Director of Research, there was organized last year the *Bureau of Radio Advertising* whose functions are as follows:

> "The Bureau is designed to promote radio as an advertising media; to conduct research and studies in all commercial, industrial and marketing fields requiring the use of advertising; to collect from the industry basic information, in usable form, for the industry; to place in the hands of commercial radio men effective presentations, sales stories and data especially adapted for use in auditions, divisional dealer and salesmen meetings; to develop closer relationships with advertisers, advertising agencies, trade bodies and the trade press.
>
> "One of the Bureau's important functions will be to examine proposals from publicity-seeking groups to uncover any hidden commercial interest; and to divert as many of these as possible into commercial users of radio; to stop the free-radio-ride abuse.
>
> "The Bureau also will act as a buffer for radio stations who are the victims of undue pressure from advertising agencies or advertisers in the demand for unusual merchandising service or concessions not provided for in the rate card."

Brought forth from the Bureau have not only been trade studies, radio media presentations, and industry-wide representation at all important advertising business-placing meetings, but also the evolvement of the unit plan of radio advertising which places radio on a parity with other media as to comparative classification figures.

Through the cooperation of the NAB Research Director, Paul Peter, the foundation and continuing fact-finding life blood of the Bureau was made possible.

Because of the wide acceptance of the Bureau's services by stations the demands for time and information on the then NAB staff reached a point where it was necessary to retain a full time experienced person for essential follow-through work. NAB chose Samuel J. Henry, Jr., formerly sales promotion manager of the World Broadcasting System for the job. His work, reports and presence at all important advertising meetings have made him known to all. Because of the details involved, the report of the Bureau of Radio Advertising will be found separately reported.

### Radio and the Consumer Movement

In the past year, there has been an accelerated growth in the so-called consumer movement. At the present writing it is difficult to give a clear picture of the consumer movement for the reason that groups within it find themselves at cross purposes and conflicting objectives, socially and politically. NAB has kept the membership notified of all developments in the weekly Reports and in special notices.

Inasmuch as certain elements within the consumer movement desire to destroy advertising of all kinds, newspaper, periodical and radio, the NAB has not been hesitant in lending its cooperative effort in the establishment of the Committee on Consumer Relations in Advertising, Inc., which has been created by advertisers, agencies and media for the purpose of examining the merit of the charges made and to carry on a program of consumer education on a factual and fair basis. Neville Miller, NAB president, serves on its Board, representing the broadcasting industry.

It may be observed that examination of and contact with consumer groups reveals an astonishing lack of understanding relative to the social mission the advertising dollar plays, in addition to its mission in stimulating mass demand, commerce, and wide-scale employment. While there will always be room for improvement in advertising as in other human activity, it should be noted by consumer groups and others that without the advertising dollar a free press and a free radio would not be possible in this or in any other country where these democratic privileges are permitted.

### Radio and Reallocation

When it was originally anticipated that reallocation of stations in accord with the Havana Treaty was to be made about August 1, a plan to educate the public was developed by NAB so that the switch-over might be made in an orderly, industry-wide, simultaneous basis, without loss of listeners, time or money. The plan included a proposed tie-up with reputable servicemen's organizations such as the Radio Servicemen of America, who, in conjunction with stations, would make the necessary adjustments on push button sets at minimum cost and with guaranteed results. This plan is ready to become operative the minute a definite reallocation date is announced.

Certainly we acknowledge our thanks to Lynne Smeby, NAB Director of Engineering, and his NAB Engineering Committee for assistance and advice.

### Radio Institutional and Circulation Promotion

Shortly after it was reorganized, NAB, through its public relations department, in answer to the demand by stations that *radio be promoted via radio* inaugurated a year-round institutional campaign designed to sell the American System of Broadcasting through our own media. National backgrounds were provided against which local and regional efforts might be projected. Literature, speeches, facts, figures, and ideas were collected and dispersed industry-wide. The project grew to a point where it was necessary to bring in additional help. For this purpose Mr. Arthur Stringer was retained by NAB. His intelligent and enthusiastic work is known to all members. His report is given separately. This work has not only emphasized the need of individual station "grass roots" promotion to its area of listeners, it has also pointed the way toward an enlargement of station audiences through circulation promotion; the extra set, as well as the new set in new homes.

Just ahead is the new NAB institutional promotion "Listen Before You Vote," calculated to dramatize radio's role in the presidential election, and therefore the national life of the country. The campaign slogan has drawn support from Republicans and Democrats, and from representative non-partisan groups who have realized that radio today is the New England Town Hall of yesterday where people and ideas are fairly presented and evaluated.

In conjunction with this promotion NAB has revised its pamphlet "Is Your Hat in the Ring", helpful suggestions to any candidate of any party about to approach a cold microphone, the "ABC of Radio," which lives up to its name and other literature, available at cost to member stations.

Many stations have requested promotional program material packaged in transcription form. Up until recently the expense involved has been a detriment to the execution of this idea. However, it is confidentially believed that a concrete proposal along these lines will be presented to the San Francisco convention in acceptable form.

### Radio and Labor on the Air

This is a matter which has always been referred to the NAB Director of Labor Relations with satisfactory results. His report is found separately which includes this subject.

### Radio and Its Support of National Defense

The entire industry has good reason to be proud of its spontaneous support to the government in the national emergency. No station has failed to give time, talent and facilities in this hour of national need.

Cooperating with the Civil Service Commission, NAB is sending out properly prepared announcements to all stations for the purpose of locating quickly the 100,000 skilled workers needed in preparedness industries. You recall the yellow page bulletins and the follow-up copy.

The NAB has also been in consultation with the War Department in its current recruiting campaign via radio.

### The George Peabody Awards for Public Service Broadcasting

At the San Francisco convention there will be announced the establishment of the George Peabody Awards for Public Service Broadcasting which, through a distinguished Board to be announced then, is designed to exercise an influence in radio which the Pulitzer Prize awards exercise in the newspaper field.

Dr. John E. Drewry, Director of the School of Journalism and Radio of the University of Georgia, which will administer the Peabody radio fund, will appear on the NAB Convention program to make the announcement.

The Peabody Foundation was greatly persuaded by Lambdin Kay, now Director of Public Service at WSB, to launch this undertaking. At a meeting held last spring with the Board of Regents of the University of Georgia, NAB successfully backed up Mr. Kay's proposal. It is confidently felt that from this will come a new and impartial yardstick for the evaluation of American broadcasting in the "public interest, convenience and necessity."

### Radio Report of The American Civil Liberties Union

It will be of interest to note the following exerpts from the annual report just recently released by the American Civil Liberties Union with reference to radio:

"Freedom on the radio has shown marked improvement during the year. The new personnel of the Federal Communications Commission has refrained from the pronouncements concerning programs which marked the Commission a year ago. In the summer of 1939 an issue arose before the Commission under its former chairman on which the Union lodged a formal protest against an order that international broadcasting stations 'reflect the culture of this country and promote international goodwill, understanding and cooperation.' The Union held that this contravenes the provisions of the Communications Act prohibiting interference with free speech. The Commission ordered a public hearing on petition of the Union and at the hearing suspended the order. It has not been put into effect.

"Station program managers, under the influence of the new code adopted by the National Association of Broadcasters, have shown a far greater appreciation of radio's function in presenting all sides of controversial issues. Under the code, no time can be sold for a discussion of public issues, and equal facilities must be granted to all sides of a controversy. The public forum type of discussion has become widespread.

". . . . An examination of the working of the code was made by the representatives of the National Council on Freedom from Censorship on all types of stations with the net conclusion that the code has promoted a far larger and fairer degree of discussion of public issues. The National Association of Broadcasters represents radio stations reaching about ninety per cent of the listeners in the country.

"With the declaration by the President of a national emergency in September 1939 some fear was felt that he might act under the law to take over and operate radio stations. The Union, therefore, prepared a bill to take from the President that power. Though a bill was introduced in Congress it has made no headway, and there has been no indication that the power granted the President will be so used.

"The Union appeared before the Federal Communications Commission in behalf of the technical improvement in broadcasting known as frequency modulation, under which the number of wave lengths will be greatly increased, thus expanding the market for free speech."

## NAB FIELD WORK

In conjunction with public relations activity of the NAB, the director attended and spoke at the following meetings during the past year:

#### November

Chicago—Illinois Federation of Women's Clubs.
Peoria—Peoria Advertising and Selling Club.
Springfield, Mass.—Radio Council of Western Massachusetts.
Indianapolis, Ind.—Indianapolis Advertising Club.

#### December

New York City—Civil Liberties Union Dinner.
New York City—New York Women's City Club.
Chicago—Third School Broadcast Conference.

#### January

Boston—Radio Division of Massachusetts Federation of Women's Clubs.

#### February

Baltimore—Convention of National Association of Cleaners and Dyers.

#### March

Columbia, Mo.—Stephens College, Consumer Educational Conference.

#### April

New York City—New School for Social Research.
New York City—Broadcasters' Bull Session.
Des Moines, Iowa—American College Publicity Association.
Columbus, Ohio—Eleventh Institute for Education by Radio.

#### May

New York City—Business-Consumer Relations Conference, National Association of Better Business Bureaus.

#### June

Chicago—Advertising Federation of America Convention.

## PUBLIC RELATIONS OBJECTIVES AHEAD

On August 3rd there occurred a milestone in American radio history. The New York World's Fair of 1940 and the San Francisco Golden Gate Exposition joined hands to convey to the industry the thanks of a hundred million listeners for public service rendered. Plaques were unveiled in dedication to the American system of free radio. In them the sculptor visualized this line written by Walt Whitman: "The liberties of the people will be preserved so long as there are tongues to speak and ears to hear." Here is the kernel of American democratic radio.

Representatives of the press, religion, education, labor and other groups were on hand to bear testimony to the importance and solemnity of the occasion. It is to be hoped that from now on there will instantly occur in the mind and heart of the average American a parallel concept of "freedom of radio" when "freedom of the press", "freedom of religion", "freedom of assembly" are mentioned in speech or print. The phrase and the concept "freedom of radio" deserves to and will find currency in the everyday language and feeling of the American people.

Respectfully submitted,

Ed Kirby,
*Director of Public Relations.*

## Research Department

During the course of the last year, since the Atlantic City Convention in July 1939, substantial progress has been made in developing the research activity of the National Association of Broadcasters.

The work started by the Research Director in assembling basic industry data has been continued and the Research Department was better able to fulfill requests for information from the membership and the general public. Much of the Department's time has been devoted to the collection of information and the performing of special analyses for President Neville Miller and the various Administrative Directors of the Association needed in conjunction with their work. The Research Department has worked, also, with various NAB committees in developing the factual material needed to fulfill their functions.

### PROGRAM LOG—FOR ACCOUNTING COMMITTEE

In conjunction with the revised Rules and Regulations Governing Broadcast Stations, issued August 1, 1939, by the Federal Communications Commission, the NAB Accounting Committee undertook the task of evolving a Program Log Recommendation. Many stations called upon the Association to assist them in the matter of interpreting the Program Log requirements of the Commission and also asked for a form suitable for the keeping of such a log. The Accounting Committee called on the NAB Research Department for assistance in this undertaking.

After the form had been evolved and instructions for the use of the log prepared, it was decided to check with the Commission to determine whether the recommendation met the requirements of the Commission Rule. A sub-committee of the FCC Rules Committee was appointed to consider the NAB Proposed Program Log Recommendation. Andrew D. Ring, Assistant Chief Engineer, served as chairman of the sub-committee with George B. Porter of the Legal Department, de Quincy V. Sutton and Frank Utter of the Accounting Department and William P. Massing of the License Bureau, serving on the committee. Mr. D. H. Deibler of the Legal Department substituted, on occasion, in Mr. Porter's absence. The Secretary-Treasurer and the Director of Research of the Association, at the direction of the Accounting Committee, represented the NAB in the discussions.

After a number of conferences with the FCC sub-committee, the Program Log Recommendation was completed, with slight revision, to the satisfaction of that committee. On recommendation of the sub-committee, the Program Log was then submitted to the FCC Rules Committee. That committee, in turn, expressed verbal approval with the request that the Program Log Recommendation be submitted formally to the Commission for its review.

After deliberation, the NAB Accounting Committee instructed the Secretary-Treasurer to submit the recommendation to the Commission. This was done by letter to the Commission's secretary, March 30, 1940, in which the Commission was asked to review the recommendation to determine whether the form and instructions for the keeping of the Program Log would satisfy the requirements of the FCC Rule. A reply was received from the Commission May 8th and appropriate notice appeared in the FCC Report No. 928 B "Decisions of the Commission" on the same date. The Commission's decision as stated in their letter is as follows: "The Commission has determined that the log form submitted by you makes provision for the keeping of log entries as required by the Rules now in effect applicable to standard broadcast stations, and that the instructions submitted by you for keeping the log are appropriate under the Rules."

The Program Log Recommendation represents a valuable contribution in that controversy on interpretations of the requirements of the Rule has been cleared up. Stations and FCC field inspectors now have a clear conception of the log specified in the Rules. Adherence to the Rule as set forth in the recommendation which is designed to meet the minimum requirements of the Rule with minimum effort, should end the frequent citations issued by FCC inspectors, in the past, for improperly keeping the program log.

### ACCOUNTING MANUAL—FOR ACCOUNTING COMMITTEE

The NAB Accounting Committee reviewed the "System of Accounts for Broadcast Stations" prepared by the Association in 1935 in the light of numerous requests from member stations on details of accounting systems. The developments since issuance of the "System of Accounts for Broadcast Stations," particularly the financial reports required by the Federal Communications Commission, necessitated a complete revision. The Accounting Committee called upon the NAB Research Department to assist in preparing a revised accounting manual for broadcast stations. On recommendation of the Research Department, the manual was prepared in loose-leaf form. This provides the facility for current revision without necessitating complete reprinting on the occasion of each change arising as improvement in accounting procedure or caused by developments within the industry.

The "Accounting Manual for Broadcast Stations" as prepared by the Research Department (at the direction of the Accounting Committee), was approved in meeting in March, 1940, and was mailed to the membership April 5, 1940. The manual is a simple workable system which meets the everyday needs of station management. The annual financial report required by the Federal Communications Commission created the principal need for the revised manual. Particular attention was paid to the aligning of accounts to provide a direct and inexpensive means of preparing the FCC financial report eliminating the necessity for costly and time consuming special analyses. Equal attention was given accounting requirements for Federal and State income tax purposes. Lastly and most important, particular attention was paid to the matter of providing a system which would produce the vital financial facts needed in conducting the business of broadcast advertising.

### ON THE CALENDAR—FOR ACCOUNTING COMMITTEE

The American Association of Advertising Agencies has expressed the desire to standardize invoice forms used in billing for radio advertising service rendered. The Research Director, after consultation with the chairman of the Accounting Committee, has indicated NAB's desire to cooperate with the 4 A's in evolving a recommendation on the detail of information to be included on the face of invoices which will satisfy the needs of advertising agencies, broadcasters and advertisers.

Through this cooperative undertaking, effort will be made to eliminate affidavits required by some advertising agencies. The official status of the program log, as required by the FCC, is an unimpeachable "proof of performance" document held in the files of the station. When that document is quoted on the face of the invoice and advertising agencies are acquainted with the nature of the program log, affidavit requirements should be held superfluous. This subject, upon conclusion of the cooperative undertaking with the 4 A's, will be handled as a revision of the accounting manual.

In such a revision, there will be a recommendation concerning invoices and also recommendations concerning expansion of the program log as an accounting document. With reference to the latter, the program log can be used as a sales journal. Also, it will be shown that with some modification the program log can be improved as a "proof of performance" record.

The Accounting Committee will, undoubtedly, be represented in another cooperative undertaking with the American Association of Advertising Agencies. John Benson, President of the 4 A's, has discussed with NAB President, Neville Miller, the subject of revising the Standard Order Blank for Spot Broadcasting. The present form was evolved by NAB in cooperation with the 4 A's in 1933. Developments in the industry since that time have introduced agreement stipulations not included in the standard conditions.

Mr. Miller has indicated the industry's desire to cooperate and will appoint a committee to represent NAB.

## 1940 CENSUS—RESEARCH COMMITTEE

The Director of Research and the Research Committee were instrumental in having a question on radio ownership included in the 1940 Census. Numerous conferences were held with Census officials and the Director attended many meetings and hearings held by the Bureau of the Census and the Central Statistical Board. During January of this year, in making final appeals to the Census Bureau, the Director of Research joined with the Department of Commerce, the Office of Education, the State Department, the Federal Communications Commission, the Radio Manufacturers Association, the United States Army and the United States Navy. This group set forth the questions on radio it desired included in the Census and the purposes to be served by information thus obtained.

The Census Bureau decided to exclude the subject, radio, from the Population schedule but included a single radio question in the Census of Housing which was ordered by Congress to be conducted in conjunction with the 1940 Population Census. Continued efforts are being made to impress upon the Census Bureau the social significance of radio and, therefore, the justification for including the subject in population censuses in the future.

The single question included in the Housing schedule of the Census is as follows: "Is there a radio in this dwelling?" The Census answers to this question will revise the industry figure of the number of radio families in the United States. There will be no information as to the number of radios in each home. Nor will there be a count of automobile radios, sets in places of business, hotels, institutions, etc.

It is hoped that the Census Bureau will grant the request that the radio question be analyzed against the Census question on family income. The importance of this undertaking should not be underestimated. It has been pretty well established through surveys that radio advertising has a more universal circulation as to income classes than any other advertising media. In the 1940 Census, with the inclusion of that much discussed question on income, there exists the means of developing, through this authenticated source, the positive proof of radio's universal appeal.

## FUTURE RADIO SET COUNTS AND LISTENING HABITS—FOR RESEARCH COMMITTEE

The Research Department, at the direction of the NAB Research Committee, is preparing plans for developing annual estimates of the number and distribution of radio sets in the country. The point of primary interest naturally will be that of annually bringing up to date the figure of radio families in the country. In addition to that information, there is the desire to establish the *number* of radio sets in homes, in automobiles, in sub-homes (summer cottages, etc.), and portable sets in order to establish a measure of the increased radio circulation afforded by multiple sets. If it is financially feasible, an effort will be made, also, to determine the number of radios in institutions, places of business, hotels, and so on.

At the direction of the Research Committee, plans are being drawn for a continuous survey which will include questions to procure information on radio set ownership in homes. In addition to these receiving set data, plans include questions on listening habits in an effort to establish:

1. Available Audience—that is, when family individuals are available to radio receiving sets and therefore able to listen. This information is of prime scientific value in gauging potential listening for industry to shape program policies by individual hour of the day.
2. Radio Set Use—that is, when each radio set within the home and in automobiles was in operation on the day prior to the interview.

In addition to these broad objectives, it is planned to develop data revealing the age and condition of receiving sets, the age and sex composition of radio families, ownership of automobiles, auto radios, the presence of telephones in the home, the occupation of the head of the family, and allied information. Data on available audience and radio set usage will be developed in detail by hour for each day of the week and tabulated by economic groups, geographic areas and by population as to city size and farm area.

The plan as being developed employs very much the same method as that used by the Joint Committee on Radio Research in its study of "Rural Radio Ownership and Use in the United States."

An urban survey, patterned after the Joint Committee's Rural Survey has been conducted jointly by CBS and NBC during 1938 and 1939. Through this experience, some improvement of the method has been made carrying on the objectives of the Joint Committee on Radio Research.

The Research Committee is recommending to the NAB Board of Directors that NAB publish the findings of the 1938 and 1939 surveys as a Bureau of Radio Advertising undertaking.

## BROADCAST ADVERTISING VOLUME REPORTING

At the request of the NAB Board of Directors, the Director of Research and the Research Committee have evolved a plan for reporting broadcast advertising volume by month in terms of time units. No dollar figures will be released. In the report to be submitted to the Board of Directors at its meeting, August 4th in San Francisco, it is recommended that the information obtained from stations on business carried shall be interpreted in terms of time units—one unit shall equal one minute of program time. Announcements shall be interpreted in terms of average time represented but tabulated separately from program units. Monthly reports of broadcast advertising volume will be presented in the following detail:

1. By source of business
   - A. National network
   - B. Regional network
   - C. National non-network
   - D. Local
2. By city size—population
   - 2,500,000 and over
   - 1,000,000 to 2,500,000
   - 500,000 to 1,000,000
   - 250,000 to 500,000
   - 100,000 to 250,000
   - 50,000 to 100,000
   - 25,000 to 50,000
   - 10,000 to 25,000
   - Less than 10,000
3. By type of rendition
   - A. Live talent programs
   - B. Electrical transcriptions
   - C. Records
   - D. Announcements
4. By class of station
   - Clear channel
     - Unlimited
     - Part-time
   - Regional
     - High Power
     - Unlimited
     - Limited and Day
     - Part-time
   - Local
     - Unlimited
     - Day
     - Part-time
5. By type of sponsoring business
   - A. Retail Advertising
     - 1. Amusements
     - 2. Book Stores
     - 3. Boots and Shoes
     - 4. Building supplies and contractors
     - 5. Clothing Stores
       - a. Men's
       - b. Women's
       - c. Men's and Women's
     - 6. Department Store
     - 7. Drug Store
   - B. General Advertising
     - 1. Agriculture
     - 2. Alcoholic Beverages
     - 3. Amusements
     - 4. Automobile
     - 5. Confections
     - 6. Educational
     - 7. Financial
     - 8. Groceries
       - a. (by 9 classes)
     - 9. Hotels and Resorts
     - 10. Housing Equipment and supplies

8. Educational
9. Electrical Appliance and Supply
10. Furniture and Household
11. Grocers
12. Heating and Plumbing
13. Hotels and Restaurants
14. Insurance
15. Jewelers
16. Liquor Store
17. Miscellaneous
18. Musical Instruments
19. Professional
20. Radio
21. Real Estate
22. Sporting Goods
23. Stationers
24. Toilet Goods and Beauty Shops

TOTAL

 a. (by 8 classes)
11. Industrial
12. Insurance
13. Jewelry and Silverware
14. Medical
15. Miscellaneous
16. Professional and Service
17. Publications
18. Public Utilities
19. Radio
20. Sporting Goods
21. Tobacco
 a. Cigars
 b. Cigarettes
 c. Tobacco
 d. Miscellaneous Tobacco
22. Toilet Requisites
 a. (by 5 classes)
23. Transportation
 a. (by 6 classes)
24. Wearing Apparel

TOTAL

Monthly reports will consist of significant tables showing the amounts of program, announcement, and total units in detail by source of business, type of rendition, city size, station classification and type of sponsoring business with as much cross tabulation of this information as is possible under the funds available for the work.

In addition to the above detail of reporting, the Research Department will maintain a complete file by advertiser to serve as a reference source for the industry.

The Research Director and the Research Committee are urging the adoption of the plan by the Board of Directors and the membership in convention.

## COPYRIGHT

During the course of the year, the Research Department has devoted much time to the development of information on the subject of music copyright. This material was developed for the Board of Directors, the Copyright Committee, and President Neville Miller, during the negotiation stages with ASCAP. Later numerous special studies were made in conjunction with the formation of Broadcast Music, Inc.

## FEDERAL RADIO EDUCATION COMMITTEE

During the course of the past year, the Director of Research has served, at the direction of President Neville Miller, in the work of the Federal Radio Education Committee. Constant contact has been maintained with Dr. Leonard Power, Research Coordinator of the FREC. The NAB Research Department has reviewed the various surveys and reports prepared by the FREC prior to publication.

## DEPARTMENT STORE QUESTIONNAIRE

On May 15, 1940, the NAB Research Department sent out a Department Store questionnaire to all stations. The questionnaire was designed to develop information as to the extent of Department Store use of radio, case histories of successful Department Store campaigns and detailed information as to points of questions existing in the minds of Department Store heads which must be answered in successful sales approach. The survey was conducted in the interest of the Bureau of Radio Advertising to fulfill numerous requests from member stations, and to cooperate with the National Retail Dry Goods Association in preparing a report on—How Radio Advertising can be Used in Department and Dry Goods Store business.

With the material developed from this survey, it is planned that the NAB Bureau of Radio Advertising will prepare a Manual of Sales Approach to Department Stores, designed to sell new business, improve present campaigns and expand store use of radio. This aid to station Department Store approach coupled with the report of the National Retail Dry Goods Association on the use of radio advertising, should result in increased Department Store business.

## FOREIGN LANGUAGE QUESTIONNAIRE

At the direction of the Board of Directors and President Neville Miller, the Research Director prepared a questionnaire which was sent to every radio station, on the subject of foreign language programs broadcast. Information obtained from this questionnaire will be used in conjunction with the industry's study of radio's position with regard to national defense.

## WAGE AND HOUR—QUESTIONNAIRE

The Research Department has cooperated with the Labor Relations Director in the matter of analyzing the questionnaire addressed to all stations on the subject of the Wage and Hour Act and its application to station employees.

## RESEARCH METHODS

At the direction of the NAB Research Committee, the Research Department is preparing reports of research methods which may be employed in developing reliable information on program audience. These reports will be available in manual form to assist those stations who are conducting their own research. To those stations employing outside research agencies, it will serve as an aid in understanding and evaluating the methods employed.

The Research Committee and the Research Department are studying methods for determining station service area. In this connection, the Research Committee called upon the NAB Engineering Committee to prepare a report on "Recommended Practices for Field Intensity Surveys for the Purpose of Estimating Field Strength Contours of a Broadcast Station in the Regular Broadcast Band". This report has been completed and is being studied currently by the Research Committee in the light of its usefulness in evolving a recommended standard of station service claims. It will be recalled that the Joint Committee on Radio Research worked on this problem and developed a great deal of useful information. This material is available to the NAB Research Committee and it is hoped that with some additional studies, a recommendation can be evolved which will be satisfactory to the broadcast industry, advertisers, and advertising agencies.

## STATION ANALYSES

As of July 1, 1940, the stations in the United States and possessions number 847. An analysis of these by class of station is presented in the following table together with the count of NAB member stations within each classification. These classifications agree with those used by the Federal Communications Commission in analyzing financial data furnished by stations. For purposes of comparison, figures as of June 1, 1939, are also presented.

|  | Stations as of June 1, 1939 | NAB Membership June 1, 1939 | Stations as of July 1, 1940 | NAB Membership July 15, 1940 |
|---|---|---|---|---|
| Clear Channel: |  |  |  |  |
| Unlimited (50kw).... | 32 | 31 | 33 | 32 |
| Part-time (50kw).... | 4 | 4 | 4 | 4 |
| Unlimited (5 to 25kw) | 14 | 8 | 11 | 9 |
| Part-time (5 to 25kw) | 4 | 2 | 5 | 1 |
| Regional Channel: |  |  |  |  |
| Unlimited (High Power)........... | 8 | 6 | 8 | 6 |
| Unlimited (Other).... | 199 | 143 | 212 | 156 |
| Limited and Day.... | 70 | 41 | 67 | 35 |
| Part-time........... | 37 | 19 | 30 | 16 |
| Local Channel: |  |  |  |  |
| Unlimited........... | 242 | 126 | 330 | 168 |
| Day and Part-time... | 77 | 32 | 40 | 15 |
| Total............. | 687 | 412 | 740 | 442 |
| Non-commercial....... | 38 | 3 | 39 | 3 |
| Territorial............ | 10 | 3 | 12 | 4 |
| Construction permits... | 38 (2-Ter.) | 4 | 56 (2-Ter.) | 8 |
| Grand Total...... | 773 | 422 | 847 | 457 |

| Metropolitan Districts | Operating Commercial Stations | | Non-Commercial Stations | | Territorial Stations | | Construction Permit Stations | | Total Stations | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Total | NAB | Total | NAB | Total | NAB | Total | NAB | Total | NAB |
| 2,500,000 and over | 52 | 27 | 3 | 1 | 0 | 0 | 0 | 0 | 55 | 28 |
| 1,000,000 to 2,500,000 | 59 | 41 | 3 | 0 | 0 | 0 | 1 | 0 | 63 | 41 |
| 500,000 to 1,000,000 | 43 | 37 | 3 | 0 | 0 | 0 | 3 | 1 | 49 | 38 |
| 250,000 to 500,000 | 92 | 68 | 4 | 1 | 0 | 0 | 3 | 0 | 99 | 69 |
| 100,000 to 250,000 | 99 | 70 | 2 | 0 | 4 | 3 | 6 (1-T) | 1 | 111 | 74 |
| City and Town | | | | | | | | | | |
| 50,000 to 100,000 | 54 | 31 | 2 | 0 | 1 | 1 | 4 (1-T) | 0 | 61 | 32 |
| 25,000 to 50,000 | 98 | 59 | 1 | 0 | 1 | 0 | 7 | 1 | 107 | 60 |
| 10,000 to 25,000 | 149 | 76 | 8 | 0 | 1 | 0 | 14 | 3 | 172 | 79 |
| Less than 10,000 | 94 | 33 | 13 | 1 | 5 | 0 | 18 | 2 | 130 | 36 |
| Total | 740 | 442 | 39 | 3 | 12 | 4 | 56 (2-T) | 8 | 847 | 457 |

The second analysis of radio broadcast stations by population of metropolitan district or city appears in the above table. The information presented here shows the total number of stations in each classification as of July 1, 1940, and NAB member stations as of July 15, 1940. The nine population classifications agree with those employed by the FCC in their financial analyses.

The Research Department is currently studying the new classification of stations as set forth in the revised Rules and Regulations Governing Broadcast Stations, issued by the FCC, August 1, 1939. When the provisions of the North American Agreement are put into effect, NAB will revise the above analyses of stations in terms of Class I, II, III.a., III.b. and IV stations as defined in the Rules and Regulations.

Your Research Director feels that the Association has advanced in matters of research during the past year. He has enjoyed his work for the industry and is looking forward to further progress during the coming year.

Respectfully submitted,

Paul F. Peter.

July 17, 1940.

# Promotion

The Promotion Department of the National Association of Broadcasters is specifically interested in the:

1. Maintenance of the American System of Broadcasting.
2. Increase of radio homes.
3. Increase of secondary sets in homes.
4. Increase of hours of listening per day.
5. Creation of the widest appreciation of the fullness and diversity of the American program service.

Implementation of these aims divides activities into two parts: institutional promotion and circulation promotion; though, in most instances, a single activity encompasses both phases.

The success of this NAB activity depends entirely upon the voluntary and aggressive cooperation of member stations. This statement is made a part of the record for the purpose of pointing out that the hundreds of stations which participate in NAB promotions must profit thereby and think them beneficial.

Every effort is made to gear promotions with individual station activity. Though stations are urged to cooperate, the admonition is always included: "Write your own ticket." This policy has built up a group of loyal member-promoters. It has caused competing stations in many multi-station cities to join hands in industry promotion and thus present a united front to the public.

## UTILITY PROMOTION

Utility sales promotion is also assigned to the Promotion Department. Service is conveyed through personal correspondence and by bulletin. The position taken is that "your power company can be your best local customer."

From the figures of radio ownership, it is apparent that every domestic utility customer is the owner of at least one radio set. According to tabulations appearing in the February issue of the Edison Electric Institute Bulletin,* these radios have an impressive influence on the net income of all power companies. As a current-consuming device, the Bulletin reveals, the radio set is fourth in importance. Radio sets account for 14 per cent of the entire domestic appliance load. Consequently, the increased interest in radio which has been promoted by broadcasters has a sound basis in fact.

Whatever a utility does to increase radio listening, to its own programs, or to the programs of others, has the same effect as putting additional appliances on the line—with one exception. The exception is that the consumer is not required to make any capital investment whatsoever.

Since January additional power companies have been converted to the use of broadcasting. Others have increased their schedules. By experience, broadcasting is being found the most economical method of reaching the power companies' customers, either to induce the purchase of current-consuming appliances, or to increase the use of appliances now in the home.

The pendulum is swinging in favor of broadcasting. The prediction is made that the coming twelve months will find the increase proceeding at an accelerated rate, provided broadcasters intelligently and aggressively cultivate this great potential utility field.

## NATIONAL RADIO FESTIVAL

The grass roots promotion, NATIONAL RADIO FESTIVAL, held the stage during May and June with several stations deciding to feature the event later, during participation in State and County Fairs in August and September.

More stations participated in Radio Festival than in previous promotions. For the first time a state registered 100 per cent participation of all its stations. That honor goes to Connecticut. For the purpose of the record these stations were:

WATR, Waterbury
WBRY, Waterbury
WDRC, Hartford
WELI, New Haven
WICC, Bridgeport
WNBC, New Britain
WNLC, New London
WTHT, Hartford
WTIC, Hartford

## 9 GOVERNORS PROCLAIM FESTIVAL

Nine Governors who issued Radio Festival proclamations were:

California—Gov. Culbert L. Olson
Colorado—Gov. Ralph L. Carr
Kansas—Gov. Payne Ratner
Louisiana—Gov. Samuel Houston Jones
New Jersey—Gov. A. Harry Moore
New Mexico—Gov. John E. Miles
Oklahoma—Gov. Leon C. Phillips
Virginia—Gov. James H. Price
West Virginia—Gov. Homes A. Holt

Countless mayors of cities likewise proclaimed Radio Festival Week.

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* The Institute is the power companies' trade organization.

Limited space does not permit inclusion of more than a geographical sampling of letters commending Radio Festival but excerpts which follow are typical:

Marshall B. Shantz, Jr., program director, WJTN, Jamestown, N. Y.:

"We would like to take this opportunity to express our gratitude to NAB for fostering National Radio Festival Week. We have received many definite indications that it has done us a lot of good from a number of angles, and we're looking forward to a repeat performance next year."

Howard Lane, manager, KFBK, Sacramento:

"Radio Festival Week in Sacramento was a terrific success and opened new avenues of promotion for us that we intend to utilize throughout the year. Our work in the schools met with such widespread approval of school authorities that an extensive schedule of cooperative school broadcasts, entirely different from what we have done in the past, has already been tentatively outlined to start this fall."

Joseph T. Connolly, promotion director, WCAU:

"From our standpoint Radio Open House Week in Philadelphia was a great success. Some 30,000 people toured the eight floors of the WCAU building."

Arch L. Madsen, manager of the nine months old station, KOVO, Provo, Utah:

"We made central Utah Radio Festival conscious and have received many compliments on the special programs. . . . we are already making plans for next year's celebration."

Dr. H. E. Fowler, head of the Department of English, State Teachers College, New Britain, Conn., over WTIC:

"It was a grand idea to promote the study of American broadcasting methods in our schools. Teachers and pupils alike (to say nothing of the judges of the contest) have been enlightened as to the remarkable development of radio in this country, and its many points of superiority to old-world broadcasting. And we have all learned more about the ways whereby radio may serve with the schools, to create a more intelligent citizenship in our democracy."

Allen Haid, program director, WHIZ, Zanesville, Ohio:

"Thank you for all past cooperation. Again may we wish you the very best of luck for the greatest Radio Festival of all times."

Ivan Streed, production manager, WHBF, Rock Island, Ill.:

"The week was very successful so far as the Quad-Cities was concerned. We received a lot of response from our listeners. The mayors of the seven cities, attorneys and ministerial alliances were enthusiastic and responded to all our requests. It was quite an event in itself for the two radio stations to broadcast something simultaneously." (WHBF and WOC, Davenport, Iowa, cooperated during Radio Festival Week.)

Alfred J. McCosker, president, WOR, New York:

"It is a pleasure to be able to cooperate with the work you are doing, as I feel that the more radio makes the public conscious of its efforts as a solidified industry, the more we, within the industry, will be able to do in mutually evaluating our problems and our subsequent gains."

Mrs. John R. Morris, WGBR, Goldsboro, N. C.:

"The Festival really went over in a big way and we were very happy over it. A record of visitors during the week was kept and we had an amazing number. We thank you very, very much for your suggestions and for your excellent cooperation at all times."

### "LISTEN WHILE YOU RIDE"
### "LISTEN WHILE YOU PLAY"

To raise the plateau of summer listening many stations are participating in the twin promotion—"Listen While You Ride" and "Listen While You Play." Listeners are told that it's no longer necessary to miss favorite programs when away from home. Auto radios and portable sets will do the trick.

This approach to the problem of increasing listener availability to programs is bearing fruit. One student of the question attributes a large part of this summer's 15% increase in the amount of listening to the growing ownership of auto radios and portable sets.

Many stations accompanied their decision to participate in these campaigns with the statement that they would be on all summer.

### "RADIO CHRISTMAS"

Last fall NAB suggested participation in "Radio Christmas." One phase emphasized circulation entirely; the other featured good will, with circulation secondary. Relative to the campaign an over enthusiastic article in a trade publication stated:

"With practically every major station in the country cooperating and with every market thoroughly canvassed via radio and newspaper campaigns, more than 50,000 old radios were collected by stations, repaired and distributed to under-privileged families by the stations, with local dealers and distributors tying in drive."

### "CURTAIN RAISER"

Last year's autumn time change was ushered in with "Curtain Raiser," an industry-wide promotion, credited with contributing substantially to circulation increases. A four-page rotogravure piece, newspaper size, containing photos of typical participations was mailed the membership.

As for radio set ownership, which is the basis of radio circulation, the NAB research department estimates that a total of 44,000,000 active radio sets were in operation in the United States at the first of the year. Twenty-eight million radio families have at least one set. But in those homes are 7,500,000 extra sets and 6,500,000 auto sets. Two million additional receivers are located in offices, stores, institutions, apartments, etc.

The Promotion Department is aggressively interested in adding to the 7,500,000 extra or "secondary sets" in homes throughout the nation. It is interested also in the replacement of primary sets *BY* "primary sets," rather than by "secondary sets"—because of the superior quality of reproduction.

## RMA RECOMMENDS RADIO ADVERTISING

The Radio Manufacturers Association, in a bulletin to its members, has recommended that set makers supply dealers with broadcast material, thus placing stations on an equal basis of competition with newspapers, for the solicitation of cooperative business.

The RMA bulletin reads:

"Action by RMA members, especially large companies, is recommended by the RMA Board of Directors for further cooperation in the joint radio promotion campaign of the National Association of Broadcasters and RMA.

"The broadcasters of NAB, local stations as well as networks, have been and now are giving splendid service to the radio industry with many special programs, spot announcements, promotion features and other activities—all aiding manufacturers, distributors and dealers to sell more radio sets and also increase the unit of sale.

"Local broadcasters desire to be placed at least on an equal basis of competition with newspapers, in respect to the cooperative advertising allowances of manufacturers to their distributors and dealers. The RMA committee in the joint promotion campaign, and also our officers and directors who have held conferences with the NAB, agree that we should assist local stations to solicit part of the cooperative advertising allowances of distributors and dealers. This can be accomplished if RMA members will supply *to their distributors* advertising material, such as forms of spot announcements, continuity, etc., similar to the advertising material furnished to distributors for *newspaper* use. This is recommended so that local broadcast stations may better solicit such local advertising from radio distributors and dealers.

"Also it would be effective if you would send your distributors a letter reiterating your company's faith in the power of radio broadcast advertising, especially for replacement sales. Such a letter might well point out the close community of interest existing between radio distributors and dealers and the local broadcast stations, together with the necessity of their working closer together for their mutual interests. Such an expression would be in accordance with the views expressed by members of the RMA committee and RMA Board of Directors who were appointed to work out the joint national campaign of industry cooperation with NAB. If you will send your distributors (or so interest your advertising agency), samples of the suggested distributor-dealer spot announcements, continuity, etc., and suggest their use on broadcasting stations, it would be most helpful.

"It is now desired that RMA members demonstrate to NAB and its members that they are doing their part by encouraging their distributors and dealers to place cooperative advertising with local stations. The broadcasters are helping your sales. Please do your part to help them."

### SERVICE

An essential part of maintaining radio circulation is maintenance of radio sets in first class operating condition. Partially operative radio sets reduce the number of listening hours and the number of listeners.

Adequate service, legitimately and expertly rendered, remains one of the most perplexing problems in broadcasting. Aggressive station managements are keenly aware of the problem and are handling it with foresight. Generally speaking, however, cooperation between stations and local servicemen could be greatly improved with mutual benefit.

Radio Servicemen of America, the only national organization of servicemen in the United States, continues to cooperate wholeheartedly with NAB. It is being urged to establish more chapters. RSA's guaranteed service plan, with qualification of local chapter members, is operating in some forty cities. Refinements in the plan were suggested by NAB's Engineering Department.

Minimum standards for servicemen have been worked out by the Engineering Department and will be mailed members as a guide to judge the qualification of individuals in the service business.

Both the Promotion Department and the Engineering Department agree that the engineering staff of member stations can be most helpful in the improvement of local servicing.

### INTERNATIONAL ASSOCIATION OF ELECTRIC LEAGUES

This organization has appointed, as its official NAB contact representative, J. S. Bartlett, managing director, The Electric Institute of Washington. The cooperation has proven most beneficial.

### RADIO'S RICHES

Several hundred thousand copies of the sixteen page rotogravure booklet, "Radio's Riches," were purchased by member stations with delivery in April. This institutional promotion piece, telling radio's story in picture and print, proved an appreciated station gift in every part of the country.

### NATIONAL DEFENSE COOPERATION

On July 19, this department issued a special supplement to NAB REPORTS which announced and outlined a plan for recruiting 100,000 trained workers for national defense agencies.

The assignment was gladly accepted from the United States Civil Service Commission by NAB, on behalf of all broadcasting stations in the United States. The imperative need of the national defense agencies for assistance in securing their man power requirements is confidently expected to bring widest cooperation from broadcasters.

### "LISTEN BEFORE YOU VOTE"

As a means of capitalizing on the intense national interest in the presidential election, LISTEN BEFORE YOU VOTE was offered to the membership as the fall promotion, on July 18. This is a combination institutional and circulation-building campaign. A delayed, yet pronounced effect will carry over into the field of sales promotion.

And the reason is not hard to find. The political campaign is to be fought out over the airways. It is to be a radio campaign. When votes are counted, the lay public and the business public are going to realize that it was the POWER OF RADIO that put the next man in the White House, whoever he may be.

September 16 is the suggested date for the public launching of the LISTEN BEFORE YOU VOTE campaign.

Respectfully submitted,

Arthur Stringer,
*Promotion and Circulation Department.*

## Bureau of Radio Advertising

The NAB Bureau of Radio Advertising is one of several aggressive moves which the broadcasting industry through NAB has made since reorganization.

Authorized by the Board of Directors in May, 1939, the Bureau was placed in full-time operation September 1. Under the combined guidance of the NAB Departments of Public Relations and Research, and cooperating closely with the NAB Sales Managers' Division, which was largely responsible for its creation, the Bureau reports considerable progress in its efforts to serve the members on sales and promotion problems. Stated in the simplest possible terms, the Bureau's objectives are two-fold:

1. To provide the entire industry with usable, well-organized facts and figures of a promotional nature, through industry cooperation, to open up and develop untapped sources of radio advertising, and in other ways to assist stations in selling more time.

2. To cooperate with broadcasters, advertisers, agencies and others in increasing the effectiveness of radio as an advertising medium.

### "RESULTS FROM RADIO"

In seeking to sell time, the Bureau agrees with recognized media promotion experts that nothing succeeds like success stories. A keystone, therefore, in the Bureau's work has been the series of advertising trade studies entitled "Results from Radio." The experience of stations who have used the studies bears out the belief that success is contagious. Over 300 stations have ordered and are using over 3,000 copies of the case histories and success stories, of which seven have been released to date. Though faced with a serious problem in collecting complete, accurate and useful information, especially in the spot and local fields, the Bureau has provided the members with complete trade studies in the following classifications:

Department Stores
Laundries
Jeweler-Optician
Furniture Stores
Ice Cream and Confectionery
Garden and Field
Light and Power

Many members report tangible, direct sales results from this material, which is provided them at actual cost of printing and production only. Many more such studies, covering other important local and national advertising accounts, are on the way.

For the first year, the major effort of the Bureau was directed to the local sales problems of stations, since it was felt that here was the next great opportunity for expansion of radio volume. However, in July, 1940, an announcement letter accompanied by a special Bureau file folder and sample copies of the "Results from Radio" studies were sent out to 1100 advertising agencies in the national and regional field. This was the first official announcement of the Bureau of Radio Advertising, outside the broadcasting industry, and met with an enthusiastic response from many agencies.

This response was not unexpected, after the fine support which NAB member stations have given the Bureau since its inception. The point is: Here is a trade association service much needed and appreciated by broadcasters, agencies and advertisers alike. Alike, they benefit from information collected direct from the industry, organized by the Bureau and available from no other source. Attached to station's letterhead, or with call letters imprinted on back cover, each trade study provides a complete, self-sufficient mailing piece. Designed to help stations sell more time, the studies are also designed to help advertisers make more effective use of radio, to answer their questions about programs, methods, commercial copy, merchandising, results, etc. Completeness, it is agreed, counts heavily if the success stories are to serve the two-fold purpose for which the Bureau was established. Apparently, the "Results from Radio" studies are performing that service.

### MANY OTHER SALES AIDS

In addition to the printed trade studies, the Bureau has made every effort to help stations with their personal selling problems.

Many special sales manuals, reports, bulletins and reprints have been issued free of charge to all members. Released in loose-leaf folder form, the manuals include:

Outline and Suggested Script for a Station Sales Presentation.
A Report of the Hettinger Survey on Station Sales Administration.
A Sales Manual for the Building Field, in cooperation with FHA.

Special articles written by the Bureau and reprints of other pertinent material include the following:

What the Bureau Means to Members—reprinted from Variety Anniversary Number.
Dealers and Radio Advertising—reprinted from Broadcasting Magazine.
Radio for Retailers—by Kenneth Taylor, reprinted from The Retail Executive.
Ed Kirby's Speech at National Cleaners & Dyers Convention.
The Case for Distribution—reprinted from Nation's Business.
The Case for Advertising—reprinted from Nation's Business.

Late in 1939, an informal bulletin service was begun by the Bureau to provide members with additional facts and figures of a selling nature. These are issued frequently.

## FIELD ACTIVITY

The foregoing covers the actual promotion phases of the Bureau's activities. At present, these constitute the major part of the Bureau's service to stations. However, in answer to the increasing demands of many members, the Bureau has made an effort to represent the industry in the fields of national spot and dealer-cooperative advertising. This work has been carried on in two ways, by direct mail and personal solicitation. Limited appropriation and personnel have necessarily confined the Bureau's missionary sales efforts on behalf of the industry to attendance at the major advertising conventions, such as ANA, 4-A's and AFA. A certain amount of direct mail and other educational work has been done in a few key industries, through their trade groups and to the individual companies, where indicated by the demands of the members.

Radio was invited to participate actively in the annual and semi-annual conventions of the National Retail Dry Goods Association. The problem of department store radio advertising is of paramount interest to every commercial broadcaster, and the Bureau is glad to report that the radio panel discussions arranged at both NRDGA meetings were well attended and enthusiastically received. Printed transcripts of the complete sessions have been made available by the NRDGA to all NAB members, and it is felt that definite and decided progress has been made in getting radio on all NRDGA convention programs. In other ways, the Bureau has and will continue to give special attention to department stores. The Bureau hopes to publish very soon the results of the department store survey recently conducted by the NAB Research Department, preliminary returns from which indicate an increasing activity and interest in radio by retail advertisers.

Special studies have also been made in such prospect fields as motion pictures, building and allied trades, dyers and cleaners, food stores and chain druggists, and in the furniture, clothing, radio set and other fields which use dealer-cooperative advertising. The results of these special efforts will be made available to the members, and the information used in further developing these fields for radio. Already, some progress is noted in breaking down past prejudice, and in improving radio's relations in fields where discrimination has existed. In some cases, definite results in increased time sales, or in the complete reversal of an anti-radio policy, have been achieved.

In cooperation with the NAB Sales Managers' Division, the Bureau took an active part in the annual convention of the Advertising Federation of America. In addition to the usual Sales Managers' business meetings, which were well attended, Chicago stations and networks cooperated with the Bureau and the Sales Managers' Division in putting on an elaborate "Broadcasters' Cabaret Party" in compliment to the AFA and its members. A souvenir program, with brief, pertinent facts and figures on radio as an advertising medium, was printed by the Bureau and distributed to everyone attending the affair. Though less than a thousand were expected, 1,500 attended and the party was voted a huge success, not only as entertainment, radio's stock in trade, but as a promotion effort in which the entire broadcasting industry, through the Sales Managers' Division, shared. Sincere thanks are due William R. Cline, WLS, Chicago, Sales Managers' national chairman, and his committee of Chicago broadcasters for arranging and carrying out a most successful program, which it is hoped can be made a regular feature each year.

The Bureau was also represented at the annual conventions of the Association of National Advertisers, and the American Association of Advertising Agencies. Radio developments of interest at these important meetings have already been reported in full to the members. Both conventions placed special emphasis on the so-called consumer movement, and in connection with this problem, the Bureau in June and July, 1940, mailed to NAB members reprints of two pertinent articles which appeared in Nation's Business. Entitled "The Case for Distribution" and "The Case for Advertising," these reprints served to give stations an accurate up-to-date picture of the consumer problem as it affects radio and other advertising media. The Bureau, in cooperation with the NAB Public Relations Director, will continue to study and interpret this movement in relation to what it means and may mean to broadcasting.

## A MEDIA RECORDS FOR RADIO

At two meetings of the Sales Managers' Steering Committee held during the year, the immediate adoption of a complete "media records for radio" was urgently and unanimously recommended. This is the so-called Unit Plan of Volume Measurement now being perfected by the NAB Research Department. The Bureau agrees that the value of such a service cannot be overestimated, and urges that every effort be made to place such a yardstick in operation as soon as possible.

## FREE OFFERS

During the past year, the Bureau has devoted considerable time and effort to the problems of free offers and percentage advertising. The effort has been made to convert as many of these as possible into regular advertisers, while at the same time lessening the flood of chiseling attempts which plague the lives of station managers. According to many stations, a good deal of progress has been made in both directions. The Bureau is much encouraged by these reports, and will continue to work along similar lines in handling this problem.

* * * *

In conclusion, it becomes evident that there has been a genuine need for a Bureau of Radio Advertising within the NAB. In spite of budget restrictions and the problem of gathering information, which only the Unit Plan can solve, every effort has been made to answer this need. Judging from the development of similar services established by our competitors before us, a great deal is yet to be done. If the Bureau is properly and effectively to develop new sources of radio advertising, expand present fields, and combat the unceasing claims of competing media, it is a job that will require the whole-hearted support and cooperation of every member and all phases of the industry. This cooperation the Bureau has enjoyed during the past year, for which it is deeply grateful. It is our sincere hope and firm belief that the coming years will see an even greater usefulness for the Bureau.

Respectfully submitted,

Samuel J. Henry, Jr.

NAB Reports

NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 33, August 16, 1940

## THE WEEK IN WASHINGTON

By unanimous vote the NAB Convention pledged the Association's continued support of BMI as a permanent organization and urged completion of the Federal Government's monopoly suit against ASCAP as soon as possible. (p. 4485.)

Fifty-four more stations subscribed to BMI, bringing the total membership to 364. (p. 4485.)

The Mutual Broadcasting System notified all Mutual stations and advertising agencies that its key stations do not intend to accept the terms proposed by ASCAP for renewal of their existing licenses. (p. 4486.)

Advertising agencies are reported to be ready to go along with the broadcasting industry in the copyright fight. (p. 4486.)

Some of the principal convention speeches, including James Lawrence Fly's assurance that the Federal Government has no intention of taking over the industry in event of war, are printed in this issue. (p. 4488.)

The NAB now has 473 members, the largest membership in the Association's history. (p. 4501.)

The American Federation of Musicians has banned such noted musicians as Heifetz, Iturbi and Zimbalist from broadcasting. (p. 4501.)

Total number of stations now pledged to support the national defense campaign is 603. The industry is asked to assist in the alien registration program. (p. 4501.)

The "Listen Before You Vote" promotion campaign is in full swing. (p. 4502.)

Free offers and cost per inquiry propositions continue to clutter up broadcasters' desks. (p. 4503.)

The FCC has extended for one month time for compliance with an order calling for all licensed operators to submit proof of citizenship. The Commission has listed approved frequency monitors. (p. 4503.)

San Francisco public schools received the first construction permit for an FM station in the non-commercial educational field. (p. 4505.)

## Convention Backs BMI

Determination to break the chains of the music monopoly for all time was unanimously voiced by delegates to the NAB's Eighteenth Annual Convention in San Francisco. After a rousing copyright session, the convention adopted two ringing resolutions without dissent.

(1) That the NAB pledged its continued support of BMI as a permanent organization and unalterably declared its intention of refusing to yield to the demands of the music monopoly.

(2) That the NAB should support the Federal Government's monopoly suit against ASCAP and urge that it be completed as soon as possible.

Enthusiasm for BMI was, perhaps, best displayed by the addition of 54 stations to the list of subscribers. At the close of convention the total membership was 364, representing more than 85 per cent of the dollar volume of business done by the broadcasting industry. Elsewhere in the REPORTS is a list of the stations which signed at the convention.

Another high spot was the announcement by Theodore Streibert, Vice President of the Mutual Broadcasting System, that none of the key stations of MBS intended to accept the terms proposed by ASCAP for the renewal of their existing ASCAP license. The text of a letter sent by Fred Weber, General Manager, to all Mutual stations and advertising agencies is printed elsewhere in this issue.

Good BMI tunes are becoming increasingly popular with radio audiences—so popular, indeed, that they are being recorded by the phonograph companies.

From both the action and spirit of the convention it appears very definitely that the battle of many years to free the industry of the music monopoly yoke is turning in favor of the industry.

## New BMI Subscribers

| | | |
|---|---|---|
| KHJ | Los Angeles, Calif. | MBS |
| KFRC | San Francisco, Calif. | MBS |
| KGB | San Diego, Calif. | MBS |
| KDB | Santa Barbara, Calif. | MBS |
| KYOS | Merced, Calif. | MBS |
| KMYC | Marysville, Calif. | IND |
| KVCV | Redding, Calif. | MBS |
| KHSL | Chico, Calif. | MBS |

*(Continued on page 4486)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## NEW BMI SUBSCRIBERS

*(Continued from page 4485)*

| | | |
|---|---|---|
| KWLK | Longview, Wash. | MBS |
| WHK | Cleveland, Ohio | NBC |
| WCLE | Cleveland, Ohio | MBS |
| WHKC | Columbus, Ohio | MBS |
| KTSM | El Paso, Texas | NBC |
| KVRS | Rock Springs, Wyo. | IND |
| KYAN | Rock Springs, Wyo. | IND |
| KVI | Tacoma, Wash. | CBS |
| WWSW | Pittsburgh, Penna. | MBS |
| KITE | Kansas City, Mo. | IND |
| WINN | Louisville, Ky. | IND |
| KTUL | Tulsa, Okla. | CBS |
| KOMA | Oklahoma City, Okla. | CBS |
| WLS | Chicago, Ill. | NBC |
| KOY | Phoenix, Ariz. | CBS |
| KORE | Eugene, Ore. | MBS |
| KIDO | Boise, Idaho | NBC |
| WHBY | Appleton, Wisc. | IND |
| KTUC | Tucson, Ariz. | CBS |
| KSLM | Salem, Ore. | MBS |
| KVEC | San Luis Obispo, Calif. | MBS |
| KDON | Monterey, Calif. | MBS |
| KWEW | Hobbs, N. Mex. | IND |
| KGFL | Roswell, N. Mex. | IND |
| KONO | San Antonio, Texas | IND |
| WOW | Omaha, Nebr. | NBC |
| WHIP | Hammond, Ind. | IND |
| WSMB | New Orleans, La. | NBC |
| KMPC | Beverly Hills, Calif. | CBS |
| KXL | Portland, Ore. | IND |
| WLAC | Nashville, Tenn. | CBS |
| KVOE | Santa Ana, Calif. | MBS |
| KFXM | San Bernardino, Calif. | MBS |
| KGGM | Albuquerque, N. Mex. | CBS |
| KVSF | Santa Fe, N. Mex. | CBS |
| WELL | Battle Creek, Mich. | NBC |
| KHUB | Watsonville, Calif. | IND |
| KARM | Fresno, Calif. | CBS |
| KSRO | Santa Rosa, Calif. | IND |
| WAPI | Birmingham, Ala. | CBS |
| KMMJ | Grand Island, Nebr. | IND |
| KTRB | Modesto, Calif. | IND |
| KVNU | Logan, Utah | IND |
| WXYZ | Detroit, Mich. | NBC |
| WOOD-WASH | Grand Rapids, Mich. | NBC |

## Mutual's Letter

August 2, 1940.

To all Mutual Stations and Advertising Agencies:

Stations associated with, and agencies and clients utilizing facilities of, the Mutual Broadcasting System have requested information as to the position this network intends to take on January 1, 1941, with reference to ASCAP licenses.

In the past, as you know, network companies have not been required to maintain ASCAP licenses for their network operations, but only for the operations of the individual stations managed or owned by them. Inasmuch as Mutual Broadcasting System, Inc., does not own or manage any stations, it has not heretofore been necessary for it to have an ASCAP license.

Mutual does not originate programs, but merely makes available to members and affiliates programs originated by other members and affiliates. Accordingly, questions involving music copyrights in connection with such programs must ultimately be decided by the member and affiliate stations.

We wish to advise you that we have been informed by the following key originating stations that they definitely do not intend to accept the terms proposed by ASCAP for the renewal of their existing ASCAP licenses: WAAB, key station of Colonial Network; WKRC, Cincinnati; WHK-CKLE, Cleveland; WGN, Chicago; WOR, Newark; and KHJ, KFRC, KGB, KDB, key stations of the Don Lee Network. This means, of course, that without an ASCAP license none of those stations will be able to originate any programs containing ASCAP music or to broadcast any such programs transmitted to them from other stations.

This information is reported to you at the earliest moment it became available.

Inasmuch as the Mutual Broadcasting System is a station owned, financed, and operated network, you may be sure that the best interests of all the member and affiliate stations will be the paramount consideration in any decision by Mutual member stations.

Very truly yours,

Fred Weber.

## Other BMI Developments

*Billboard,* amusement trade weekly, questioned some of the leading advertising agencies on their feelings about the radio music matters. It headlined the answer across

# NAB BOARD OF DIRECTORS, 1940

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**Neville Miller**

### District Directors

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(District 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island.)

Clarence Wheeler, WHEC, Rochester, N. Y.
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Harrison Holliway, KFI, Los Angeles.
(District 16: Arizona, New Mexico, California, including counties excepted in District 15.)

C. W. Myers, KOIN-KALE, Portland, Ore.
(District 17: Alaska, Oregon, Washington.)

### Directors at Large

*Large Stations*

Mark E. Ethridge, WHAS, Louisville.
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*Medium Stations*

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*Small Stations*

John Elmer, WCBM, Baltimore.
Harry Spence, KXRO, Aberdeen, Wash.

### Network Directors

Edward Klauber, executive vice-president, CBS.
Fred Weber, general manager, MBS.
F. M. Russell, vice-president, NBC.

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a full page of the August 10th issue: NOT WORRIED ABOUT ASCAP . . . *"We Can Get Along Without You Very Well," Sing Ad Agencies. . . .*

One agency executive expressed his lack of worry with a reason in a masterpiece of terseness—"We can readily substitute BMI and other catalogues."

Nearly all the agencies indicated that they are laying plans for carrying on their programs after January 1 without ASCAP music. A few named certain programs which might face some difficulties but added, "We are not worried . . . we can manage . . ."

Agencies handling those programs which are most likely to face difficulties have been among the first to call on BMI for the purpose of working out solutions of their problems. The whole tenor of *Billboard's* report on its inquiries confirms the evidence received by BMI directly from advertisers and agencies alike. The conclusion is clear—*the advertising industry is giving solid support to the broadcasting industry and to BMI.*

---

*There I Go,* one of BMI's new songs, grabbed a comet by the tail, climbed into the saddle, and went off for a ride all by itself. It appeared on the "sheet" in *Variety* last week although it had never yet been listed among BMI feature tunes and had not received any special promotion. Because it had already gone so far alone, it was added to the list of feature tunes and this week is on the "sheet" for the second time.

Three other BMI songs also are on the list. "Practice Makes Perfect" is in 5th place with 29 network plugs—the highest being 41. "The Same Old Story" also appears and "We Could Make Such Beautiful Music" is there for the sixth week. The list in the *Enquirer,* which is taken from a slightly different period, carries another of BMI's earliest hits, "Here In The Velvet Night."

## BMI FEATURE TUNES
### August 19-26

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. MADAME WILL DROP HER SHAWL
4. SWINGIN' AT THE SEANCE
5. THERE I GO

We have been getting some letters that are both pleasing and full of good ideas. Here's one from Paul Vincent of WMBG, Richmond, Virginia:

> We'd like to express our appreciation for the fine manner in which you're going about this business of building up BMI. The extra orchestrations you've been submitting have contributed to a wider distribution of your tunes, and consequently, to a greater appreciation of their worth.
>
> At least five musical groups on WMBG (including two popular dance bands) are highlighting BMI numbers regularly on the air and they report excellent audience reception at their dance spots.
>
> We haven't had occasion to actually use your classical arrangements yet, but they're being catalogued for the future. Needless to say, these public domain favorites are highly appreciated at any time, but when so well arranged and so neatly distributed their value doubles.
>
> As to publicity, be assured that BMI gets plenty of "plugs" here. We're even contemplating the setting aside of several minutes on one of our most popular dance music shows, to interviews on BMI music and its popularity with the viewing-room audience.
>
> So keep up the good work, fellows, and remember our willingness to cooperate to whatever extent we may that BMI might go sky-high.

Walter Haase of WDRC, Hartford, Connecticut, writes:

> Perhaps you'd be interested in what we're doing currently to promote BMI:
>
> Each of our local recorded programs contains two BMI tunes. This will be in effect during August and September. During October, we will use 25% of BMI music. During November 50% —December 75%.
>
> Our string ensemble starting for the fall season early in September will be kept exclusively on BMI music for one program a day on WDRC, and two on FM station W1XPW.
>
> Before each BMI tune, the announcer says "Here is another of those BMI song hits." We announce the title afterwards. We are using this method to build up curiosity among our listeners as to what BMI is and also to familiarize them with these letters. Later when they specifically inquire about BMI, we shall tell them that *this is a new music publishing concern sponsored by the industry to give new and unheard song writers a chance for fame and fortune.*
>
> We'll be glad to hear what other stations are doing, so that we may augment our own plans if we find other worthwhile suggestions.

John Cleghorn of WMC in Memphis announces receipt of a long list of BMI numbers and after signing it he adds with pen and ink:

"P. S. They're swell!"

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More phonograph records of BMI music for general retail sale will be issued as follows:

*Madame Will Drop Her Shawl* recorded by Al Donahue for OKEH—record number, OKEH 5704—August 8;

*The Same Old Story* recorded by Freddie Martin for Victor—record number, B-10830—August 23;

*The Same Old Story* recorded by Frankie Masters for OKEH—record number, OKEH 5716—August 23;

*Practice Makes Perfect* recorded by Bob Chester for Victor—record number, B-10838—August 30;

*I Give You My Word* recorded by Al Kavelin and his Cascading Chords for OKEH—record number, OKEH 5734—August 30.

# Convention Speeches

Some of the principal convention speeches are printed in full below. Broadcasters who were unable to attend will want to read all of them. Those who heard them will want them for future reference.

The entire convention was recorded. Any member wishing to purchase any or all of the records should communicate with the NAB. A corrected text of John Elmer's BMI speech will be published in the convention issue of *The Advertiser.*

## JAMES LAWRENCE FLY

(Chairman of the Federal Communications Commission)

It is a genuine pleasure to meet wtih you for the mutual consideration of radio and the problems which it meets today. This is a healthy type of meeting. Only through joint discussions of this kind can we promote the free exchange of ideas so necessary to effective cooperation between government and industry. At no time in our history has cooperative endeavor been more essential to the welfare of the public and the industry alike. I have the feeling that as we meet face to face, dope-story conflicts and phantom crises will move out under the veil of the first fog retreating over the bay.

Before moving to the discussion of one vital problem of the broadcasters I think we ought to utter a word of tribute to those great engineers whose scientific genius and tireless efforts created radio broadcasting. To a great extent their names are unsung, yet it is they whose research developed radio in the laboratory and continued from year to year for almost a quarter of a century to lift radio broadcasting to successively higher planes of technical efficiency. They have given us the equipment to do a splendid job. We are assured of even greater things on new frontiers. That leaves the task to us as broadcasters.

Grave problems confront us in the policies to be pursued in the public service. But in the outset some of the supposed problems may be dispelled. For example, you may be concerned about the effect on you of the present emergency. Alarmists with absolutely no factual basis to support them have conjured up the bogeyman of the government operating the broadcasting systems or of the complete curtailment of broadcasting in the event the security of this country were threatened. I have said that these disturbing rumors are completely without substance and I want to reiterate that as forcefully as I am able. The whole trend today of governmental planning to meet any emergency is toward minimizing, as far as possible, dislocations of our normal way of life. I can assure you that broad plans for the shutting down of broadcasting or for governmental operation have existence only as hobgoblins in the minds of idle gossips. There is no such plan afoot.

I should like to touch upon the stories occasionally spread about that the Commission is about to destroy rural radio service. I should like to make it clear that it is the Commission's constant aim to do exactly the opposite—to expand rural service. It is our duty to provide for the people of the United States—and that means all the people, not merely the city dwellers—the best and most widespread radio service possible. To that end the designation of classes of stations and the uses of channels are constantly under study. I can assure you that no move making for a general curtailment of rural service is being planned or even considered. If anything, steps in the other direction may be anticipated.

There are many comparable ghosts which I shall not take the time to belabor here. Needless to say the radio broadcasting industry has reached its majority. It is even wearing shoes. It should no longer believe in ghosts.

In a graver mood I would turn to a real problem. Amid a world in conflict I venture to pause at this important juncture to stress one significant phase of American idealism which has become such a vital force in the practical conduct of radio broadcasting: Freedom of Speech.

Radio, in the past twenty years, has grown from a dream of its sponsors into a primary means of reaching the American people. The realization of that dream has fortunately come in time to aid in the struggle for the preservation of the ideals on which all American industry and particularly your own is founded.

You who have come into the broadcasting industry have dedicated yourselves to the service of the American people. You have been granted the privilege of sharing in the administration of a limited public facility and in turn have assumed an obligation to conduct your operations in the manner required by the public interest.

The public interest in broadcasting derives from two chief sources. It stems from the great force which radio exerts over the customs, the opinions and the very lives of the people as a whole. Not a public utility, it is indeed more than a public utility—more than an ordinary convenience made available to all alike. The public force of broadcasting places it in a uniquely important and novel class of public service. The manner in which that great force is wielded necessarily is a matter of great public concern in fact.

Another source of public interest in broadcasting is that the radio spectrum is public domain. Radio waves are not the subject of private ownership. The public has every right to insist that, in the private exploitation of this public facility, the public interest shall be served. Where private operation runs counter to public interest, the Federal Communications Commission as the servant of the Congress and of the people is under a duty to repossess the wave length in the name of the people. It is a rare tribute to the radio industry that this duty has seldom been exercised because of the character of the public service rendered. That duty must never be performed in a capricious manner. Nor should it ever be used as leverage to control program conduct.

Under the law there cannot be any governmental censorship of radio. This is another ghost which seems to have taken on substance by the repeated whippings it has taken.

It is important to observe that no government official directs you to maintain particular programs or to delete any particular program. Great latitude must exist in the conduct of a broadcasting station. And under our American way it is entirely proper that broad discretion in the conduct of the station is vested in the private operator. At the same time the public does and should urge that certain basic principles be preserved. But the greatest of these very principles requires that neither I nor any other particular person or interest shall utilize this great force to impose one's own ideas upon the public.

Radio must remain as an instrument of freedom and for the preservation of freedom. That being true we must not be deluded into the thought that such an instrument is under no obligation to the public.

On day before yesterday at the World's Fair, there was presented to the radio industry an impressive plaque symbolizing freedom. On it were inscribed, in words of Walt Whitman, "I say there can be no safety for these states—without free tongues, and ears willing to hear the tongues."

As I sat there in the spell of Treasure Island I could not but ponder upon the significance of that plaque. To the broadcasting industry, it was the message—the deserved message—well done.

But there were grouped on this plaque the images of such men as Lincoln, Washington, Jefferson, Henry, Franklin. Theirs was the struggle to create in the first instance, to secure and finally to defend our democratic institutions.

To me. in a deep emotional sense, freedom of speech is a basic right. But sitting there I began to wonder if the fathers were deeply concerned with my own interest in speaking my mind or in forwarding my own special purpose or in your own selfish interest in getting somebody told. If that be true, then freedom of speech were well nigh illusionary and devoid of useful function. With what then were they really concerned? What is the substance of freedom of speech—what is the basic interest protected?

Let us again turn to the plaque. Whitman's words are significant. His concern was not in free tongues for the sake of the tongues but, in haec verba, "safety for these states." "I say there can be no safety for these states without free tongues." To him as with us today free tongues were essential, not merely as a part of our democratic customs and conveniences but rather as an actual instrument for the preservation of our democracy.

Every one of these great statesmen aided in creating, securing, or preserving the Bill of Rights, including freedom of speech. The principle of self government was at stake. The capacity of a people to govern itself was being tested. Democratic institutions were in the crucible. These men like Whitman were concerned with the safety of the states and the permanence of the democratic form of government they symbolized.

Education—the diffusion of knowledge and information—have long been deemed essential to the American scheme of things. No people without adequate knowledge of the true facts involved are capable of intelligent self governmnt. The American people properly informed are best capable of self government. Washington himself in the Farewell Address emphasized the need to "promote—as an object of primary importance—institutions for the general diffusion of knowledge."

The role of facts and knowledge in enabling a democracy to attain the heights of which it is capable can never be overemphasized.

In that light, freedom of speech begins to take on substantial meaning—as an instrument dedicated to the service of a free people.

Let us turn again to this plaque—this symbol of the broadcasting industry as an instrument of freedom. In Whitman's words there is a further requisite for the safety of our system of government, that is, listeners who were ready, able and willing to hear. Whitman's dream has now come true—the radio at last has provided the great audience. And so, appropriately it will serve as the guardian of our institutions.

It must be borne in mind that however much the individual has personally enjoyed his freedom of speech there were always serious limitations. How many people could he reach by speech—how many by leaflets—over what distances—through what machinery—and at whose expense? Whatever the mental relief he may have enjoyed, there were various limitations in the means of achieving his own purposes as an individual. But there has always been the important need of the democratic nation to create and maintain an enlightened and informed public opinion based. as it must be, upon the facts—fully and fairly presented.

This means, of course, that where vehicles of public discussion are under private control there must be balanced and two-sided —not biased or one-sided—presentations.

The Supreme Court recently said:

"Freedom of discussion, if it would fulfill its historic function in this nation, must embrace all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period. * * * Those who won our independence had confidence in the power of free and fearless reasoning and communication of ideas to discover and spread political and economic truth. Noxious doctrines in those fields may be refuted and their evil averted by the courageous exercise of the right of free discussion."

The handicap of the individual is still grave. Radio is a limited facility. Only the few may talk. The millions will listen. But there again we are driven back to the paramount concern of the broadcaster—his duty to the public. Since he cannot supply to all individuals the right to speak, he must render his service to the public and to the democracy by according that public the overwhelming benefit which can come from free discussion and full exposition. Neither Washington nor Henry nor Jefferson could be other than happy at the creation and use of such an important public facility for the preservation of our democratic institutions.

It must follow that the broadcaster owes to the public whose facility he occupies—and to the democracy he is bound to preserve the inescapable duty of full and fair reporting, balanced treatment, and honest and impartial comment on all facts and information of public concern; and adequate coverage on all public issues by two sided discussion and equality of facility and representation. The responsibility for this service rests with the licensee. It is inconceivable that control of the radio as an instrument of freedom should be delegated to any special interest with the liberty to control news, information and comment services. So soon as this service is rendered on behalf of a special interest or political party the radio ceases its most important function in the public interest.

The world too well knows, and will long remember, outstanding instances where the instruments of free speech have been utilized by particular individuals and special groups to serve their own individual purposes. The radio not merely follows the trend in government but it too often implements those trends. Where the radio has fallen as the voice of the people self-government has disappeared.

Broadcasting is all the more important in places where the other vital source of public information and opinion has on occasion utilized its basic freedom to promote its own or other special interests and causes. In the press we have long respected the traditional role of the editorial, however much we might deplore it in the radio—yet one cannot but view with concern the instances where "News" is handled in such manner as to give the public what the newspaper owner, in the light of his interest, wants the public to receive.

"News" can be colored. Headlines can be slanted. Spacing can be contracted or expanded; emphasis supplied or extracted by artful placing; important events or responsible views can be overlooked, yet John Doe can send a telegram and become a national character overnight. All this may appear momentarily to be good business; but it would not be democracy. It would overlook the real function of our basic freedom; and we should have an instrument of freedom devouring itself and the democratic structure which nourished it.

Let me not be deemed to criticize the American system of broadcasting. I am here to praise it. These are trying times and I have thought it beneficial frankly to discuss the great principle. Frankness is essential in these discussions, and those which I hope will follow on other problems of mutual concern. You will know that I am proud to observe the great public service rendered by the broadcasters in the midst of a tremendous conflict.

Their general news, informational and commenting service have been of a high order. News has been searched out and brought to us from the four corners of the earth. The networks have rendered particularly valuable public service in this regard. And so have the many broadcasters moved across a vast field of public service with creditable results. I face the future with confidence in radio and believing in it as a great and permanent institution. There can be no real fear that, conscious of your great privilege and its attendant responsibility, you would ever let the torch fall.

Need I add, gentlemen, as domestic issues compete with foreign events, that I am not asking for special favors. It is basic in this speech that I oppose and shall always oppose special favors in the conduct of radio broadcasting.

It is of greatest importance that neither I nor any other government official or group of officials shall endeavor to bend radio to our own special causes. That is fully as important as that radio shall not bend to other special interests. Yours is the discretion to be exercised in the conduct of the station, which, after all, is constantly under the effective scrutiny of the listening public. No government official or group can or should undertake to substitute its judgment for your own. Your decisions are many—your problems difficult. But they are yours, not mine. Such is the American system of broadcasting as it rounds into its third decade of public service.

Radio is a tremendous achievement. Its future is one of continually greater strength in the affairs of mankind and in the service of the public. These are troublesome days for all of us. But radio is not and must not be imperiled. To radio, time is endless.

Wars may come and nations may go. Tomorrow's political campaigns will pass into yesterday, as brief events in the life of a free people. The years like great black oxen will thunder down the trail of unending time. But, as the great bulwark of our great democratic institutions, radio must stand—till kingdom come.

## LOUIS JOHNSON

### (Former Assistant Secretary of War)

Members of the National Association of Broadcasters:

Three years ago I became a radio commentator. For my subject, I took "National Defense." For sponsors, I chose the American people. Since then I have come to the microphone on an average of almost once a week to discuss my theme.

In 1937, America was not awake to the needs for adequate preparedness. Too many of us lived with a false sense of security. We had begun to look upon our oceans as impregnable Maginot lines. It was such a state of mind that I felt it my duty to correct.

As a World War veteran with overseas service, as a former National Commander of the American Legion, and as a patriotic American citizen, I realized the importance of national defense. As soon as I joined the War Department I made it my responsibility to go out and to convince the American people that national defense was a basic consideration in the life of our country. To gain the cooperation of our citizens, I visited every state in the union at least once, and, many of them, several times. Altogether I made more than two hundred public addresses on the subject of national defense.

With the aid of radio facilities, with the support of the press, and with the cooperation of military and civic leaders everywhere, I was able to awaken a great deal of enthusiasm for our defense program. Some skepticism, I did encounter; and, here and there, I ran into what radio advertising men call "sales resistance" to the "commodity" I was advertising. Persistence, time, and especially events in Europe and in Asia at last made our people national defense conscious.

It is no longer necessary to advertise national defense to the American people. Today, every loyal citizen, regardless of party affiliation, wants an America sufficiently well fortified on land, on sea, and in the air, as to command the respect of the world. To reach our objective, every citizen must be willing to make all necessary sacrifices of time, of money and of effort toward achieving such an objective. He must be ready, nay, anxious, to serve at the bench, the lathe, the loom, the plough, or in the armed forces, if need be, to gain the desired goal.

National defense in its broadest phases, however, includes not only a strong army, an unsurpassed navy and an invincible air corps, not only an industry geared to produce munitions of war in time, in quality and in quantity as required, but also a united nation, a nation spiritually aroused to its grave responsibilities and ready at all costs to work for a common end.

You broadcasters of America, who are expert phrase and slogan makers, I urge to coin a national motto to keep constantly before the American people as a reminder, every day, in every way, of the necessity for national teamwork. In your bulletins, in your advertising script, when you open your program and when you sign off, let there come forth an urgent and effective appeal to all Americans for national unity.

We are a people unique in the annals of civilization. Alone among nations, we always have made the most of the present, and always have looked toward a future of even greater promise. With the past that was gone, we concerned ourselves but little. Unlike European nations, we gave no thought to a glory that once was ours, to an empire that once we possessed, or to a place in the sun that once we held. These were the concerns of an older world whose governments continually strove to win back lost provinces and departed prestige.

We were a young nation with a future, a virile people of energy, character and enthusiasm, with an eye on the forward horizon. Early in our history, we broke the shackles that chained us to the past, never to return to bondage. For more than one hundred and fifty years ours has been the promised land, the land of tomorrow. Regardless of origin, of race, or of creed, our forefathers worked together, fought together, and bled together in the name of liberty. Let us keep that spirit alive today.

Not only as a nation, but as individuals, we looked forward and not backward. Yes, there were obstacles, human and physical, but to our forefathers nothing was insurmountable. War, depression and panic ran their cycles, but always the individual American emerged with new courage, unbounded enthusiasm and the will to succeed. He had no use for quitters, trouble-makers, gossipers and whisperers. He had no patience with those who worshipped the idols of the past. He had a job ahead. To him a man was a man.

What mattered it whether he was born in the north or in the south, in Europe or in America? What difference did it make that he belonged to one political party or another, that he chose to worship his God in a cathedral, a church, or a synagogue? The test for admission to the communal life of America was simple. When a newcomer arrived the question was not "Who are you?"—"Where did you come from?" but, "What can you do?" or "What can you contribute to American life?"

Immigrants came to us from every European nation. We did not ask their origin. We did not look into their social status. If they had the character, the diligence and, most of all, the determination to work and get ahead, they got ahead; and in their progress up the ladder towards success they carried with them the respect and the admiration of their neighbors. They were welcomed into American citizenship; and they continued to work and work hard.

All of our people worked hard so that our great natural resources might be developed to their fullest advantage for the benefit of all. They worked that their lives might be made fuller and more worthwhile. Every loyal citizen felt the responsibility that it was up to him to help transform the new world into an earthly paradise where free people could live in peace, happiness and prosperity.

Today, alas, non-American doctrines that cowered in the darkness of the past and dared not face the bright sun of the future, have raised their ugly heads. They do not ask, is this man a useful citizen? They are not concerned whether he walks humbly with his God or not. They do not demand credentials of ability, of courage, of fairness or even of efficiency.

Instead, they blare forth with blatant generalities. They prejudge character by external standards. They pit native-born against foreign-born. They breed misunderstandings between capital and labor. They create confusion toward our foreign and domestic policies. They sow seeds of hate among sects and creeds. In brief, they spread discord at a time when union is essential to our existence as a free people.

Yes, we always have had honest differences of opinion. We are not and never have been a society of automatons that bent its knees before self-constituted authority or sat in adulation before self-anointed rulers. We always spoke our minds freely. We always dared to disagree. The time has come, however, when we must place less emphasis upon individual likes and dislikes, and think more and more in terms of the public good.

Our individual tastes, our individual ambitions, to be sure, are important to us. In time of peace and tranquillity, we live for them. When there are no external dangers we strive to realize them; but in times of crisis we must be willing and ready to forego them. When the fate of our nation is at stake is not the time for the cultivation of individual aspirations.

Today we must think and act not as industrialists, not as laborers, not as civilians, not as governmental workers, not as anything but Americans determined to protect our nation against all hostile threats.

Our forefathers put into practice the ideals of America toward which every citizen, native and foreign born, should reach—justice, freedom, democracy and loyalty. These principles are a sacred trust. We must take them to our hearts. We must maintain them. We must perpetuate them. We must live for them. If necessary, we must be prepared to die for them. They are the cornerstone of America. They are the foundation of all civilization.

Life in America is not perfect, but do you know of anything that is better anywhere in the world? To be an American in the world of today! What a privilege! Compare the blessings we are enjoying this very minute right here in this room with what other countries have to offer. While we assemble without fear in a large body, there are few places across the seas where men may meet even in small groups without arousing suspicion. While we speak freely, others must padlock their lips or whisper in guarded undertones. While lights may brighten these walls, others live in black-out darkness. While we breathe God's own pure air, others are adjusting gas masks. While we live peacefully among ourselves, others stand in terror of their nearest neighbors.

In Europe, there may be a stigma attached to one's origin which may taint the life and business of a whole family, even a whole people. Here, men are measured by their own conduct. Each is free to live his own life in his own way so long as it does not encroach upon the similar rights of others. While we may dial our radio to any program anywhere in the world, others must deafen their ears to the outside and listen only to the voice of self-anointed masters. While we may think, write and say what we please, the lives of others are circumscribed to the minutest detail.

If we lose this cherished liberty, our dreams and our plans for a better and happier life will be destroyed. A time will come, and may it come soon, when again we can emphasize our personal hopes and our individual desires. But until we achieve a strong armor of protection for our country they must take second place. Unless we become strong, we may be thrown back into a darker age when the simplest of rights that we now take for granted will be lost perhaps for generations.

We must therefore acquire national unity. We must achieve without delay a cohesion into one pattern of all American dreams and aspirations lest they be forever denied. I therefore urge upon you the need for a revival of the spirit of American unity and as broadcasters, to keep the ideal in the forefront in all your radio activities.

In addition to a slogan for national unity, we need one for hemisphere solidarity. Too often in the past we looked upon the Monroe Doctrine as a unilateral self-imposed obligation upon the part of the United States for the protection of the new world. Hemisphere solidarity today, however, means something more. It is a multilateral understanding among all American peoples that we are one for all and all for one; that we have a necessity for common defense, and that we must all work together for a common goal.

Those who would disparage our efforts toward a united American front usually point out the cultural differences that separate the Anglo-Saxon from the Latin peoples. Such a distinction is not an obstacle toward hemisphere solidarity. There is a deeper sense of solidarity in our common aspiration for freedom that transcends language or custom.

We in the United States in whose veins flow the blood streams of Europe's many peoples have shown that character, not origin, is the true basis for understanding.

Here in California, Anglo-Saxon and Spanish cultures have merged into an American way of life which has been enriched by the contributions of men and women of other national origins. Everywhere on the Western Hemisphere we have American character. It manifests itself principally in a passion for independence. It is a common bond that must bring us more closely together.

Let me remind you that in 1776 the people in Massachusetts had much less in common with those in Virginia than we do today with our neighbors to the south. Let no misunderstandings nor recriminations arise between us. Let us regard each other with patience and with tolerance. Let us forget our differences and think only of our common ties. Let us act, talk, and think in terms of hemisphere solidarity.

We must move closer and closer toward each other. We must visit each other more frequently and exchange our goods more freely. This is no time to think of bargains and profits. In the world of today we in this continent must work together.

Again, I turn to you radio broadcasters to translate this ardent desire into a popular formula that will remind us every day of our duty and responsibility.

Besides national unity and hemisphere solidarity we need a resurgence of respect for the dignity of labor. I have touched upon that subject a number of times in my drive for recognition of the need for skilled labor as a major national defense measure. With your indulgence I shall repeat a few of my observations, which I believe are still applicable.

In modern battle we demand not only a disciplined fighter, but a skilled mechanic. He must have a firm grasp of the powers and capabilities of his weapons as well as the strength and the courage to use them intelligently and efficiently. Guns, tanks, planes, and the other numerous battle accessories today call for craftsmen skilled in handling machines, as well as fighters bred in discipline. Any ordinary chauffeur can drive a car, but the pilot of a heavy tank who must traverse varied terrain, climb over steep hills, drive through thick forests, wade across deep gullies and speed along wide open fields while planes from above and artillery from the flank shower him with a deadly spray, must indeed be a mechanic in arms; and behind the pilot are the army maintenance men who must keep the wheels rolling.

This is only one side of the demand for skill. Behind our planes, our tanks, our trucks and all of our modern, delicate engines of war is the manual dexterity of our industrial mechanics. For the production of our war equipment and our munitions in our civilian factories we must look to deft hands.

In our pioneer days, we boasted of our manual dexterity. We seemed to have an inexhaustible supply of skilled mechanics. Today, many of us wonder whether we shall have enough to meet the expanding needs of armament.

In the first place, the training of apprentices in our industrial plants was reduced or entirely eliminated as a result of the 1929 depression. So long as there were mechanics out of work, industry saw no reason for the training of apprentices.

In the second place, there has grown up a tendency on the part of our young men to look upon manual labor with disdain. They have been encouraged to seek white collar careers. Our public high schools have overemphasized that importance as a preparation for college and have neglected their value as a training for a job. As a result, we have thousands upon thousands of young men looking for work in overcrowded fields but possessing none of the manual dexterity required of skilled mechanics for whom jobs are available in reasonable numbers.

We must change our whole attitude toward secondary school education. We must pay more attention to those who have little aptitude for college and train them in our high schools for useful occupations. Our young men must be encouraged to seek careers in the mechanical trades and arts where better prospects for jobs may await them. We must give a dignity to manual labor which heretofore has been lacking or, in many cases, entirely absent.

The future of America rests largely upon the courage, the character, the discipline, the level-headedness, the poise and the balance of the young men who are now of high school age. Their lives, their jobs and their careers depend on the training we give them today. We must develop in them a loyalty to their family, their community and their country. We must instill in them a spirit of tolerance and understanding and a devotion to our American ideals and institutions. With their enthusiasm and their cooperation, we shall keep America happy, wholesome and free.

In the post World War era, America's spiritual life has suffered from false standards of which the attitude toward manual labor was but one manifestation. All of them stem from the debunking philosophy that swept over America after the Armistice.

There are real values in life, sentimental ones, if you will, that are at the foundation of our American way of life. They are our loyalties—our loyalties to our home, to our family, to our church, to our community, to our country. They were, are, and shall be our inspiration and our refuge. I appeal to you as radio broadcasters to put new life and meaning into them, to extol them before the youth of our country, to recall them to the minds of onr mature and our aged.

Yes, let us have a revival of our traditional mode of life. Let us advertise the homely virtues of our fathers of charity, of integrity, of sympathy, of courage, of understanding, of work, and of common purpose. Let us think as Americans, act as Americans, and work as Americans. Let us rekindle our hopes and look to the horizon before us. The future is still bright. Let us strive to keep it so for ourselves and for our children.

We must build up our armaments, tighten up our belts, give unstintingly, sacrifice, work, work, and work more to get this job done. An unprepared America may mean the end of civilization. We have a sacred trust. We dare not fail.

## DR. FRANK KINGDON

### (Executive Director Citizenship Educational Service)

The organization with which I am presently connected is the creature of national, social, youth, labor and welfare agencies that have an enrolled membership of thirty million men, women, and young people. They have joined together to ask one question: How can we most effectively cooperate to teach the true principles of American democracy and to perpetuate in this country conditions of life that will assure the maximum happiness and prosperity of all our people? We are acutely aware of the penetrating part played by the radio in the experience of our fellow citizens. We are also conscious of the power of the radio in influencing national attitudes and in affecting the human relationships of our people.

It is this very appreciation of the power that radio represents that makes us sensitive to its activities. Undoubtedly, you have from time to time had evidence of this sensitiveness in correspondence from our agencies criticizing some programs or incidents within programs. Such criticism is in no sense querulousness. It may at times seem to you to be mistaken, but it is always the expression of a profound and honest concern for the best interests of the actual people who make up the United States and for the creation of the most creative possible attitudes among them.

We gladly recognize that you yourselves have seen the implications of your medium and have accordingly established the NAB code to guide your practices. No intelligent men and women can look upon the present world situation or contemplate the disintegration of nations without a sobering realization that current events call for action designed with the utmost care to conserve and extend the ties that bind men for good purposes. The price of carelessness is today nothing less than disaster. The dimensions of disaster are such that all of us, rich and poor, employer and employee, are engulfed in it when it comes. We must all govern ourselves with a realization of the good of the whole or else we shall each lose all we have in the collapse of all. Your code is an expression of your realization that the art of the radio draws its strength from the people and will keep its vitality only as it serves all the people. In this spirit the common sense and common idealism that it represents should be further extended rather than curtailed.

It is one of the paradoxes of freedom that liberty can be maintained only by those who willingly accept the necessary disciplines of social control. Freedom is not an absolute. It cannot be. Each person's right to do or say what he likes is limited by two boundaries.

The first limitation comes at the point where his action impinges on another person's rights. Freedom of speech obviously does not give anyone the right to slander another. Freedom of assembly does not mean that someone can call a meeting in somebody else's house without his permission. It is childish to speak of freedom without this realization of its relative application to conduct. When we speak of a democracy we mean a society that so balances rights one against another as to provide the maximum possible degree of freedom to all on as nearly equal a basis of distribution as ingenuity can devise. This implies more than a merely legal definition. It calls for a mutual respect of each other's rights on the part of individuals. It also demands the voluntary self-regulation of interest groups based on a recognition of their mutual interdependence; this is what gives meaning to codes of ethics established by various industries for their own regulation; they are more than expressions of good intentions, they are essential definitions of practices that make a society of free men possible. In this sense, freedom does not mean the absence of government, it means self-government, that is, the rational exercise of the moral will.

Self-reverence, self-knowledge, self-control.
These three alone lead life to sovereign power. The only alternative to them in a complexity of laws rigidly enforced, and every gain of force is a loss to liberty.

The second limitation upon freedom is not so simple and has never been as fully explored in our national political literature. We have the measure of freedom that we enjoy because we are citizens of a country that guarantees these liberties to us. The United States of America, as a sovereign entity, one of the nations of the world, is the fact that makes our freedom possible. If the United States should be destroyed our freedom would be lost. This means that we must defend the United States. In our contemporary world mere love of liberty is not enough. The Scandinavian nations had that, but they were not prepared to defend their national states and so they lost their independence. On the other hand, Switzerland has combined the practice of democracy with a vigorous defense policy, and so, in spite of multiple languages and many minorities, it has maintained a degree of liberty unequalled among the small nations of Europe. To keep our freedom we must protect our country. Therefore, we have to accept enough of a limitation on our freedom to assure the continuance of the institutions that guarantee it in the first place. Freedom must not be used to destroy freedom. If any one says that this principle is a denial of the logic of liberty, I answer that it is an appeal to a higher court than logic, it is an appeal to the principle of self-preservation. No man can claim in the name of freedom the right to destroy the nation and its institutions that guarantee his freedom to him. Put into plain words, this means that we, as a nation, must outlaw all parties and organizations that serve first and principally the interests of some other nation than our own. Such people have no rights, theoretically or in justice, in our country for they do not accept the rules of our democracy. Disloyal to the fundamental ideals of America, they are traitors and they should be treated as such. If we do not handle them vigorously our softness will bring us to the same sort of disaster as overwhelmed the Weimar Republic and the Republic of France.

These are serious words, but their implications are justified by the fact that we are confronted by a new kind of attack upon our way of life. Hitherto, our canons of freedom of speech have had to govern differences of opinion among men who accepted the promises of our democratic philosophy. For example, Franklin Roosevelt, Wendell Willkie and Norman Thomas differ extremely, even bitterly, on matters of public policy, but they are all honest supporters of the American way of liberty. It is comparatively easy to handle the techniques of a non-partisan presentation of issues between them within the democratic framework. Every tenet of eighteenth century liberalism can be applied to this situation, and all of us can and must insist that they be so applied.

The tragic experiences of other democratic nations, however, have made inescapably plain the fact that we are now dealing in the twentieth century with a kind of propaganda for which the traditional dogmas of democratic debate are not adequate. If we fail to recognize this, we shall follow other peoples into the dark shadow of division and disintegration. Democracy must control its own weapons to protect itself or they will be turned against it, and it will die of its own indulgence.

We are a unique nation. This is not a patriotic boast. It is a statement of historical fact. We are the only people in recorded history who began our national life and have continued it as a free society of free men. When Abraham Lincoln said that we were conceived in liberty he spoke a historical truth and he was saying what could not be said of any other people in all the story of mankind. For a hundred and fifty years the forces that gave us birth have been pushing the extension of democracy throughout the world. With all its faults the nineteenth century must be counted as one of the superb epochs of human history; it saw human emancipation march steadily forward, and discovery, invention and knowledge make unprecedented advances. Now, for the first time since we won our independence we find ourselves in an age when the tide of opinion is surging in the opposite direction. Powerful voices are flatly asserting that democracy is dead. Acting on this premise, resolute men are actively at work seizing and enlarging their personal power. They are aggressive. They are unscrupulous. They fight with any weapons they can find. They are unhampered by any considerations of truth or morality. And they are confessedly bent on world domination.

These men are not limiting their activities to lands outside our own. They have their agents and representatives in our own midst, some of them drawn from among our own people. They speak our language and use our slogans. With complete cynicism, they are fomenting every latent prejudice among our people and are skillfully producing contradiction and confusion in our body politic for the purpose of creating a condition of indecision that will precipitate panic in an emergency. In our country at this moment these men greedy for power stand not only ready to undermine our freedom but deliberately planning to do so. They intend to take America over and to make it into something it has never been, and I am convinced will never be under its native impulses, a totalitarian country in which liberty has no place and human dignity is reckoned a romantic illusion.

In the face of such facts we cannot afford to be merely patronizing or indulgent. We have to take stock of an actual situation and plan our social strategy in such a way as to safeguard the patterns of life to which we are devoted. The primary issue is not the definition of limitations upon freedom of speech, but whether as a nation we are going to survive or whether we are going to surrender ourselves to forces that will destroy our independence, and thus wipe out the very possibility of our continuance as a free people. The process we are facing is a subtle undermining of our whole confidence in our national life, the breaking down of our faith in decency and in human respect, the substitution of cynicism for fair dealing, the fomenting of group hatred and the destruction of cooperation and national unity. This profounder issue of the perpetuation of democracy itself calls for clear judgment and for action as effective as that of its enemies.

There is a new weapon in this war. It has already been used effectively in other lands. It paralyzes men's wills. It is propaganda artfully disseminated through every medium of communication. The design it carries has been explicitly stated by the head of the German Reich. In his own words, he seeks to create "contradiction, confusion, indecisiveness of will, and panic." This weapon is now being used in this country. Naziism and Communism are invading our land with it. If they should attack our shores in a military way none of us would hesitate a moment to resist them and to go on a war footing to do so. Yet we seem unable to make up our minds that this new weapon is as real and as dangerous as explosives. We have seen Norway, Denmark, Holland, Belgium and France split and rendered impotent by it. We have seen Finland stand out because is was not vulnerable to it. Yet we are comparatively indifferent while day after day the enemies of this country use it here, and blackmail certain of our fellow-citizens into paying its costs.

As a matter of fact, we, above all nations, must take account of this weapon, because we are a peculiar people. A German is a German, a Frenchman is a Frenchman, an Englishman is an Englishman, because each is born that way and has ties knit by generations of common blood and soil to unite him to his fatherland. Here, we are a nation drawn from many countries and traditions. That which unites us is an idea, a common love of freedom. We ask no man his ancestry. We ask him only if his heart is for liberty, and if he swears it is, we give him our hand. Some who look upon us from afar scoff at us and say that we are no nation, but a mere conglomerate of bloods having no unity. They do not know the ties that bind us. Their very skepticism, however, must be our warning. They will attack us, they are attacking us, where they think we are weakest. They seek to exploit our differences to disunite us. Our answer must be to recognize their attack, to make the necessary sacrifices, economic and social, to disarm them, to mobilize our brains and resources to outmaneuver them at their own game and to rededicate ourselves to that love of liberty which is our boast and our bond.

In such a campaign, the broadcasters have a real part to play in defending America. The radio is a means of communication that has almost immeasurable penetrating power. The dictators of totalitarian countries have realized this, and have risen to power by using it to the utmost. Once in power, they have taken it over and have monopolized it absolutely, visiting drastic punishments, even death itself, upon those who listen to programs other than their own. They have transformed a magnificent instrument of enlightenment into a tool of ignorance and tyranny.

Using it to the limit, they have launched an imperialistic revolution in which the whole pattern of private property, contract, and free labor is being replaced by a gigantic and absolute state monopoly. It combines the worst features of both nationalism and socialism. And now its leaders are dreaming of it as a worldwide regime.

You stand at one of the points where its attack on our way of life centers. In your hands, therefore, to a large extent rests the protection of the American mind against its poison. The minions of totalitarianism in all its forms are besieging you in the name of free speech to let them talk. Soberly, and in the full blaze of public discussion, you must establish the standards of good sportsmanship in democratic discussion, as organized groups have to lay down the rules in any area of human relationships, and you must abide by those rules and outlaw all who play foul, regardless of their influence or their position. The radio is itself a wonderfully democratic instrument, bringing all its programs to all kinds of homes throughout the country. A broadcaster betrays the genius of his own medium when he allows it to be used to break down the very democracy it exemplifies.

In advertising commercial products you have a simple rule. No one shall be allowed to use the radio to advertise harmful products. The radio is not accessible to peddlers of poison. This same rule applies to purveyors of ideas. A man may say fairly harmless things over the radio, yet in his program overtly or tacitly advertise a magazine or a book that is definitely antisocial. One program having a wide hearing is given in the name of religion, but the literature of the group represented is viciously anti-Catholic. Another program claims high patriotism as its motive but the magazine associated with it is demonstrably anti-Semitic and turned to totalitarian views. Ideas are no less poisonous than physical toxins. Your responsibility is as great for these products as for any others sold by radio.

There is another danger here. Vicious controversy feeds on itself. One man preaches hatred. Soon another answers him in the same spirit. The air waves become an arena of the kind of vituperation, of charge and counter-charge, that appeals only to prejudice and aggravates groups into militant antagonists. We have already seen riots in our cities resulting from such conditions. It is the antithesis of democracy when passion displaces reason.

Controversy at this level has another serious effect. It colors all legitimate discussion with its evil temper and beclouds other issues in the minds of men. There are basically important questions before us as a people, questions involving the whole adjustment of economic and political power. These should be thrashed out with seriousness and dignity they deserve. Candidates and makers of opinions should be judged by their programs on these issues. Instead of this, the general level of argument is dragged down to competition in cheap emotional appeals. And candidates are judged on the single question of some overrated demogogic issue. Thus our whole public life is muddled up with false appeals. Radio cannot be held responsible for all the cheapness of political exhibitionism. It can, however, guard against letting itself be exploited by the fomenters or false antagonisms, and to this extent the nation and the decent people in it will hold radio responsible.

There are some attitudes that are so fundamentally American that any attack upon them is clearly undemocratic and cannot lay claim to the facilities of broadcasting by appealing to freedom of speech. Let me name some of them:

### 1. Human Brotherhood

It is written in the foundation document of our independence that "All men are created equal, and are endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness." Notice that it says, "all men." Our Constitution opens with the phrase: "We the people of the United States." It is inclusive, taking in all people. Therefore, any doctrine of race that asserts that one group is superior or inferior to another, is completely and inescapably un-American, so un-American as to be anti-American. The racialism now being taught in Germany is a blasphemy against the deepest religious convictions of all who believe in the Fatherhood of God and the brotherhood of man. If possible, it is even more distorted heresy than the monstrous nationalism that supports it. And it violates every premise of democracy. Therefore, the man who incites anti-Semitism here is false to the very nature of our Society. He may call himself an American and praise democracy but in his soul he has denied humanity and lost his right to call himself by the name of American. The whole racial emphasis of Naziism is a lie born of a lie. It is a refusal to accept our common humanity, the blood that flows in all our veins, and it is a denial of the scientific spirit that knows no such pseudo-races as it describes. Those who echo it here are servants of a falsehood. They have no claim upon a freedom they would twist into a means of ignorance and intolerance.

### 2. Religious Freedom

When the Bill of Rights was added to the Constitution (and without it the Constitution would not have been adopted) the first principle guaranteed was that of religious freedom. Thus was its preeminent importance emphasized. It is a cornerstone in the structure of our American life. Every man has a right to worship at the altar he chooses, or not to worship at all if that be his conviction. By the same token, everyone has a right to teach and spread his religious belief, provided its practice does not violate laws established for the maintenance of public morality. No man, however, has the right in the name of his religion to prevent, or to incite others to prevent, the practice of another religion. The teaching of religious prejudice, therefore, is un-American, so un-American as to be anti-American. This means that a man who preaches anti-Catholicism or anti-Protestantism or any other form of religious bigotry is an enemy of our way of life. It is an unreasoned and prejudiced approach to a human relationship and so is at the opposite pole of thought from the essential thinking of which we are an expression. It is sheer absurdity in the name of freedom of the Spirit to deny spiritual freedom to those who worship at other altars than our own. Freedom does not have to prove its integrity by making itself ridiculous. The deniers of freedom can assert no valid claim upon their rights under it.

### 3. The Dignity of the Individual

One emphasis that runs all through the Constitution and that is made explicit in the Bill of Rights is the safeguarding of the dignity of the individual against the power of the state. Democracy puts a limitation upon absolute state power. It asserts that there is an area of individuality so sacred that no power may invade it. Even though a majority of citizens may vote a certain measure it cannot enforce its decision against the conscientious scruple of one who resists it at this deep level. This is the safeguard of minorities. It is the alternative to totalitarianism. He, therefore, who advocates the extension of unlimited power to the state, making the individual a tool of the state, rather than the state the servant of the individual, is false to a basic characteristic of America. To say that we must extend full radio freedom of speech to a group that advocates totalitarianism because as a minority it has a right to freedom is the kind of casuistry that betrays its own premise. Communists, for example, are ardent supporters of civil liberties in this country. They support them, however, as a minority within a democracy. As Communists they do not believe in them at all. Even as a minority they are the agents of a foreign power, taking their orders from a foreign government. In spirit and in practice they are opposed to our American way of life. Yet they ask us not only to countenance them but to encourage them. In a similar way all totalitarians cynically prey upon our good intentions. France has proved conclusively that their pretended caress of democratic principle is a kiss of death. We have to pay a price for maintaining democracy—but not the price of life itself. A free government deserves better of history than to win the epitaph that it was expert at suicide.

### 4. The Home

No single fact more brightly illuminates the essential struggle of our generation than the fate of the home under the rival systems of dictatorship and freedom. From the beginning our nation has safeguarded the family. At this point, if at no other, the Judaeo-Christian teaching has definitely moulded our practice. From the pioneer days to the present, families have had to face economic hardship, and in some cases it has been unnecessarily severe, but the home has actually been protected by two principles recognizing its sacredness—our moral code and our respect for its privacy. America would certainly cease to be America in the profoundest sense imaginable if the home as we know it should be undermined. Yet current totalitarian philosophies strike at the citadel of the home—both at its morality and its privacy. I do not need to recount the abysmal tale of denial of ethics, of children set to spy upon their parents, of hidden dictaphones, of sudden invasions, seizures and murders. The melancholy story is too familiar to us all. What I do need to stress is that no principle of freedom implies the moral right of any teacher of this disruption to demand that we must magnify his voice. Freedom is ill-served in the house of its friends when it enlists the loudspeaker to blast the family. Eccentricity has its prerogatives in a free state but they do not necessarily include a microphone. A home-breaker, even a housebreaker, we send to jail; yet we are blithely told that we must help the smasher of the whole home idea to broadcast his aberrations. We cannot claim elemental sanity if we confuse a license to freedom as freedom for license. Freedom presupposes intelligent discrimination and we prove our fitness for liberty by discriminating in our use of its privileges.

I have no right to speak officially for the organization whose servant I am. I can, however, act as their interpreter. They are born of the American community. They are themselves at once the spontaneous expressions of its will to freedom and instruments to perpetuate and serve that freedom. They include in their membership the people who are the backbone of America and who have a deep and moving concern for America. Therefore, I have no hesitation in saying that they will not sit quietly when voices inimical to our way of life are lifted. And I say confidently that they will support every sincere and intelligent effort that you make to defend America by keeping broadcasting an active and aggressive agent of liberty. We join hands with you to guard the land we love and with you we hold aloft the light of freedom that the feet of our people may not stumble in the quest for happiness.

## ED KIRBY

### (Secretary of NAB Code Committee)

What has the NAB Code done for me? This is the question which practical minded broadcasters are asking in this convention. The Code has been in effect just short of a year. In the results which have already been accomplished, the Code Committee hopes the broadcaster has the answer.

The development of the Code as a means of industrial self-regulation began two years ago when Mr. Miller called to determine if such a step were needed, or desirable. It was immediately apparent that in few fields of endeavor could it possibly be as important to clarify and codify for the benefit and guidance of the entire industry those practices and standards which had proved in actual practice the soundest means of fully discharging that obligation to serve the best interests of the public assumed by the broadcasters by the very terms of the licenses empowering them to operate. At that time the industry deeermined to do for itself from the inside what others proposed or longed to do from the outside. The wisdom of self-regulation is reflected in a statement of Mr. Justice Frankfurter who said, "Government as a rule undertakes no services or regulation except after private agencies have proved themselves incapable or unwilling." The broadcasting industry has proven itself both capable and willing.

What have been the results? Real value may be determined only by comparison and contrast. Two years ago, there was an effort emanating from two sources which would impose upon radio stations program regulation by law, requiring that fixed periods of time be set aside for the discussion of all public questions. The operating hardship which such a regulation would impose, the inability of the broadcaster to retain control over his program structure with reference to balance and listener interest, the dangerous political implications which attend an interpretation of what constituted a "public question" are obvious to all. Today, through the industry's policy for the handling of controversial public issues, this danger no longer exists. The demand for such regulation was withdrawn simultaneously with the announcement of the Code. The Code Committee declares with confidence that there will be no restrictive legislature imposing the allotment of fixed periods of time for particular program categories so long as we continue to pursue the same policy we are now following. Thus, the Code not only saved the broadcaster a complex operating problem in bringing about a new order of public confidence, but it has also saved him needed dollars and cents.

Two years ago there existed a situation involving the goodwill of the millions of organized women in this country. Caused chiefly through a misunderstanding on the part of club women about the industry's attitude on children's programs and by isolated instances of ill-considered programs, they were exposed to the influence of those outside zealots looking for a cause and a mission who promised the relief they sought through pressure tactics and legislation. It is a tribute to the common sense of the American club women that they did not respond to the voice of false prophets. It is also fortunate that at this time the foundations of the NAB Code were being laid. Through this vehicle we were able to give them the hearing they deserved and the information and understanding they had not hitherto received. The result: Whereas two years ago the attitude of the club women was such as to invite the interest of those who sought to change the basis of the American System of Broadcasting through arousing a widespread, unfavorable public opinion, today the American system of privately operated and competitive radio has no stronger bulwark of organized public support than that bestowed upon it voluntarily by American club women. The Code Committee can announce with complete confidence that there is no significant large body of women's clubs in the nation which has not supported and which will not fail to continue to support the present Code and American Radio.

Perhaps the finest example of the active condition of cooperation between the industry and these groups was evidenced last year when nationally known women leaders representative of every strata of women's activity, such as patriotic societies, library, teacher and parent groups and the like, voluntarily, and at their own expense, set up the Radio Council on Children's Programs to cooperate with the NAB in the implementation of the children's section of the Code. At the present time there is a survey jointly sponsored by the Council and NAB. Mrs. Dorothy Lewis, its field representative, is travelling through forty-four states, visiting local club leaders and radio stations, bringing about not only a remarkably better understanding of your program problems, but also uncovering a wealth of valuable information which later will be released to the industry, advertising agencies and their clients. It is significant here to record the remarks of Mrs. Harold V. Milligan, Chairman of the Council.

> "The Council is prepared to undertake practical measures for the attainment of improving children's programs even to encouraging throughout the women's world the purchase of products of sponsors providing acceptable children's programs which live up to the standards set out by the NAB Code."

No other advertising medium has ever received such important support from the representatives of the purchasing agents of the American home. We must thank the Code for this.

## RADIO AND RELIGION

The service of American radio in projecting the voice from the pulpit to every home is acknowledged by every thoughtful churchman. With few exceptions, most representatives of the 207 denominations carrying on their missions in the United States readily appreciate the soundness of the industry's position as expressed in the Code: "Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another's race or religion." And with few exceptions, the overwhelming majority of radio stations in the United States and their clerical speakers have lived up to this self-imposed standard by radio and church. Where these few exceptions have occurred, in a day when both the motives and inspiration may well be questioned, the resultant and growing condemnation of both public and clergy is such as to bring about self-correction, or, failing this, eventual commercial self-destruction.

In the past year, the NAB has had the most helpful and sympathetic cooperation and support of most of the church organizations of the country. We are particularly grateful to Dr. Frank Goodman, executive secretary of the Department of National Religious Radio of the Federal Council of the Churches of Christ in America, and to Edward J. Heffron, executive secretary of the National Council of Catholic Men. Stalwart religionists both, they have brought to the problem a decade or so, each, of practical broadcasting experience.

There has been a steady improvement in the broadcasters' relations with the educational world. Not long ago, it will be recalled, there were those who felt the problem of educational broadcasting would be solved only by the allotment of more time on the air, with a slice ranging from 15 to 25 per cent of all facilities assigned exclusively to non-commercial educational operation by schools and colleges. Through collaboration which has been accelerated by the Code, educators now know that the answer is not to be found in more time on the air, but more time in preparation and rehearsal. A closer understanding between radio and teachers has characterized the year just closed.

From its very start, the Code Committee has endeavored to be of service to each member as well as to the industry at large. It has not sought to assume the responsibility to accept or to reject program material delegated solely to the licensee. It has sought to be a clearing house of information and experience for the benefit of all. It has sought to formulate industry policy as it develops from station operating experience. Indeed, the Code itself is but the composite best judgment of all the stations. Of necessity the Code must be a continuous evolution of interpretation and policy to suit the ever-changing social and economic problem of broadcasting.

In order to preserve its proper function, the Committee follows one line of procedure in the handling of requests for Code interpretations; the request or inquiry must come direct from a broadcaster before the Committee undertakes action.

A political campaign lies ahead. The law is explicit in its regulations for political broadcasting. The broadcasting industry will of course continue to live up to the spirit and letter of the law governing political broadcasting. But the law does not cover the use of radio of those groups and their leaders who are not members of major contending political parties, but who desire to express political convictions about candidates or matters subject to ballot. The Committee points out that during political campaigns, when leaders of these groups desire to secure radio time on behalf or in opposition to candidates or issues, the facilities of radio stations are open to them, subject to provisions of law and the Code. The Committee has always preached the doctrine of fairness and consistency in the handling of such matters. Should a station sell time to such groups, it should of course hold available an equivalent amount of time so that the opposition may have a fair and equal opportunity to reach the ear of the public.

When the political campaign is over in November, the classifications of such groups who have secured radio time for political purposes reverts to their original classification as provided in the public controversial issue, religious, or other section of the Code. When the opportunity to buy time expires at the end of the campaign, radio stations are again prepared to extend a microphone neither bought nor paid for in accord with the public interest, with adequate provision that equal opportunity will be given their opposition.

The Code Committee feels that in these days of national emergency, when challenges to our national safety exist within and without our borders, the wisest possible amount of discussion should freely and fairly be accorded the many important questions affecting our American way of life. The Committee feels that the injection of emotionalism and sensationalism into discussions of politics, public controversies, religious or social questions would seriously affect the public welfare and prevent the American people from gaining a quick and clear access to the facts upon which our future course of action must be determined. In following a policy of objective and fair-sided presentation of the issues, radio stations are making outstanding contributions to the American democratic process.

The commercial section of the Code becomes fully effective October 1. Complete details and announcements of this were sent to all agencies and advertisers by both stations themselves and by NAB headquarters on July 1, and has been generally well received. Linked as we are in common concern with all media and advertising, in both a social and economic relationship, the Code has been well received by the four A's, the Association of National Advertisers, the National Association of Better Business Bureaus and the Advertising Federation of America. It has brought about a strengthened industry position with reference to the so-called Consumer Movement.

The business of broadcasting is the only business where a public pledge to serve the public interest is mandatory as prelude to the right to operate. Radio stations have since the beginning made and continue to make sincere and eager effort to discover in what areas of programming lies the best public interest. The impact of public opinion is a far more potent enforcement power than could possibly be wielded by any industry policeman. Public opinion, and it alone, governs American radio and enforces the code. This is the American system of broadcasting.

The popularity and the prestige of American radio is at its highest peak. Certainly this is a tribute to the stewardship of the individual station and network management in adhering to a code of conduct which has won for radio the largest audience in the history of the world. The Committee knows that every broadcaster wants to and will keep it so. Last Saturday we had an index to the standing of broadcasting among those we serve, when on the World's Fairs broadcasts there appeared representatives of every segment of our American life—labor, religion, education, youth, women, civil liberties and government, conveying thanks and pledging full support to a system of free American radio. Standing side by side were a Jewish rabbi, a Catholic priest, and a Protestant minister in tribute to a system of democratic radio which tries to bring people together in bonds of understanding. Those for whom these eminent men and women spoke last Saturday number in the tens of millions. No other industry, whether it be in the entertainment, educational or communications field has ever received such an eloquent tribute. With a united industry and with the people of the nation united in its support, surely radio has reached a new level of self confidence and of public confidence. The Code Committee pledges that it will continue to be of service to the industry at large and to each individual member.

## BY JOHN E. DREWRY

### (Dean, Henry W. Grady School of Journalism, the University of Georgia)

The story of the George Foster Peabody Radio Awards is largely an account of and a tribute to the imagination and enterprise of Lambdin Kay, for years director of Radio Stations WSB and WAGA of the Atlanta (Ga.) Journal, and now director of public service for WSB.

Last fall—less than a year ago—Mr. Kay asked me to come to Atlanta for a conference, during which he made a suggestion out of which grew the action of the Board of Regents of the University System of Georgia in setting up these awards. At this time, Mr. Kay explained to me that although there were miscellaneous prizes and distinctions in the radio field, there was nothing comparable to the Pulitzer awards in journalism and literature. He said that the industry had been so busy "growing up" that its leaders had not given sufficient attention to the public service implications of radio. He felt that the time had come to remedy this situation, and so, as a member of your committee on awards for distinguished service, he was turning to us for possible assistance. He mentioned the fact that the Pulitzer awards are administered by the School of Journalism of Columbia University, and suggested that perhaps we of the University of Georgia School of Journalism might be interested in administering similar awards for radio. He also proposed that the radio awards bear the name of George Foster Peabody, a distinguished patron and life trustee of the University of Georgia.

Needless for me to say, I was interested in his proposal, and assured him that I would pursue the matter with officials of the University and the Peabody estate. This I did, and at the May 1940 meeting, our Board of Regents officially approved and set up the George Foster Peabody Radio Awards. This action was the result of a series of conferences participated in by Dr. S. V. Sanford, Chancellor of the University System of Georgia; Marion Smith, chairman of the Board of Regents of the University System of Georgia; Dr. Harmon W. Caldwell, president of the University of Georgia; Mrs. Marjorie Peabody Waite, Saratoga Springs, New York, daughter of George Foster Peabody; Harry Hodgson, Athens, personal friend of the late Peabody; Ed Kirby, director of public relations of the NAB; and Mr. Kay.

All of these are entitled to the appreciation of this group.

I am assuming that all of you are familiar in a general way with the distinguished career and generous philanthrophies of Mr. Peabody. Perhaps, however, at this point I should interpolate a little biographical data about this very fine friend of high education and social betterment. In the interest of brevity, I shall merely quote some of the high points in the sketch of Mr. Peabody as it appeared in "Who's Who in America":

> "GEORGE FOSTER PEABODY, banker; born in Columbus, Georgia, July 27, 1852; received A.M. Harvard, LL.D., Washington and Lee, the University of Georgia. In banking many years. Treasurer, Democratic National Committee; chairman, State of New York Reservation Committee at Saratoga Springs; trustee, American Christian Institute for Negroes, Hampton Normal and Agricultural Institution, Pennsylvania Normal and Industrial School, Fort Valley High and Industrial School, Colorado College, the University of Georgia, Skidmore College, Lake Placid Education Foundation, National Council on Religion in Higher Education, Georgia Warm Springs Health Foundation. He was a member of the Southern Society, National Institute Arts and Sciences; a member of the following clubs: Century, Cosmopolitan, Down Town, Reform, National Arts, City, Hamilton, Lake George County Club. His home was at "Yaddo" in Saratoga Springs, New York."

To these bare facts, I may add that Mr. Peabody devoted much of his fortune to education and social enterprises. He was especially interested in the state university of his native Georgia, and has been referred to as the "best friend the University of Georgia ever had." Far visioned as he was, as early as 1905, he saw the necessity of a chair of forestry in the College of Agriculture of a state in which the pine tree is of no small consequence. Today our School of Forestry bears his name. Democrats in this audience possibly will recall, or may be interested to learn, that Mr. Peabody was a close personal friend of Franklin D. Roosevelt, and was largely responsible for interesting the President in the Georgia Warm Springs Foundation, near which is located the "Little White House."

The resolution providing for these Peabody Radio Awards, as approved by the Regents, reads as follows:

A PLAN WHEREBY THE OLDEST CHARTERED STATE UNIVERSITY WOULD RECOGNIZE AND ENCOURAGE THE SOCIAL RESPONSIBILITIES OF THE YOUNGEST OF THE MEDIA OF COMMUNICATION—AND ALSO HONOR A DISTINGUISHED AMERICAN:

Recognizing that the radio is an important medium of information, entertainment and public service, comparable to the press, The University of Georgia (chartered 1785), through the Henry W. Grady School of Journalism and a Board of Adversers, in conjunction with the National Association of Broadcasters, will confer annually, beginning in 1940,

THE GEORGE FOSTER PEABODY RADIO AWARDS for the most disinterested and meritorious service rendered by each of three American radio stations, representing the three major types of stations (local, regional and national), and also by a national broadcasting chain, said awards to be given to perpetuate the memory of George Foster Peabody, benefactor and life trustee of The University of Georgia and friend of educational progress everywhere.

These awards will be announced and bestowed publicly by the Regents of the University System of Georgia, upon recommendation of the Advisory Board set up and maintained jointly by the University of Georgia, through the Henry W. Grady School of Journalism, and the National Association of Broadcasters.

The membership of this Advisory Board shall consist of the Chancellor of the University System of Georgia, and eleven other outstanding American citizens who have demonstrated in a notable degree their interest in public affairs, and who also by position and achievement are prepared to evaluate in an impartial and detached manner the contributions of radio stations and chains in connection with these awards. The Board is to be self-perpetuating, subject to the approval of the Board of Regents. Nominations for membership are to be made through the office of the Dean of the Henry W. Grady School of Journalism. (The initial personnel of the Advisory Board will be announced at an early date. An explanation on this point will be made on the floor.)

Nominations of candidates for these awards shall be made in writing to the Dean of the Henry W. Grady School of Journalism, The University of Georgia, Athens, Georgia. Each nomination must be accompanied by complete and self-evident data setting forth clearly the claim to consideration for one of these awards. Program subjects, program outlines, program transcripts, recordings, letters, and other pertinent data should be so presented as to comprise an exhibit which will be a faithful record of the station's particular contribution to public service offered for consideration in this connection.

Competition for one of these awards will be limited to work done during the calendar year ending December 31 next preceding. The first award will be made in 1941, based on public service programs of 1940.

The closing date for entries will be January 15.

When informed of these awards, Neville Miller, president of the National Association of Broadcasters, made a statement which cheered us very much. It read:

"American broadcasters are honored that under such distinguished and impartial auspices, annual awards will be bestowed for the most outstanding contributions rendered in the public interest which they are dedicated to serve.

"Without question, the George Foster Peabody Radio Awards to be selected by a group of outstanding Americans representing a cross section of the religious, cultural and economic life of the nation, will become a new and noteworthy standard by which the public service contributions of the broadcasters will be gauged and measured.

"We welcome this new and wholesome influence in broadcasting. Our thanks go out to those individuals and to The University of Georgia whose public spiritedness has combined to bring about this worthy means through which to further perpetuate the noble memory of a great American, George Foster Peabody."

We of The University of Georgia School of Journalism feel that radio is very much a part of our educational program. For a number of years, the following statement has appeared in the annual bulletin of the Henry W. Grady School of Journalism, The University of Georgia:

"To the average person, the term *journalism* means newspaper work, perhaps reporting. Important as is the newspaper, and essential to the welfare of a democracy as is accurate and truthful reporting, journalism embraces a great deal more than the daily and weekly press.

Journalism, in the broad sense, includes metropolitan dailies, small town dailies and weeklies, press associations and syndicates, certain phases of the radio, specialized magazines and trade journals, general magazines, various aspects of book publishing, advertising and publicity, much of the production and promotion work in motion pictures and the theatre, and editorial, instructional, and research work for schools, colleges and various social agencies."

The creation of the George Foster Peabody Radio Awards was but the next and largest step in our efforts to be of educational assistance to an important agency of communication. We expect to do all we can to make these Peabody Awards of the maximum usefulness to radio. But a large part of the responsibility for the success of the project rests with you members of the National Association of Broadcasters. Your representative, Mr. Kay, initiated the plan! Your members, by entry, participation, and publicity, can make these Peabody Awards a real stimulus to that meritorious, public service which has already reflected so much credit on radio. We of The University of Georgia are counting heavily on your support, just as we expect to give you ours in every way possible.

## Resolutions

The convention adopted the following resolutions:

1. THANKS. The National Association of Broadcasters hereby extends its hearty thanks to those who have participated in its deliberations and who aided so materially in the success of its 18th Annual Convention.

Especially do we wish to thank Mr. Stephen B. Early, secretary to the President of the United States, the Hon. James Lawrence Fly, Chairman, Federal Communications Commission, the Hon. Louis Johnson, former Assistant Secretary of War, Dr. Frank Kingdon, and Dr. John E. Drewry for their valuable contributions to our deliberations.

In addition, our thanks go to the St. Francis Hotel, the Mark Hopkins Hotel, the San Francisco Convention and Tourist Bureau (which arranged the excellent entertainment program for the ladies), the Golden Gate International Exposition, Mayor Angelo J. Rossi, and those other individuals and groups from the city of San Francisco who have been so generous with their time and talents.

Our most hearty congratulations and thanks to the local convention committee, especially to the Chairman, Howard Lane, to Ralph Brunton and Lincoln Dellar, and to those other locol broadcasters whose cooperation made possible the presentation of the banquet and the show, "The Greener Pastures," directed by J. Kenneth Jones.

The association also extends its hearty thanks to the directors of Treasure Island Press Building for their entertainment Sunday afternoon at the San Francisco Press Club.

2. NEVILLE MILLER AND STAFF. The National Association of Broadcasters hereby extends its thanks to its President, Neville Miller and to the members of his staff for their generous efforts and extremely commendable work during the year just completed.

3. APPROVAL OF ACTS OF OFFICERS. The 18th Annual Convention of the National Association of Broadcasters hereby approves the official acts performed since the last annual convention by its duly qualified officers.

4. MEMBERSHIP EXTENSION. The Association takes this opportunity to thank District Directors, the State and Area Membership Chairmen for their enthusiastic and unremitting efforts which have resulted in the attainment of the highest membership in the history of NAB, namely, 464.

5. EDUCATION. The Association looks with regret to the probable discontinuance of the splendid non-partisan efforts of the Federal Office of Education, which have brought so many educational programs, such as "Smithsonian Institute" series, "The World Is Yours" and "Immigrants All—Americans All," which have been so favorably accepted by the United States.

6. CHILDREN'S PROGRAMS. The Association desires to express its appreciation to the Radio Council on Children's Programs which has brought about such splendid cooperation and understanding between parents and teacher groups, and American broadcasters, in the improved standards of children's programs.

7. ACCEPTANCE OF CODE OF ETHICS. Our Association expresses its gratitude to those representatives of the various segments of our American life in the field of labor, education, religion, youth, civil liberties and Government who have expressed their complete confidence in the American system of free radio as exemplified in the Code of Ethics of the National Association of Broadcasters. This was dramatically brought forth in the tribute to American radio by both the New York World's Fair of 1940 and the Golden Gate International Exposition in a broadcast of unprecedented proportions which was carried by all networks and many non-affiliated stations on Saturday, August 3, 1940.

8. B. M. I. The National Association of Broadcasters wishes to take this opportunity to commend the work of those responsible for the organization of Broadcast Music, Inc., and its unprecedented development. The Association feels that the scope and magnitude of the work accomplished in such a brief time not only reflects the outstanding ability of the leaders of the industry, but the unanimity among broadcasters when faced by a common vital problem.

9. MUTUALITY OF INTEREST. The National Association of Broadcasters joins with other advertising media, and organizations interested in advertising, in the presentation of a united front to cement public confidence in advertising. We join with others in urging that each branch of advertising exercise self-restraint, good judgment, and tolerance in its attitude toward other advertising interests and media.

10. ADVERTISING AND THE AMERICAN WAY. The Advertising Federation of America at its 1940 National Convention in Chicago made a distinct contribution by the development of the theme of the convention—"Advertising's Contribution to the American Way of Living."

"Advertising powerfully motivates and stimulates many of those individual acts and group processes which determine the way of American life. A symbol of free competitive enterprise and of free choice by consumers, advertising arouses the desire and ambition for better living and simultaneously performs an economic service which helps to make better living possible.

"The preservation of the American way of free individual enterprise and free consumer choice assumes more than usual importance today in the shadow of perils assailing free men and free peoples in so many parts of the world."

The National Association of Broadcasters joins with the Advertising Federation of America in urging "Advertising men and women everywhere to respect and take pride in the contribution of good advertising to the American way of living, that by the quality and sincerity of their work they may add daily to the value of this contribution, and thus help to safeguard it as a permanent part of American business."

11. DEFENSE OF THE NATION. Since the American people are today faced with new and urgent problems of national defense calling for the unselfish united effort of all Americans, the National Association of Broadcasters, recognizing the vital duty and responsibility of the American radio broadcasting industry to bend every effort in the organization of plans for national defense, hereby instructs the President of the National Association of Broadcasters to appoint a committee, of which he shall be one, to represent the industry and to be known as the Advisory Radio Committee on National Defense, which will still further implement the cooperation which the industry has already extended, and is still extending.

The Association instructs this Committee to advise the President of the United States, the Secretary of War, the Secretary of the Navy and the Chairman of the Federal Communications Commission of the desire and purpose of the American Radio Broadcasting Industry to cooperate fully in the organization of defense plans.

And the Association further instructs this Committee to place its services at the disposal of all departments of the Federal Government in coordinating and promoting the defense work; and in order to anticipate possible calls from the Federal Government, that the Committee undertake a survey of the Industry to determine requirements in the event of national emergency, and the qualifications of all employees for defense service.

12. AMERICAN WAY OF LIVING. The American Radio Industry is fully conscious of the vital inter-dependence of a free radio and a free people, and has long been dedicated to the preservation and the promotion of the American way of life, with its democratic liberties and free institutions.

Our greatest hope for the preservation of the American way of life rests fundamentally with the preservation of the stout and unconquerable unity of the American people which in the past has permitted us—though drawn from every race, creed and nation of the world—to live together in peace and harmony.

Malevolent forces, active today in this country of ours, are seeking to undermine the faith of Americans in democracy, to weaken our will to defend ourselves and to fan into burning hatreds the differences of race, creed, class and descent of which we are now composed.

In the face of these attacks, the American radio industry is bound not only to continue, but to intensify its efforts to promote the American way of life and thus protect its own freedom and the freedom of the people it serves.

The National Association of Broadcasters does solemnly rededicate the American radio industry, with whose freedom it is entrusted, to the promotion of the American way of life, and to preservation of the unity and morale of the American people.

Submitted by the Resolutions Committee,

Edgar H. Twamley—WBEN
W. Carey Jennings—KEX
H. K. Carpenter, *Chairman*—WHK

## Fair Broadcast

Tributes to the American System of Broadcasting from representatives of virtually every major organized group in the country were heard on the World's Fairs broadcast August 3. All will be printed in pamphlet form. Below are the remarks of James Lawrence Fly, FCC chairman, and Stephen Early, secretary to President Roosevelt.

### CHAIRMAN FLY

I am happy to participate in this tribute of the two great World Fairs to the radio industry—both in an official capacity, as Chairman of the Federal Communications Commission, and as just another listener who has found many enjoyable hours by the side of his radio.

First, let me say a word about the government's interest in this field. The Federal Communications Commission was created by Congress to protect the public interest in radio and related fields of communication. It was set up to carry into effect the policies which you, the American people, want. The members of the Commission are your representatives.

No less are the broadcasters your servants. As trustees of the radio frequencies which are public domain, the broadcasters are eager to learn what the public desires. They spend large sums of money in making surveys to learn the type of programs which meet with your approval. They are always sensitive to public reactions once they are made known.

Those in the broadcasting industry know, for example, that so far as public issues are concerned you want an opportunity to learn all the facts. They realize that other sources are open to those who want, or who may be willing to tolerate, the partisan presentation of information—with its unbalance and the insinuation of prejudice into factual reporting. They are aware of their great opportunity to establish radio as the completely reliable, impartial medium. Idealism is a practical influence in the conduct of radio broadcasting.

That, in large measure, is because you have made it clear that you do not want the magic of radio bent under the yoke of selfish interests; that you want this public facility left completely free to serve the interests of the public. It is entirely appropriate that you make your wishes known to the broadcasters, and for that matter, to the Commission. All of us want radio to continue its great strides for the benefit of the whole race. Its great force we all want exercised, in this country, to maintain American radio, in the future as in the past, the finest and freest on the face of the globe.

In the last analysis, the best radio, the freest radio, is that most responsive to the wishes of the people. That is democracy in flower.

### MR. EARLY

It is singularly fortunate that, at a time when the freedom of mankind is at stake throughout much of the world, we can assemble here to participate in a ceremony which symbolizes liberty in America. These words "freedom" and "liberty" are so much discussed in these days that, I sometimes wonder, if we maintain a constant appreciation of their real significance. So long have we enjoyed these blessings there is temptation for the words to become abstractions. Yet today there are millions of men who, perhaps, can hear these words over shortwave transmitters—men who are suffering the tyranny and slavery that follow the loss of their freedom.

Expression of opinion in parts of this world of ours is a felony, punishable by death. It is, likewise, a crime, according to the credo of the tyrants, for men to listen to the opinions of others if such opinions differ with those of their dictators. Yes, there are men who are fighting and dying to maintain that freedom for themselves and—perhaps for us all. And, this freedom cannot be maintained without sacrifice. The old truism: "eternal vigilance is the price of liberty" has no boundaries in the world today. When free men become slaves in any part of the globe, vigilance requires that we prepare to make certain that encroachment on liberty cannot happen here. This nation is now engaged in such preparation. Industry, labor, agriculture and other groups are being mobilized into this great effort to make America invulnerable against whatever the future may hold as a threat to our freedom. This is being done by democratic procedures, and, with a real sense of national unity.

Broadcasters, in common with many other groups in America, no doubt are concerned with the contribution they can make to the program of national defense. I can only give you a personal opinion. Broadcasters, it would seem, have a unique responsibility and a privileged opportunity. The dependence of our people upon radio as an important source of information calls for the highest degree of care in presenting facts impartially and without distortion. In the event of an even more extreme emergency, it seems to me, radio can and should continue to make its important contribution to the maintenance of the morale of our people.

I see no occasion for any sort of extraordinary measures so far as radio is concerned. I am convinced that broadcasting will continue to function in accordance with the public interest and, in a democratic way, during any emergency. Your duty, as American citizens, is the best standard of conduct in times of crises, as well as under more normal circumstances.

To the broadcasters and to the listeners to this program, I bring greetings and best wishes from the President. You broadcasters know the President's views on the relationship of radio to government. Recently, he pointed out that while the government long ago had to set up essential controls of radio operation, to prevent complete confusion on the air, in all other respects, radio is as free as the press.

I bring to you a new expression of hope that this freedom will endure forever. Likewise, I offer congratulations to the radio industry for its great record of progress and service. The American system of free radio, as symbolized by these plaques, is actually a living symbol of the freedom of us all.

I thank you very much.

### NAB MEMBERSHIP NOW 473

Six new members brought the total NAB membership this week to 473, the largest number of members in the history of the Association. The new members are:

WAGA—Atlanta, Georgia
WAIM—Anderson, South Carolina
WAJR—Morgantown, West Virginia
KGA—Spokane, Washington
KHQ—Spokane, Washington
KVEC—San Luis Obispo, California

## Labor Notes

The American Federation of Musicians, in a jurisdictional squabble with the American Guild of Musical Artists, has banned such noted musicians as Heifetz, Iturbi and Zimbalist from both broadcasting and recording. These artists belong to the Guild. Mr. Petrillo says that they play instruments and, therefore, should belong to the A. F. of M. Both unions are A. F. of L. At the same time the A. F. of M. banned the Boston Symphony, last of the major non-union orchestras, from broadcasting and recording. The Boston orchestra has not broadcast for a long time.

The cost of living for wage earners and lower-salaried workers in the larger cities increased 0.7 per cent during the three months ended June 15. The increase during the year ended June 15 was 1.9 per cent. Atlanta, Birmingham and Houston were the only cities to report decreases during the quarter. The greatest increase was 1.7 per cent in Chicago.

A case to test the constitutionality of the Wage and Hour Act has finally reached the Supreme Court. It was brought by the Opp Cotton Mills, Inc., of Alabama.

The Wage and Hour Administration has issued a new set of regulations governing employment of learners at less than the minimum wage "if such employment is in connection with a bona fide vocational training program." Since in no case is the learner's wage to be less than 75 per cent of the minimum specified by the law, it would scarcely be worth while for broadcasters to take the necessary steps to obtain learners' permits.

A great many broadcasters at the San Francisco Convention were interested in the new plan for pre-payment of overtime for certain employees. (See NAB Reports, page 4443.) Any questions about application of this opinion will be answered by the NAB Labor Relations Department.

## National Defense

### NATIONAL DEFENSE TOTAL 603

Forty-six (46) more broadcasting stations have pledged their support to the National Defense campaign. The total to noon, August 15, is 603.

Several pledge blanks, not filled out, have been received in the mail. Consequently stations which mailed them cannot be listed.

Station executives who detect errors or omissions in this or in the listings of July 26 and August 2 are requested to register corrections with Arthur Stringer, NAB headquarters, 1626 K Street, N. W.

An example of extra cooperation with the National Defense Program was offered by Grover C. Crilley, general manager, WJEJ, Hagerstown, Md., on Monday evening, August 5. The 15-minute program presented W. H. Rempe, district manager of the Ninth Civil Service District, St. Louis, who is now detailed as liaison officer to the War Department. An open forum was held after the broadcast when the large studio audience asked numerous questions about the positions that are to be filled under the National Defense Program. C. C. Hathaway, chief of the Information and Recruiting Division, of the United States Civil Service Commission, and other Commission personnel expressed themselves as highly pleased with results.

Generally speaking, the Man Power campaign is making progress according to the United States Civil Service Commission. The situation will be covered in more detail on a memo by mail to all broadcasters at an early date.

The additional 46 cooperating stations appear below:

### DISTRICT 1

Maine
WABI—Bangor
New Hampshire
WHEB—Portsmouth
Rhode Island
WJAR—Providence

### DISTRICT 2

New York
WNBF—Binghamton

### DISTRICT 3

Pennsylvania
WSAJ—Grove City (College)

### DISTRICT 4

Maryland
WTBO—Cumberland
North Carolina
WISE—Asheville
WRAL—Raleigh
Virginia
WBTM—Danville
WLVA—Lynchburg

### DISTRICT 5

Alabama
WSGN—Birmingham
WJRD—Tuscaloosa
Florida
WRUF—Gainesville
WSPB—Sarasota
Georgia
WRBL—Columbus
WTOC—Savannah

### DISTRICT 6

Arkansas
KFPW—Fort Smith

### DISTRICT 7

Kentucky
WLBJ—Bowling Green
Ohio
WLOK—Lima

### DISTRICT 8

Indiana
WGL—Fort Wayne
WOWO “ “
Michigan
WFDF—Flint
WASH—Grand Rapids
WOOD “ “
WKZO—Kalamazoo

### DISTRICT 9

Wisconsin
WHBL—Sheboygan

### DISTRICT 10

Iowa
KFNF—Shenandoah
Missouri
KMOX—St. Louis
KXOK “ “
Nebraska
KMMJ—Grand Island

### DISTRICT 11

Minnesota
KGDE—Fergus Falls

### DISTRICT 12

Kansas
KVAK—Atchison
KGGF—Coffeyville
Oklahoma
KVOO—Tulsa

### DISTRICT 13

Texas
WRR—Dallas
KXYZ—Houston

### DISTRICT 14

Colorado
KOA—Denver

### DISTRICT 15

California
KMJ—Fresno
KTKC—Visalia

### DISTRICT 16

California
KGER—Long Beach
KMTR—Hollywood
KFSD—San Diego

### DISTRICT 17

Alaska
KINY—Juneau
Oregon
KBND—Bend
Washington
KWSC—Pullman
KVI—Tacoma

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## ALIEN REGISTRATION

The Immigration and Naturalization Service asks stations to make as much use as possible of the following announcement before August 27:

> Are you an American citizen? If not this message means you. The Alien Registration Act requires all aliens to register between August 27 and December 26, 1940. Anyone who is not a citizen and who fails to register will be liable to fine or imprisonment, or both. The Government is confident that all loyal aliens will cooperate by registering as early as possible. Ask your postmaster for a sample form of the registration questions, and remember the date—August 27th.

# Promotion

## LISTEN BEFORE YOU VOTE

Many conversations with broadcasters as well as letters lead to the belief that LISTEN BEFORE YOU VOTE is already over the top.

But what is done from now on is going to determine whether radio is to get the maximum possible benefit out of this industry-wide, country-wide promotion.

This is the time to make and perfect plans; not to execute them. Best results will undoubtedly be produced by concentrating effort in the interval from September 16 on.

In the original LISTEN BEFORE YOU VOTE release, July 18, it was suggested, among other things, that the LISTEN BEFORE YOU VOTE story be told to members of local organizations, and that dates be arranged well in advance.

On August 2 this idea received impetus from Rotary. Rotary International News Letter, distributed to presidents and secretaries of 5,073 clubs, carried the following:

> **"LISTEN BEFORE YOU VOTE"**
>
> "Listen Before You Vote" is the theme adopted by the (U.S.A.) National Association of Broadcasters, and approved by the national committees of the two major political parties and by minority political groups, under which political speeches, addresses, and discussions are to be presented to the public over

the radio stations of the U.S.A. during the presidential campaign of 1940. Some idea of the growing importance of radio in the public and political life of the U.S.A. is understood through the increased number of radio sets in use today (44,000,000) as compared with the number of sets in use in the presidential year of 1920 (400,000).

The Association of Broadcasters are hopeful that U.S.A. Rotary clubs and Rotarians will avail themselves of the opportunity to listen to the radio broadcasts during the presidential campaign which constitutes "a parade of ideas from which the U.S.A. voter can receive information upon which to base his judgment in casting his ballot."

In advance of September elections in South Carolina, WCSC, Charleston, is now promoting LISTEN BEFORE YOU VOTE, using announcements and movie trailers in 11 theatres throughout its service area.

One hundred red, white and blue LISTEN BEFORE YOU VOTE posters will be distributed to member stations, free, next week. Distribution is automatic. No order is necessary.

Several hundred stations, at least, will find it advantageous to distribute larger quantities in their service area. Many orders for extra quantities have already been received.

Station managers are urged to forward such orders at an early date, because it is an advantage to have the posters on the premises in advance of actual use. A convenient order blank was enclosed with a one page letter to members August 14.

### FAIR SALUTE PROMOTION

"1940's biggest broadcast," the salute to American radio, August 3, received powerful air and newspaper promotion in many cities.

In Philadelphia, WCAU used 250 lines of copy in the "Bulletin" and "Inquirer". The top line was: "Hear It on WCAU Tonight."

WDBJ, Roanoke, Va., sponsored six inch-two column copy in both the Roanoke *Times* and the Roanoke *World-News*. On August 3 the latter newspaper published an editorial on the broadcast. Its concluding statement, agreeing with the industry's position in the matter of freedom of radio, said:

"In a democracy, the avenues for communication of information and ideas must be kept open and free."

WJTN, Jamestown, N. Y., ran 250 lines of copy in one ad and 84 lines in another. The display of the former read: "A Must on Your Radio Calendar! The biggest parade of radio stars in the history of the industry on one and the same program."

## Advertising

### FREE OFFERS

The Bureau of Radio Advertising has invited the following concerns to use radio on a regular basis in promoting their various interests:

*The Glycerine Producers' Association,* who have sent to stations dessert recipes calling for the use of glycerine.

*Ringling Brothers, Barnum and Bailey Circus,* who ask stations to broadcast recordings dealing with "educational material on circus history, circus life in general, etc."

*Lawrence H. Selz Organization,* who are currently issuing publicity on behalf of insulating materials and carbonated beverages.

*Pan American Society for Tropical Research,* who have a very interesting proposal offering station managers a Panama hat in return for free time telling about the rare and exotic flora of Ecuador.

*Ziff-Davis Publishing Company* (Pets Magazine) who have devised a plan to bring refugee dogs from Great Britain and find homes for them in America. Radio is asked to broadcast the plea, which was turned down as impracticable by the English Kennel Club.

*The Woman Magazine,* who would be glad to have stations offer their listeners a special subscription rate, as an audience test.

*Your Life Magazine,* who are submitting as news matter publicity scripts calling attention to articles in their forthcoming issue.

### Cost-per-Inquiry

In addition, the following have recently made percentage proposals to member stations, and have been advised by the Bureau that such methods are not acceptable to reputable broadcasters:

Huber Hoge & Sons, on behalf of Velva-Tize;

Playcrafters, on behalf of Foot Master Balm.

Benton & Bowles, Inc., has asked stations to broadcast plans for a National Certo Jelly Making Contest. The rules of the contest state that only jellies and jams made with Certo are eligible. In view of this, the Bureau believes that time should be paid for on the regular basis, and has advised the agency accordingly.

### AIR CONDITIONING TRAINING CORP.

Many stations may be interested in the following FTC complaint:

A Federal Trade Commission complaint charging misrepresentation in the sale of a correspondence course in air conditioning and refrigeration has been issued against *Air Conditioning Training Corporation,* and its officers, Benjamin M. Klekner, Morris A. Gluck and Leon J. Knight, 789 Wick Ave., Youngstown, Ohio.

According to the complaint, the respondent corporation misleadingly represented that students who complete its training course are assured of employment in the air conditioning and refrigerating industry; that the air conditioning industry has designated the respondent to train men for employmnt; that many vacancies exist in the air conditioning and refrigeration industry that are available to students who complete its training, and that representatives of the air conditioning and refrigeration industry actively participate in the conduct of the school and in the giving of instruction, when such are not the true facts.

Further misleading representations alleged in the complaint are that respondent's salesmen are experts in vocational guidance; that students while pursuing its course will be qualified and able to secure part time work in the servicing of air conditioning and refrigeration equipment, and that persons with insufficient background are qualified to pursue its course of instruction, when such are not the facts.

The respondent also allegedly claims that beginning wages in the air conditioning and refrigeration industry are greater than they are in fact; misrepresents the extent and nature of fees payable by students for its course of instruction, and exaggerates the extent of its laboratory and shop equipment.

Twenty days are granted for filing answer to the alleged violation of the Federal Trade Commission Act.

## Engineering

### ENGINEERS' CITIZENSHIP

The FCC has extended for one month—to September 15—the time for compliance with its Order No. 75 calling upon each licensed radio operator, commercial or amateur, to submit proof of citizenship.

Many communications have been received showing delayed receipt of information regarding the order, and indicating further delay in responding to it as a result of absence or other causes. It is not contemplated, however, that a further extension will be granted except where unusual circumstances exist.

Inquiries have also been received concerning the basis of the order and the penalties which might follow non-compliance. Under Section 303 of the Communications Act of 1934, as amended, the Commission is given authority "to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified." It should be noted that the act limits such licenses to citizens of the United States and under existing conditions it is necessary to obtain additional evidence of citizenship in respect to those persons licensed by the Commission. The Commission likewise is authorized to suspend the license of any operator, among other causes, for violation of any regulation made by the Commission. Failure to respond to Order No. 75, accordingly, would be grounds for suspension of the operator's license.

Instances have been reported to the Commission in which an operator having theretofore believed himself to be a citizen of the United States and having so affirmed, discovered, upon endeavoring to secure the information required for compliance with Order No. 75, that he was in fact an alien and was not and had never been entitled to the license which he held. Under such circumstances the only proper course of action is to submit his license to the Commission for cancellation, advising the Commission at the same time of the circumstances. The license document which has been issued by the Commission to such an operator is null and void. Continued operation under such a condition would be unlicensed operation in violation of the Communications Act. Furthermore, continued reliance upon a false claim of citizenship would subject such persons to penalty by imprisonment and fine under Section 79 of the United States Criminal Code which provides in part that such penalties shall be imposed upon "whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship."

Operators holding more than one license, such as a radiotelegraph and radiotelephone, or a commercial and an amateur class, have inquired whether it is necessary to submit a separate response for each such license. This is not necessary. A single response to the order is required from each individual affected, whether he holds one or more licenses or holds one and is applying for another.

The order does apply to the holder of a radio operator's license or permit of any class. Thus, a person holding only a restricted radiotelephone operator permit or radiotelephone third class should respond. Service in the military forces, police departments, or other organizations, does not exempt a licensee from compliance.

Inquiries relating to the submission of valuable personal papers such as birth or baptismal certificates, naturalization certificates, passports, marriage certificates, etc., have also been received. Whenever possible original certificates and records should be submitted to the Commission by registered mail. They will be returned when they have served their purpose. When certified copies may be obtained, such copies may be submitted in lieu of the original.

It should be noted, however, that it is unlawful to make any copy of any certificate of naturalization or of derivative citizenship. When it is impracticable or undesirable to forward original naturalization or derivative citizenship certificates, they may be presented for examination to any office of the Commission together with the completed questionnaire and all other documents necessary for a complete response to the order. In the alternative, where the operator has been issued a certificate of naturalization or of derivative citizenship in his own name, the response may be accompanied by the certification of the notary public or other duly authorized official before whom the response has been affirmed, stating over his seal that he has examined the original certificate and found it to be accurately described in the response to the questionnaire and that he believes the affiant to be the person named in such certificate.

Certificates of derivative citizenship may be obtained by persons qualified therefor upon proper application to the Department of Justice, Immigration and Naturalization Service, Washington, D. C. It is unquestionably to the advantage of any person who claims citizenship through the naturalization of parent or husband to obtain such a certificate. Although the possession of a certificate does, the filing of an application for such a certificate *does not* relieve the operator from submitting to the Commission the other documentary evidence required for the complete response to Order No. 75.

In every case a person responding to the order should submit completed froms 735 and 735A, including fingerprints taken by appropriate officials as the form provides. It is not acceptable to refer to fingerprints already on file in some other Federal or State agency. Postmasters at county seats or post offices of the first or second class may take fingerprints. In Alaska, the postmaster may also serve as a notary public. For the purpose of this order, fingerprints may also be taken by a military officer who is authorized to take fingerprints for enlistment purposes, as well as by local or State police officials. When appearing for fingerprints the operator should exhibit the completed form 735 as a means of identification to the official taking the fingerprints

The nature of the documentary evidence of citizenship is suggested in Form 736. When a certified copy of public record of birth does not name the child, or if a different name is shown, additional identifying data must be submitted. Such identifying data may be a certified copy of the baptismal record, affidavits of parents, or other methods of proof suggested in Form 736.

Where original certificates or records other than fingerprints have been presented to and are now in the possession of other departments of the United States Government, it will be sufficient if reference is made to that fact, in response to Form 735 provided the documents relied on are described in detail.

## FREQUENCY MONITORS

The Chief Engineer of the Federal Communications Commission acting under and by virtue of the authority conferred upon him by Section 2(h) of Administrative Order No. 2 has approved the following frequency monitors for use by standard broadcast stations as complying with the requirements of Section 3.60 of the Rules and Regulations and the provisions of Section 15 of the Standards of Good Engineering Practice:

| *Manufacturer's Name* | *Type* | *Approval Number* |
|---|---|---|
| General Radio Company | Type 25A (Formerly Oscillator, Type 475-C, Deviation Meter, Type 681-B, Quartz Plate Type 376-L) | 1461 |
| General Radio Company | Type 25-AB (Oscillator Type 475-B and Deviation Meter 681-A *modified* | 1463 |
| RCA Manufacturing Co. | Type 311-A | 1462 |
| Western Electric Co. | Type I-C (Type I-A *modified*.. | 1464 |

The above monitors are the only frequency monitors approved at the present time as complying with Section 3.60 of the Rules and Regulations, effective August 1, 1940. These are the only monitors which may be employed by new stations (original construction permit granted on or after August 1, 1939). However, several other manufacturers have submitted, or have advised that they propose to submit data showing that with certain modifications, monitors that were formerly approved under Section 21 of the Standards of Good Engineering Practice are capable of compliance with Section 3.60 of the Rules and Regulations and Section 15 of the Standards of Good Engineering Practice.

If and when these modified monitors are approved, they will be assigned approval numbers and will be listed with the above units as approved frequency monitors under Section 21 of the Standards of Good Engineering Practice.

In the event existing stations (original construction permit granted prior to August 1, 1939) do not choose to have the present monitors modified after the modifications in the monitor are approved by the Commission or have other than approved modifications made, they may continue to use the formerly approved monitors. However, no explanation of a frequency deviation in excess of that permitted by Section 3.59 can be accepted where it is evident or claimed that the deviation was due to the failure or inaccuracy of the monitor.

## MORE POWER FOR INTERNATIONAL BROADCAST STATIONS

Five additional international broadcast stations have been authorized by the Federal Communications Commission to increase power to 50 kilowatts. This makes nine such stations which are now using or are authorized to use the maximum power deemed by Commission rules necessary for satisfactory international service.

The five stations just granted construction permits for this purpose are National Broadcasting Company's stations WRCA and WNBI at Bound Brook, N. J.; Columbia Broadcasting System's station WCBK near Wayne, N. J.; and General Electric Company's station WGEA, at Schenectady, N. Y., and KGEI at San Francisco.

The National Broadcasting Company's stations had been using 35 kilowatts, the Columbia Broadcasting System's station 10 kilowatts, the General Electric Company's Schenectady station 25 kilowatts and its San Francisco station 20 kilowatts. WRCA operates on 9670 and 17780 kilocycles; WMBI on 6100 and 21630 kilocycles; WCBX on 6120, 6170, 9650, 11830, 15270, 17830 and 21570 kilocycles; WGEA on 6190, 9550, 15330, 21500 and 21590 kilocycles (6190 and 21590 frequencies having just been authorized), and KGEI on 6190, 9530 and 15330 kilocycles.

Two stations were previously authorized to go to 50 kilowatts—Westinghouse Electric & Manufacturing Company's station WPIT, which is moving to Hull, Mass., and World Wide Broadcasting Corporation's WRUL, at Scituate, Mass.

Two stations are already complying with the minimum power requirement—General Electric Company's station WGEO, South Schenectady, N. Y., 100 kilowatts, and Crosley Corporation's station WLWO, Mason, Ohio, 50 kilowatts. Incidentally, the Crosley station has just been granted special experimental authorization to operate a 1 kilowatt transmitter on the frequency 6080 kilocycles, for identification only.

Three other international broadcast stations have until January 1 next to bring their power to the required minimum—WCAB, operated by the WCAU Broadcasting Company, Newton Square, Pa., now using 10 kilowatts; WDJM, Isle of Dreams Broadcasting Corporation, Miami, Florida, 5 kilowatts, and WBOS, Westinghouse Electric & Manufacturing Company, Millis, Mass., 10 kilowatts.

# The Commission

## SAN FRANCISCO PUBLIC SCHOOLS GET FM PERMIT

First use of FM broadcast in the non-commercial educational field is proposed by the Board of Education of the San Francisco Unified School District as a result of being granted a construction permit by the FCC for a new station at 22nd and Bartlett Streets, to operate on 42,100 kilocycles with 1 kilowatt power, unlimited time.

It intends to use radio for instructional, administrative, supervisory, and other functions in the local schools. Thirteen studios are planned for high schools and colleges in that area. They will be connected with the broadcast station by means of leased wires. In this manner it is expected that a greater number of teachers and pupils will be enabled to participate with less effort and expense of transportation.

The broadcast programs will cover nearly all of San Francisco as well as the East Bay area which includes the cities of Alameda, Oakland, Berkeley, El Cerrito and Richmond. The Board of Education, which is the governing body of the San Francisco Unified School District, has allocated $9,000 for the station, and an additional amount of $42,000 has been made available.

Three other institutions were previously licensed to use AM (amplitude modulation) on the channels set aside for non-commercial educational purposes. They are the New York City Board of Education, the Cleveland Board of Education, and, more recently, the University of Kentucky.

## 857 STATIONS

During the month of July, 1940, the FCC issued operating licenses to eight stations and granted ten permits for the construction of new stations. A comparative table by months follows:

| | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | April 1 | May 1 | June 1 | July 1 | Aug. 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ....... | 738 | 739 | 743 | 751 | 755 | 765 | 769 | 771 | 775 | 779 | 783 | 791 | 799 |
| Construction ..... | 56 | 59 | 57 | 58 | 57 | 49 | 48 | 51 | 48 | 47 | 53 | 56 | 58 |
| | 794 | 798 | 800 | 809 | 812 | 814 | 817 | 822 | 823 | 826 | 836 | 847 | 857 |

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are scheduled to be heard before the Commission during the week beginning Monday, August 19.

## FUTURE HEARINGS

Following future hearings and oral arguments in broadcast cases have been scheduled by the Commission during the past week. They are subject to change.

### September 19

Oral Argument Before the Commission

Report No. B-110:

KGKB—East Texas Broadcasting Co., Tyler, Texas.—In re: Revocation of station license of KGKB.

### September 30

NEW—George F. Meyer, Medford, Wis.—C. P., **1500 kc.,** 100 watts night, 100 watts LS, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted construction permit to install new transmitter, move transmitter site, install directional antenna for day and night operation, and increase day power from 1 KW to 5 KW; frequency **550 kc.,** 1 KW night, unlimited time (B5-P-2422).

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted construction permit to change frequency from **1310 kc.** to **880 kc.,** increase power from 100 watts to 1 KW, move transmitter site, install new transmitter, and install directional antenna for day and night use (B2-P-2451).

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Granted construction permit for new transmitter, directional antenna, and increase power from 5 KW day and night to 10 KW employing directional antenna day and night; frequency **1100 kc.,** unlimited time (B1-P-2753).

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted construction permit to change frequency from **1180 kc.** to **1100 kc.;** increase power from 1 KW night, 5 KW LS, to 5 KW night, 10 KW LS; increase hours of operation to unlimited; install new transmitter and directional antenna for night use (B4-P-2720).

WMOB—S. B. Quigley, Mobile, Ala.—Granted modification of license to increase power from 100 watts to 250 watts; frequency **1200 kc.,** unlimited time (B3-ML-997).

Van Curler Broadcasting Corp., Schenectady, N. Y.—Granted construction permit for new broadcast station to operate on **1210 kc.,** 250 watts, unlimited; exact transmitter site and type of antenna to be determined subject to Commission approval.

J. W. Birdwell, Knoxville, Tenn.—Granted construction permit for new broadcast station to operate on **1210 kc.,** 100 watts night, 250 watts LS, unlimited time; exact transmitter site, studio site, and antenna system to be determined subject to Commission approval (B3-P-2840).

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted modification of license to increase night power from 100 watts to 250 watts; frequency **1310 kc.,** 250 watts day, unlimited (B3-ML-946).

WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted construction permit to increase power from 100 watts to 250 watts, make changes in transmitter, move transmitter, and install vertical radiator; frequency **1370 kc.,** unlimited (B2-P-2685).

WFMD—Monocacy Broadcasting Co., Frederick, Md.—Granted construction permit for increase in operating hours from daytime to unlimited hours and install directional antenna; frequency **900 kc.,** power 500 watts.

W2XD—General Electric Co., Schenectady, N. Y.—Granted modification of construction permit for television relay broadcast station to change frequency assignment from **156000-162000 kc.** to **162000-168000 kc.;** power 40 watts night, 40 watts day visual; A5 emission (B1-MPVD-21).

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted modification of license to increase power from 1 KW night, 5 KW LS, to 5 KW unlimited time; frequency **900 kc.** (B3-ML-1002).

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted construction permit to increase power from 1 KW night, 5 KW LS, to 5 KW day and night; install directional antenna for day and night use; make changes in equipment, and move transmitter; frequency **900 kc.** (B5-P-2843).

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted construction permit to install directional antenna for night use; increase power from 1 KW night, 5 KW day, to 5 KW unlimited time, and move transmitter to new location; frequency **900 kc.** (B-1-P-2757).

Board of Education of the San Francisco Unified School District, San Francisco, Calif.—Granted construction permit for new non-commercial educational broadcast station at San Francisco, Calif., to operate on **42100 kc.,** 1 KW power, unlimited time, special emission for frequency modulation (B5-PED-14).

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted construction permit to increase power from 100 watts to 250 watts, unlimited time, and install new equipment; frequency **1500 kc.** (B5-P-2892).

W10XKT—Allen B. DuMont Laboratories, Inc. (area of New York City), Portable.—Granted construction permit for new television relay broadcast station to operate on frequencies **258000** to **270000 kc.,** 50 watts visual power only, A-5 emission only, time of operation in accordance with Section 4.4(a) (B1-PVB-70).

W2XBT—National Broadcasting Co., Inc., New York, N. Y., Portable-Mobile.—Granted modification of license for television relay station to change frequency from **156000-162000 kc.** to **162000-168000 kc.;** power 400 watts visual night and day, 100 watts aural night and day; A1, A2, A3, A5 emission (B1-MLVB-24).

W2XBU—National Broadcasting Co., Inc., New York, N. Y. Portable-Mobile.—Granted modification of construction permit for new television relay station W2XBU to delete the frequency band **312000-324000 kc.,** A3 emission and aural transmitter.

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Granted modification of construction permit to increase power from 100 watts night, 250 watts day, to 250 watts unlimited; change transmitter and studio sites, and change type of transmitter; frequency **1370 kc.** (B3-MP-988).

Star Printing Co., Miles City, Mont.—Granted petition to reconsider Commission action of October 31, 1939, in designating application for construction permit for new broadcast station for hearing, and granted said construction permit for new broadcast station to operate on **1310 kc.,** with 250 watts power, unlimited time, subject to the condition that permittee shall file an application for modification of construction permit specifying the exact transmitter location and antenna system, within two months after date of order (Docket No. 5792).

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted petition for reconsideration and granted application for authority to operate station WTAD unlimited time on frequency **900 kc.,** with 1 KW power, using a directional antenna at night, thus setting aside Commission's Statement of Facts of March 30, 1939, and dismissing petition for rehearing.

## DESIGNATED FOR HEARING

Mohawk Radio, Inc., Schenectady, N. Y.—Designated for hearing application for construction permit for new broadcast station to operate on **1210 kc.,** 250 watts, unlimited time (B1-P-2732).

Western Gateway Broadcasting Corp., Schenectady, N. Y.—Designated for hearing application for construction permit for new broadcast station to operate on **1210 kc.,** 250 watts, unlimited time (B1-P-2690).

Columbia Broadcasting System, Inc., Brentwood, N. Y.—Application for construction permit for new international broadcast station to operate on **6060, 9590, 11830, 15270, 17830** and **21520 kc.,** 50 KW, A3 emission, sharing time on **6060, 9590,** and **21520 kc.** with WCAB, **11830** and **17830 kc.** with WCBX, and **15270 kc.** with WCAB, WCBX and WLWO (B1-PIB-26).

Caribbean Broadcasting Assn., Inc., San Juan, P. R.—Application for construction permit for new broadcast station to operate on **1500 kc.,** 250 watts, unlimited time (B-P-2777).

WSAR—Doughty and Welch Electric Co., Inc., Fall River, Mass.—Application for voluntary assignment of license of Station WSAR from Doughty & Welch Electric Co., Inc., to the Fall River Broadcasting Co., Inc.; station operates on **1450 kc.,** with 1 KW night and day, unlimited time, directional antenna night and day (B1-AL-280).

## MISCELLANEOUS

W9XA—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26300 kc.,** using maximum power of 1000 watts, special emission (frequency modulation) in cooperation with the licensee of high frequency broadcast station W2XJI, for a period not to exceed 30 days, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

WNYC—City of New York Municipal Broadcasting System, New York City.—Granted special temporary authority to operate until 10 p. m., EDST, for the period August 1, 1940, to not later than August 31, 1940, in order to broadcast programs as set forth in letter dated July 31, 1940.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate 50-watt transmitter on the old No. 1 channel in the Plattsburg, N. Y., area, in order to pick up signals from mobile transmitter W10XKT and rebroadcast pictures in the area, for the period August 4, 1940, to not later than August 24, 1940, in connection with tests in cooperation with the U. S. Army.

W10XKT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate in the Plattsburg, N. Y., area for the period August 4, 1940, to not later than August 24, 1940, in order to make tests in cooperation with the U. S. Army.

World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif. —Granted petition to accept additional material as part of the record in re application for construction permit for new developmental broadcast station to operate on **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc.**, 10 watts power night, 10 watts LS, emission A, A1, A2, A3, unlimited time (Docket No. 5851).

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Granted request for dismissal without prejudice of application for modification of license to add frequency **6080 kc.** to **11730, 15130 kc.**, 20000 watts night, 20000 watts LS, A3 emission, unlimited time (Docket No. 5887).

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 7:15 to 8 p. m., EST, August 3, in order to broadcast special NAB program (B2-S-835).

WIBG—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted special temporary authority to operate from 6:45 to 7 p. m., CST, on August 3, in order to broadcast a special network program to be presented with the cooperation of the NAB (B4-S-985).

WSPA—Spartanburg Advertising Co., Inc., Spartanburg, N. C.—Granted special temporary authority to operate from 7:15 p. m., EST, August 3, to 8 p. m., to broadcast the special program to be broadcast at that time as a tribute to the American System of Broadcasting (B3-S-775).

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted special temporary authority to operate from 7 to 8 p. m., EST, August 3, in order to broadcast NAB World's Fair program (B1-S-713).

WNBI—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimentally on frequency **11890 kc.**, for the period August 8 to September 6, pending action on application for modification of license.

WCBI—Birney Imes, Columbus, Miss.—Granted modification of construction permit (B3-P-2675) which authorized a new station, for approval of antenna and transmitter site at northwest corner of 1st and Main Streets, Columbus, Miss.; **1370 kc.**, 250 watts, unlimited time (B3-MP-1016).

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Granted modification of construction permit (B4-P-2370) for new broadcast station, authorizing installation of new transmitter, antenna changes and approval of transmitter site and studio at Willmar (**1310 kc.**, 100 watts, unlimited time) (B4-MP-1011).

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted construction permit for reinstatement of application (B5-P-2517) to install new equipment and make changes in authorized equipment; **1240 kc.**, 1 KW, unlimited time (B5-P-2946).

WLBJ—The Bowling Green Broadcasting Co., Inc., Bowling Green, Ky.—Granted license to cover construction permit (B2-P-2194) as modified, authorizing new broadcast station to operate on **1310 kc.**, 250 watts power and unlimited hours of operation, studio and transmitter to be located at Cemetery Pike and Lehman Avenue, near Bowling Green, Ky. (B2-L-1185). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-436).

KRCC—Southern Minn. Broadcasting Corp., Rochester, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-425).

WBAF—L. B. Wilson, Inc., Portable-Mobile (area of Cincinnati, Ohio).—Granted license to cover construction permit (B2-PRY-218), authorizing a new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.**, 25 watts power. To be used in connection with applicant's standard broadcast station WCKY (B2-LRY-198).

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to operate relay transmitter aboard the "USS Wyoming" en route from Guantanamo, Cuba, to New York City, using additional frequencies **4800, 6430, 12862.5** and **17310 kc.**, for the period August 3 to August 11, in order to rebroadcast the report of the Captain of the "USS Wyoming" to the Secretary of the Navy, which is to be a part of the "We the People" program on the CBS network from 8 to 8:30 p. m., EST, and from 11 to 11:30 p. m., EST, on August 6.

Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate a 50-watt portable-mobile FM unit and a 25-watt mobile FM unit as described in letter of August 2, for the period August 4 to 24, in order to establish an order circuit in connection with the television demonstration during Army maneuvers in the Plattsburg area.

National Broadcasting Co., Washington, D. C.—Granted application for construction permit to erect a new television station to operate on frequencies **60000-66000 kc.** (Channel No. 2), on an experimental basis; power 1 KW aural and visual, A3 and A5 emission (B1-PVE-58).

Balaban & Katz Corp., Chicago, Ill.—Granted application for construction permit to erect a new television broadcast station, frequencies **60000-66000 kc.** (Channel No. 2), on an experimental basis; power 1 KW aural and visual, A3 and A5 emission (B4-PVB-50).

The Television Productions, Inc., Los Angeles, Cal.—Granted construction permit for a new television broadcast station to use frequencies **78000-84000 kc.** (Channel No. 4), on an experimental basis, conditionally; power 1 KW aural and visual (B5-PVE-33).

National Broadcasting Co., Philadelphia, Pa.—Granted construction permit for a new television broadcast station to use frequencies **102,000-108,000 kc.** (Channel No. 7), on an experimental basis only, conditionally; power 1 KW aural and visual. This application is granted in lieu of the tentative grant for a television station in Chicago, as it appears that the Philadelphia station will make possible a more concentrated study of television systems by the entire RCA research organization (B2-PVB-59).

W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted modification of television station license Channel No. 1 (**50000-56000 kc.**), on an experimental basis only, to be used for carrying on research; power 1 KW aural and visual (B4-MLVB-8).

Zenith Radio Corp., Portable-Mobile, area of Chicago.—Granted construction permit for new special relay broadcast station; **156750, 158400, 159300, 161100 kc.**, 100 watts; to be used in connection with applicant's high frequency broadcast station W9XER in Chicago (B4-PRE-358).

WHUB—WHUB, Inc., Cookeville, Tenn.—Granted license to cover construction permit as modified, authorizing a new station to operate on **1370 kc.**, 250 watts, unlimited time (B3-L-1204). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-452).

WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of construction permit as modified, which authorized a new station to operate on **1210 kc.**, 250 watts, unlimited time, extending completion date from August 1 to October 1, 1940 (B1-MP-1032).

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted license to cover construction permit (B4-P-2744) to move auxiliary transmitter to St. Paul, and use directional antenna as authorized, with auxiliary transmitter (B4-L-1114).

KGKB—East Texas Broadcasting Co., Typer, Texas.—Scheduled for oral argument on September 19, the matter of revocation of license for station KGKB.

The Metropolis Co., Portable-Mobile, area of Jacksonville, Fla.—Granted construction permit for new relay broadcast station; **1622, 2058, 2150** and **2790 kc.**, 40 watts; to be used in connection with applicant's standard broadcast station WJHP (B3-PRY-219).

KGEI—General Electric Company, San Francisco, Cal.—Granted construction permit to make changes in equipment and increase power of international broadcast station from 20 KW to 50 KW (B5-PIB-24).

WGEA—General Electric Company, Schenectady, N. Y.—Granted construction permit to install new equipment and increase power of international broadcast station from 25 KW to 50 KW. (B1-PIB-25).

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted construction permit for international broadcast station to use frequencies **9670** and **17,780 kc.**, with 50 KW power; share time on frequency **17,780 kc.**, with WPIT; unlimited time on **9670 kc.** (B1-PIB-29).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted construction permit for international broadcast station to use frequencies **6100** and **21630 kc.**, 50 KW power, unlimited time (B1-PIB-28).

WCBX—Columbia Broadcasting System, Inc., New York City.—Granted construction permit for international broadcast station to use frequencies **6120, 6170, 9650, 11830, 15270, 17830** and **21570 kc.**, 50 KW power (B1-PIB-27).

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted special experimental authorization to operate a 1 KW transmitter on the frequency **6080 kc.**, for identification only, sharing with WLWO (B2-SAIB-1).

WGEA—General Electric Co., Schenectady, N. Y.—Granted modification of international broadcast station license to add frequencies **6190** and **21590 kc.**, to present assignment of **9550, 15330** and **21500 kc.** (B1-MLIB-36).

First Baptist Church, Pontiac, Mich.—Granted extension of authority to transmit religious programs to Station CKLW, Windsor, Ontario, Canada, through the facilities of the Mich. Bell Telephone Co., for the period August 13, 1940, to August 13, 1941.

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied special temporary authority to operate from 10:30 to 11:30 a. m., MST, on August 6, 9, 13, 16 and 20, in order to broadcast "Homemakers Program" only (B5-S-120).

WBRW—McDowell Service Co., Welch, W. Va.—Granted modification of construction permit which authorized construction of a new station to operate on **1310 kc.**, 250 watts, unlimited time, for approval of transmitter and studio sites, antenna, and change in type of transmitter (B2-MP-1002).

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted modification of construction permit as modified, which authorized increase in power, changes in power, changes in equipment and antenna system and move of transmitter for extension of completion date from August 20 to December 20, 1940 (B4-MF-1029).

WRVA—Larus & Brother Co., Inc., Richmond, Va.—Granted license authorizing use of old transmitter as an auxiliary for emergency use only, with power of 5 KW, employing directional antenna both day and night, and move of transmitter (B2-L-1203).

W2XJI—Bamberger Broadcasting Service, Inc.—Granted construction permit to move transmitter of high frequency broadcast station from 1450 Broadway, to 444 Madison Ave., New York City (B1-PHB-183).

W2XUP—Bamberger Broadcasting Service, Inc.—Granted construction permit to move transmitter of high frequency broadcast station from 1450 Broadway, to 444 Madison Ave., New York City (B1-PFB-19).

Greenville Broadcasting Co., Greenville, S. C.—Denied as in case of default, the application for a new broadcast station to operate on **1500 kc.**, 250 watts, unlimited time (B3-P-2807).

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Granted modification of television broadcast station license to use frequencies **66000-72000 kc.** (Channel No. 3), on an experimental basis only; power 1 KW visual and aural (B2-MLVB-9).

Helen L. Walton & Walter Bellatti, Jacksonville, Ill.—Granted petition for order to take depositions in re application for a new station to operate on **1150 kc.**, 250 watts, daytime only.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted petition for leave to intervene in the hearing on the application of The Huntsville Times Co., Inc., for a new station to operate on **1200 kc.**, 250 watts, unlimited time—the facilities of WBHP.

Broadcasting Corp. of America, Riverside, Cal.—Petition to intervene in the hearing on application of KUJ to change frequency from **1370** to **1390 kc.**, and increase power from 100 watts to 1 KW, was withdrawn at request of petitioner.

WHAM—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Denied petition to intervene and enlarge issues in re application of Helen L. Walton and Walter Bellatti, for a new station at Jacksonville, Ill., and the application of Stephenson, Edge and Korsmeyer, for a new station at the same location to use **1150 kc.**, 250 watts, daytime only. Issues to be enlarged later on Commission's own motion.

Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Granted petition for order to take depositions in re their application for a new station.

Helen L. Walton & Walter Bellatti, Jacksonville, Ill.—Granted supplemental petition for order to take depositions in re application for new station.

George F. Meyer, Medford, Wisc.—Granted petition to continue hearing now scheduled for August 19, for a period of 30 days, in re application for new station to operate on **1500 kc.**, 100 watts, unlimited time.

WNBI—National Broadcasting Co., Inc., New York City.—Granted modification of special experimental authorization to change frequency from **11820** to **11890 kc.**, subject to condition that no interference is caused to any other international broadcast station having priority of registration on the same or adjacent frequencies (B1-MSAIB-1).

WGEO—General Electric Co., Schenectady, N. Y.—Granted modification of license to add the frequency **15330**, and delete the frequency **21590 kc.**; frequencies **6190, 9530 kc.**; hours of operation: **6190** and **15330 kc.**, share with KGEI and WGEA and **9530 kc.** with KGEI. No other changes (B1-MLIB-37).

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted license to cover construction permit (B3-P-2673), authorizing changes in transmitting equipment and increase in power from 100 to 250 watts, on **1500 kc.** (B3-L-1207).

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-459).

WTAX—WTAX, Inc., Springfield, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-458).

WEIX—Memphis Commercial Appeal Co., Portable-Mobile.—Granted construction permit to increase power in relay broadcast station from 5 to 22 watts, and install new equipment (B3-PRE-352).

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8 to 9 p. m., EST, on August 13th in order to broadcast official opening of the 43rd Annual Fair of the Carroll County Agricultural Fair Assn. (B1-S-675).

WELL—Enquirer News Company, Battle Creek, Mich.—Granted assignment of construction permit (B2-P-2669), covering increase in power from 100 to 250 watts, installation of new transmitter and changes in equipment and antenna, to Federated Publications, Inc. (B2-AP-32).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted license to cover construction permit for installation of new transmitter and increase in power from 100 watts to 250 watts; **1210 kc.**; shares WGBB and WBRB (B1-L-1208).

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted license to cover construction permit for new broadcast station (B1-L-1201). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-451).

WGOV—E. D. Rivers, Valdosta, Ga.—Granted license to cover construction permit as modified for new broadcast station; frequency **1420 kc.**; power 100 watts, 250 watts-LS; unlimited time (B3-L-1205). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-453).

WSB—Atlanta Journal Co., Atlanta, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-457).

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-454).

WCLO—Gazette Printing Co., Janesville, Wis.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-462).

KOOS—KOOS, Inc., Marshfield, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-442).

WABE-WFYA—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted special temporary authority to use relay stations WFYA and WABE to relay broadcast the semi-finals and finals of the New York Women's State Golf Tournament on August 9 and 10, 1940, to Radio Station WTRY.

KWSC—State College of Washington, Pullman, Wash.—Granted construction permit to make changes in equipment and install automatic frequency control equipment (B5-P-2911).

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of antenna, approval of transmitter site at corner 8th & Mulberry Streets, Macon, Ga., and studio site at First National Bank Building, 2nd & Cherry Streets, Macon, Ga.; **1420 kc.;** 250 watts; unlimited time (B2-MP-1015).

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit which authorized installation of new transmitter, move of transmitter and increase in power to 5 KW, using directional antenna day and night, for extension of required date of completion from July 27, 1940 to January 27, 1941 (B1-MP-1033).

KYAN—J. Cecil Bott, Matilda Lannon and Nettie Bott, d/b as the Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of vertical antenna and approval of transmitter location; **1370 kc.;** power 250 watts; unlimited time (B5-MP-1004).

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted license to cover construction permit for changes in equipment and increase in power from 100 watts to 250 watts; **1210 kc.;** unlimited (B2-L-1200).

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Granted extension of special temporary authority to operate a 50 watt television transmitter on the frequencies **60000-86000 kc.** at 515 Madison Avenue, New York City, for the period August 12, 1940, to not later than September 10, 1940, in order to conduct field tests.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted extension of special temporary authority to operate from 9 a. m. to 1 p. m. and from 6 p. m. to 10 p. m., PST, for the period August 30, 1940, to not later than September 28, 1940 (instead of unlimited time as licensed), in order to observe the regular vacation period.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted special temporary authority to operate from 1:30 p. m. to 6 p. m., LST, on August 11, 1940, in order to broadcast a special baseball game only.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted construction permit to make changes in transmitting equipment; frequency **1330 kc.;** 1 KW power, unlimited time (B5-P-2940).

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Granted modification of construction permit for new broadcast station, for approval of antenna and transmitter and studio sites at 6 Fountain St., N. E., Grand Rapids, Mich.; frequency **1310 kc.;** power 250 watts; unlimited (B2-MP-1018).

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted modification of construction permit for changes in directional antenna and increase in power from 1 KW night, 5 KW day, to 5 KW day and night, for authority to use daytime directional antenna at night; **1330 kc.** (B4-MP-1027).

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Granted license to cover construction permit as modified for new broadcast station; frequency **1500 kc.;** 250 watts power; unlimited time (B5-L-1209). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-460).

W6XEG—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate high frequency broadcasting transmitter on 250 watts, **43200 kc.,** as described in telegram dated August 9, 1940, in order to demonstrate frequency modulation at the IRE Convention for a period not to exceed 30 days.

WBOS—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted special temporary authority to remain silent for a period not to exceed 30 days in order to permit removal of certain equipment to the new site of International Station WPIT.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through High Frequency Station W2XOY the frequency modulated programs of High Frequency Station W2XMN, for the period August 14, 1940, to not later than September 1, 1940.

The Commission (by Walker, Commissioner) on August 13 took the following action:

KLCN—Fred O. Grimwood, Blytheville, Ark.—Granted special temporary authority to operate from local sunset (August 6:45 p. m., CST) to midnight, CST, on August 13 and 27, 1940, in order to broadcast election returns.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted modification of construction permit for installation of new transmitter, changes in directional antenna, and increase in power from 500 watts night, 1 KW day, to 5 KW day and night, using directional antenna at night, for installation of new type transmitter; frequency **1390 kc.** (B4-MP-1035).

The Mayflower Broadcasting Corp., and Yankee Network, Inc., Boston, Mass.—Scheduled for reargument the application of The Mayflower Broadcasting Corp. for a new broadcast station to operate in Boston, Mass., on **1410 kc.,** 500 watts night, 1 KW LS, unlimited time, and the application of Yankee Network, Inc. (WAAB) for renewal of license.

Herald Publishing Co., Albany, Ga.—Denied petition for stay of issuance of construction permits to Station KGBX and Station WFBM to increase their power to 5 KW day and night, employing directional antennas at night, and denied petition for rehearing or reconsideration of the partial grant of the application of Herald Publishing Co. for a new broadcast station issued by Commission on June 25, 1940.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Construction permit to make changes in directional antenna system and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended re antenna system.

### 610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-1927) as modified, for new transmitter, directional antenna day and night use, and increase in power, also move of transmitter.

### 630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-2475) for move of transmitter, installation of new transmitter and increase in power to 5 KW, using directional antenna day and night, requesting extension of completion date from 7-27-40 to 1-27-41.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Authority to determine operating power by direct measurement of antenna power.

### 690 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 1 to 5 KW; install new transmitter and directional antenna for night use; move transmitter from S. Coffeyville to north of Coffeyville. Request Class III-A station (**1010 kc.**). Amended to request **690 kc.** and Class II if and when North American Regional Agreement is effective.

### 740 Kilocycles

WSB—Atlanta Journal Co., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter; make changes in vertical antenna; change frequency, power and hours from **1040 kc.,** 250 watts, daytime, to **1390 kc.,** 500 watts night, 1 KW day, unlimited time (contingent on KOY going to new frequency B5-ML-525). Amended to change frequency from **1390** to **1340 kc.**

### 1200 Kilocycles

KFXD—Frank E. Hurt, Nampa, Idaho.—Construction permit to change frequency from **1200** to **990 kc.;** increase power from 250 watts to 1 KW; equipment changes; move transmitter; install new antenna; request Class II station (**1200 kc.**). Amended to specify transmitter site as to be determined.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—License to cover construction permit (B2-P-2561) for changes in equipment and increase in power.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Authority to determine operating power by direct measurement of antenna power.

KMLD—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to change frequency from **1200** to **1410 kc.,** increase power from 250 watts to 1 KW, make changes in equipment, install directional antenna for night use, and move transmitter. Class III Station.

WDLP—Panama City Broadcasting Co., Inc., Panama City, Fla.—Transfer of control of corporation from W. J. Cook to Bay County Publishers, Inc.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Modification of license to change name from The First Methodist Protestant Church of Lapeer to The Liberty Street Gospel Church of Lapeer.

WCLO—Gazette Printing Co., Janesville, Wisc.—Authority to determine operating power by direct measurement of antenna power.

KODL—Western Radio Corp., The Dalles, Ore.—Modification of construction permit (B5-P-2838) for new station, requesting approval of antenna system, approval of studio and transmitter site.

### 1210 Kilocycles

NEW—Lester Q. Krasin & Otto A. Krutzner, d/b as Krasin and Krutzner Broadcasting Co., Tucumcari, N. Mex.—Construction permit for a new broadcast station to be operated on **1210 kc.,** 250 watts, unlimited time. Class IV station.

WTAX—WTAX, Inc., Springfield, Ill.—Authority to determine operating power by direct measurement of antenna power.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—License to cover construction permit (B1-P-2786) for a new transmitter and increase in power.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of construction permit (B1-P-1140) as modified for a new station, requesting extension of completion date from 8-1-40 to 10-1-40.

### 1250 Kilocycles

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1250** to **710 kc.,** increase power from 1 KW night, 5 KW day to 10 KW day and night, and move transmitter. Amended: To give location of transmitter and make changes in directional antenna.

### 1260 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Construction permit to install directional antenna for night use and request Class III-A Station.

### 1270 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Voluntary assignment of license from King-Trendle Broadcasting Corp. to WOOD Broadcasting Corporation.

### 1310 Kilocycles

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Modification of construction permit (B2-P-2552) for a new broadcast station, requesting approval of antenna system, change in type of equipment and approval of transmitter and studio sites.

NEW—T. B. Gillespie, Palatka, Fla.—Construction permit for a new broadcast station to be operated on **1310 kc.,** 250 watts, unlimited time. Class IV station. Vertical antenna.

KMYR—F. W. Meyer, Denver, Colorado.—Modification of construction permit (B5-P-2067) for a new broadcast station for approval of antenna and transmitter and studio sites and install new transmitter. Amended: To give location of transmitter as 1525-41 Stout St., Denver, change type of transmitter and make antenna changes.

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts night and day.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Modification of construction permit (B2-P-2411) for a new station, requesting approval of antenna, transmitter and approval of studio and transmitter sites.

NEW—R. B. Terry, D. A. Rawley, Staley A. Cook and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 100 watts, daytime. Amended re antenna and requesting **1310 kc.,** unlimited time.

### 1320 Kilocycles

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Modification of license to increase power from 500 watts night, 5 KW day, to 1 KW night, 5 KW day.

### 1330 Kilocycles

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Construction permit to install new transmitter, increase power from 500 watts to 1 KW, and move transmitter. Amended re antenna.

WTAQ—WHBY, Inc., Green Bay, Wis.—Modification of construction permit (B4-P-2332) as modified for changes in directional antenna and increase in power, requesting authority to use daytime directional antenna system at night.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Construction permit to make changes in transmitting equipment.

### 1340 Kilocycles

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW day and night, and install directional antenna for night use.

### 1350 Kilocycles

NEW—Wendell Mayes, Joe N. Weatherby, B. P. Bludworth, J. S. McBeath, Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—Construction permit for a new broadcast station to be operated on **1350 kc.,** 500 watts, unlimited time. Amended re corporate structure by deleting name of Wm. J. Lawson and adding names of B. P. Bludworth and J. S. McBeath.

### 1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install new transmitter and vertical antenna, increase power from 500 watts to 1 KW, change hours from S-WSBT to unlimited, and move transmitter (contingent on WSBT going to **930 kc.**) (**1360 kc.**). Amended to omit request for increase in night power and request 500 watts night, 1 KW day, and Class III-B.

### 1370 Kilocycles

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Construction permit to change frequency from **1370** to **1040 kc.** (**1080 kc.** if North American Regional Agreement becomes effective prior to action); increase power from 250 watts to 1 KW night, 5 KW day; install new transmitter and antenna and move studio from New Albany, Ind., to Louisville, Ky., and move transmitter locally. Requests Class II station (**1370 kc.**). Amended to specify transmitter site, New Albany, Ind., change type of transmitter, increase night power to 5 KW, and install directional antenna for day and night use.

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Transfer of control of corporation to Mutual Savings Life Insurance Co. (**1370 kc.**). Amended to name transferor Bryan McAfee.

NEW—Radio Corporation of Orlando, Orlando, Fla.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time. Class IX Station. (Request facilities of WLOF.) Amended: to omit request for facilities of WLOF.

NEW—Paducah Broadcasting Company, Inc., Clarksville, Tenn.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time.

NEW—Radio Corporation of Orlando, Orlando, Fla.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time. (Request facilities of WLOF.) Amended: to request **1370 kc.**, Class IV station.

### 1380 Kilocycles

WING—WSMK, Inc., Dayton, Ohio.—Construction permit to install new transmitter, frequency monitor and make changes in directional antenna system for night use and increase power from 250 watts night, 500 watts day to 5 KW day and night. Amended: to move transmitter.

### 1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Modification of construction permit (B4-P-2625) for new transmitter, changes in directional antenna system and increase in power requesting authority to install new type transmitter.

### 1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license to increase power from 250 watts night, 1 KW day to 1 KW day and night. Amended: re antenna.

### 1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of construction permit (B-P-2377) which authorized new transmitter, move transmitter, change frequency, increase power and hours of operation, requesting change in equipment, approval of transmitter site and approval of antenna.

WGOV—E. D. Rivers, Valdosta, Ga.—License to cover construction permit (B3-P-2586) as modified for a new broadcast station.

WGOV—E. D. Rivers, Valdosta, Ga.—Authority to determine operating power by direct measurement of antenna power.

NEW—Blanfox Radio Co., Harlan, Ky.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 240 watts, unlimited time, class IV station. Amended: to change location of transmitter and make changes in antenna system.

KLOW—The Lamar Broadcasting Co., Lamar, Colo.—Modification of license to change hours of operation from daily 7 a. m. to 6 p. m. and 9:30 p. m. to 12 midnight, MST, to daily 7 a. m. to 7 p. m., MST.

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Authority to determine operating power by direct measurement of antenna power.

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—License to cover construction permit (B1-P-2333) as modified, for a new station.

NEW—R. G. LeTourneau, Toccoa, Ga.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Amended: To specify transmitter site and studio site to be determined and vertical antenna.

KFUN—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Modification of construction permit (B5-P-2374) for a new station, requesting approval of transmitter, increase in power from 100 watts night, 250 watts day, to 250 watts day and night, approval of antenna and approval of transmitter site.

### 1460 Kilocycles

KSTP—KSTP, Inc., St. Paul, Minn.—License to cover construction permit (B4-P-1828) as modified, for move of transmitter, install new equipment and directional antenna and increase in power.

KSTP—KSTP, Inc., St. Paul, Minn.—Authority to determine operating power by direct measurement of antenna power.

### 1500 Kilocycles

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—License to cover construction permit (B5-P-865) as modified for new broadcast station.

NEW—James Freeman Holmes, Valdosta, Ga.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time. Class IV station. Amended: to change location of transmitter, make changes in equipment and antenna and increase power from 100 watts night, 250 watts day. to 250 watts day and night.

NEW—South Florida Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Vertical antenna. Class IV station.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—License to cover construction permit (B3-P-2673) for changes in transmitting equipment and increase in power from 100 to 250 watts.

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Authority to determine operating power by direct measurement of antenna power.

### 1530 Kilocycles

WBRY—American Republican, Inc., Waterbury. Conn.—Construction permit to install new transmitter, directional antenna for day and night use and increase power from 1 to 5 KW. (**1530 kc.**) Amended: To make changes in directional antenna.

### MISCELLANEOUS

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PRE-340) for move of transmitter, requesting to change location of transmitter, add A-1 emission and extend commencement and completion dates to 90 days after date of grant and completion date from 12-8-40 to 180 days thereafter.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43900 kc.**; coverage 16,880 square miles.

W2XOR—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Construction permit to install new transmitter, antenna changes, and move transmitter from Carteret, N. J., to New York, N. Y. Amended re type of equipment.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44100 kc.**; coverage 18,000 square miles.

NEW—The Yankee Network, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on **43900 kc.**; coverage 35,500 square siles.

NEW—The Travelers Broadcasting Service Corp., Hartford, Conn.—Construction permit for a new high frequency broadcast station to be operated on **43.9 mc.**; coverage 14,768 square miles.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit via RCA Communications, Inc., programs which originate in NBC's studio at 30 Rockefeller Plaza, N. Y., or any points in U. S. where network programs may originate, to CMX, Havana, Cuba.

WFLR—Pinellas Broadcasting Co., Portable-Mobile.—License to cover construction permit (B3-PRE-341) for a new relay broadcast station.

WEGP—Berks Broadcasting Co., Mobile.—License to cover construction permit (B2-PRE-353) for increase in power and installation of new transmitter.

NEW—R. B. Eaton, Des Moines, Iowa.—Construction permit for a new television broadcast station to be operated on **44000-50000 kc.**, 100 watts for both visual and aural, emission A3 and A5. Amended to request **66000-72000 kc.**, 46 watts visual, 100 watts aural.

NEW—Evansville on the Air, Inc., Evansville, Ind.—Construction permit for a new high frequency broadcast station to be operated on **43700 kc.**; coverage 8,398 square miles.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit for a new high frequency broadcast station to be operated on **43300 kc.**; coverage 3,025 square miles.

NEW—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **46500 kc.**; coverage 3,050 square miles. Amended: Section 12(e).

WEOY—South Carolina Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B3-PRY-222) for a new relay broadcast station.

NEW—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.**; coverage 2,995 square miles.

NEW—WJJD, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**; coverage 3,700 square miles.

WFME—Monocacy Broadcasting Co., Portable-Mobile.—License to cover construction permit (B1-PRY-200) for a new relay broadcast station. Amended: Section 5 of application.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Altman Neckwear Corporation**, 333 Fifth Ave., New York, is charged in a complaint with the dissemination of misleading representations in the sale of neckties.

One of the respondent's necktie styles is allegedly described as made of "Cherokee Indian Homespun Wool" and bears the likeness of an Indian, when in truth it is not woven or manufactured by Cherokee Indians or any other Indians. Another style, the complaint charges, is described by the respondent as "Duo-Silk-All-O Lined Throughout," when actually the material consists of a mixture of silk and rayon, the rayon predominating, the lining being rayon and the interlining cotton. (4226)

**Baltimore Macaroni Company**—See King Foods Company.

**Baltimore Sales Service Co.**—See King Foods Company.

**Bigelow-Sanford Carpet Company, Inc.**—Two New York companies are charged in complaints with misrepresentations in the sale of rugs. The respondents are Sol. Raphael, Inc., an importer and distributor, of 333 Seventh Ave., and Bigelow-Sanford Carpet Company, Inc., 140 Madison Ave., which also has plants at Thompsonville, Conn., and Amsterdam, N. Y.

It is alleged that Sol. Raphael, Inc., in the sale of certain of its rugs, designates them by names such as "Khandah", "Aristan", "Karachi", "Numdah" and others indicating Oriental origin. The complaint charges, however, that these rugs, although simulating Oriental or Chinese Oriental rugs so closely as to be indistinguishable therefrom by many buyers, do not possess all the characteristics of true Oriental or Chinese Oriental rugs. They are neither made by hand nor in the distinctive manner of the true Oriental or Chinese Oriental rug, the complaint continues, but are woven on power looms, in French and Belgian factories and from cotton or jute or both combined.

Bigelow-Sanford Carpet Company, Inc., allegedly sells rugs closely resembling true Orientals under names indicating Oriental origin, such as "Persiamar" and "Kashamar", when in fact they do not have all the characteristics of true Oriental rugs and are woven on power looms in the United States. The respondent company also allegedly advertises certain of its rugs as being "true copies of Sarouks, Kirmans and Persians", and as "amazing reproductions from the original Orientals", when in fact, according to the complaint, they are not exact copies or reproductions of true Orientals in structure or method of manufacture, but merely simulate Orientals in appearance. (4205-4207)

**Harry M. Bitterman, Inc.**—Charging violation of the brokerage paragraph of the Robinson-Patman Act, a complaint has been issued against Harry M. Bitterman, Inc., 151 West 40th St., New York, which acts as intermediary for certain buyers in their purchases of fur garments from the sellers.

Also named as respondents are Harry M. Bitterman, Herman Bitterman and Irving Dash, officers of Harry M. Bitterman, Inc., and four selling concerns which the Commission considers typical of a large number of fur garment manufacturers engaged in selling garments to retail buyers by means of similar practices. The four selling concerns named as respondents are: I. and A. Berger, Inc., 150 30th St., B. Ordover & Sons, Inc., 150 West 30th St., Arthur Petras, Peter Petras and George Alveras, trading as Petras, Petras & Co., 249 West 29th St., and Morris Minsk, 352 Seventh Ave., all of New York.

According to the complaint, Harry M. Bitterman, until 1938, received, and since that time Bitterman, Inc., has received and now receives orders from retail buyer customers in several States to purchase fur garments, such orders being executed with the four respondent selling companies and other sellers. Estimated annual purchases so negotiated by Harry M. Bitterman or by Bitterman, Inc., the complaint continues, amounted to $200,000 in each of the years 1937, 1938 and 1939.

The seller respondents, it is alleged, have paid the respondent Bitterman, and have paid and now pay to Bitterman, Inc., brokerage fees and commissions amounting customarily to 5 per cent of the sales price of goods sold by the seller respondents to the retail buyers, and the respondents Bitterman and Bitterman, Inc., while acting as intermediary for the buyers, allegedly accepted, and Bitterman, Inc., now accepts, such brokerage fees and commissions, in violation of section 2 (c) of the Clayton Act as amended by the Robinson-Patman Act. (42291)

**Brabant Needle Company, Inc.**—Concealing the foreign origin of needles is charged in a complaint issued against The Brabant Needle Company, Inc., 47 Great Jones St., New York.

According to the complaint, the respondent imports needles in pads or flaps from Germany, with the name "Germany" stamped on the back of each pad or flap. In marketing certain of its products, the complaint continues, the respondent combines various pads or flaps of needles into booklets, sometimes in combination with other articles in such a manner as to entirely conceal the printing which indicates the foreign origin of such needles.

Pointing out that a substantial number of purchasers prefer products manufactured in the United States or England to articles made in Germany or other foreign countries, the complaint alleges that the respondent further misrepresents that its needles are of domestic or English origin and that it owns, operates or controls factories located in England and in the United States, wherein the needles are manufactured. In truth, it is charged, none of these needles are manufactured in the United States or England, and the respondent has not owned, operated or controlled any factory in which such needles sold by it were manufactured either in England, the United States or elsewhere. It is further charged that all of the needles are imported by the respondent from foreign countries other than England for the purpose of resale. (4212)

**Cohen Drug Company**—Louis, Sol and Marvyn Cohen, trading as Cohen's Cut Rate Drug Store, as Cohen Drug Co., and as Cohen's, 905 Virginia St., East, Charleston, W. Va., allegedly misrepresent that their preparation, designated as "Soluble Gelatine Capsules No. 5, Apiol and Ergotin Compound" and advertised and sold as "Lady Lydia Capsules," is a competent, safe and effective treatment for delayed menstruation. In truth, the complaint continues, the respondents' preparation is not an effective treatment for delayed menstruation, and is not safe as it contains the drugs apiol green, ergotin, oil of savin, and aloin, in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual. Such use of the preparation, it is further alleged, may result in a toxic condition and excessive purgation, and may give rise to abortion, resulting in uterine infection with extension to other pelvic and abdominal structures, and even the blood stream, causing the condition known as blood poisoning or septicemia. The complaint charges that the respondents' advertisements are also false in that they fail to reveal that the use of their preparation under the prescribed conditions or under such conditions as are customary or usual may result in serious and irreparable injury to health. (4202)

**Deniston Company**, 4856 South Western Ave., Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of lead head roofing nails designated as "drive screw" and as "ring shank".

The respondent allegedly misleadingly advertises that the holding power of its "drive screw" and "ring shank" nails is approximately four times that of the straight shank nail; that a nail provided with the "drive screw" shank will afford greater holding power than any other type of lead head nail and that both the "drive screw" and "ring shank" nails possess a substantial superiority in holding power over all competitive products. In truth, the complaint charges, the comparative superiority and holding power claimed by the respondent for both types of its nails is greatly in excess of any superiority that does exist between either of such types of nails and straight shank nails and other competitive nails. (4219)

**Isaac S. Dickler**, 370 Seventh Ave., New York, buying agent in the purchase of fur garments in behalf of approximately 17 fur garment dealers located in several States, is charged, in a complaint with violation of the brokerage paragraph of the Robinson-Patman Act.

The complaint alleges that the respondent receives from various retail fur stores, for whom he acts as agent, requests to purchase fur garments. He contacts various fur garment manufacturers and places the orders at the most advantageous prices from the standpoint of the buyer. The manufacturers are located in New York, the respondent acting on behalf of buyers in San Francisco, Baltimore, Washington, and other cities.

In the course of the purchasing transactions by the respondent, the complaint continues, sellers have, since June 19, 1936, paid to the respondent commissions based on a certain percentage of the sales price agreed upon, and the respondent has received and accepted such commissions on purchases of merchandise by retail buyers in whose behalf he has been and is in fact acting. These acts and practices, the complaint declares, are in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4231)

**Do-Ray Lamp Company, Inc.**, 1458 South Michigan Ave., Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of a fog lamp known as "Bright Ray Crest Driving Lamp."

According to the complaint, the respondent misleadingly represents that its fog lamp, when attached to an automobile or truck, develops 40 thousand candle power, which produces sufficient illumination to have "revealing power" at 1,500 feet ahead of the location of the vehicle so as to enable the driver to determine objects on the road at that distance under any and all conditions. The respondent also allegedly misrepresents that the beam of light produced by its lamp provides sufficient illumination to penetrate fog and furnish adequate visibility under fog, rain or snow conditions when used on an automobile or truck operated on the highway. (4218)

**Ely & Walker Dry Goods Company**, 1520 Washington Ave., St. Louis, Mo., is charged in a complaint with the dissemination of misleading representations in the sale of men's robes.

According to the complaint, the respondent represents by means of advertisements featuring the words "Camel Suede Robe," and through the use of labels or bands marked "Camel Suede" and bearing illustrations of a camel, that its men's robes are made of camel's hair or camel's wool, or have a predominant composition of camel's hair or camel's wool. In truth, the complaint charges, such robes are not composed in any part of the hair of the camel, but are made wholly of rayon. (4216)

**A. M. Florman & Bro.**—Acceptance of commissions in violation of the brokerage paragraph of the Robinson-Patman Act, is charged in a complaint issued against a firm of New York commission residents buyers of millinery. The respondents are Arthur M. Florman and Leo Florman, trading as A. M. Florman & Bro., 134 West 32nd St., New York.

It is alleged that the respondents act as purchasing agents for approximately 40 retail millinery and department stores located in various States, and place their clients' orders with 25 or more New York manufacturers of millinery. The respondents allegedly receive and accept from the seller manufacturers commissions which represent a certain percentage of the sales prices agreed upon between the seller manufacturers and the respondents on purchases of merchandise by their 40 retail millinery and retail department store principals who are the actual purchasers in such transactions. (4227)

**Franco-Belgian Importing Co., Inc.**, 41 East 28th St., New York, is charged in a complaint with the dissemination of misleading representations in the sale of rugs.

It is charged in the complaint that the respondent describes certain of its rugs by means of Oriental names such as "Kazhak," "Tebriz," "Rajah" and "Garnastan" and attaches to such products labels with depictions of an Oriental scene and of the familiar Turkish star and crescent, thus creating the belief that they are true hand-made Oriental rugs. The respondent further allegedly represents that its rugs are in all respects, including material, reproductions and copies of true Oriental rugs.

Actually, the complaint continues, the respondent's rugs are woven on power looms in factories in Belgium and are not exact copies or reproductions of true Orientals in structure, material or method of manufacture, but merely simulate them in appearance. (4223)

**Joseph Gluck & Company, Inc.**, 305 Seventh Ave., New York, allegedly designates certain of its rugs which closely resemble true Oriental rugs in appearance, by names which are the same as or similar to the names of true Oriental rugs, and attaches labels depicting Oriental scenes to such products, thus tending to induce the erroneous belief that they are made in the Orient by hand. In truth, the complaint charges, the respondent's rugs are woven on power looms at factories in France. (4221)

**Grand Rapids Furniture Show Rooms**—See Zisblatt Furniture Co., Inc.

**Hoosier Candy Sales Company**—Two candy dealers are charged in complaints with the use of lottery devices in the sale of merchandise to ultimate consumers. The respondents are Louis Talesnick, trading as Hoosier Candy Sales Company, 426 South Meridian St., Indianapolis, Ind., and Pelican State Candy Company and its officers Max J. Pinski, formerly trading as Pelican State Candy Company and Royal Chocolates, 1301 North Rampart St., New Orleans, La.

The complaints allege that the respondents sell certain assortments of candy so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when sold and distributed to ultimate consumers. (4209-4210)

**King Foods Company**—Violation of the brokerage paragraph of the Robinson-Patman Act is alleged in a complaint issued against H. Stanley Jones, H. Edwin Jones and Maurice C. Berkeley, of 206 South Broadway St., Baltimore, who are copartners trading under the firm names of Howard E. Jones & Co., King Foods Company, Baltimore Sales Service Company, Baltimore Macaroni Company, and Ocono Company.

The complaint points out that the co-partners trading principally under the name of Howard E. Jones & Co., have acted as brokers in the sale of food products, particularly canned fruits and vegetables, and that they have also engaged in the business of buying and selling that class of products for their own account, principally under the name King Foods Company but also under the names and styles of Howard E. Jones & Co., Baltimore Sales Service Company, Baltimore Macaroni Company, and Ocono Company.

It is alleged that in the course and conduct of their business of buying food products for their own account the respondents, doing business under their respective firm names, have been and are now receiving and accepting from numerous sellers brokerage fees, or allowances or discounts in lieu thereof, on many of the purchases made for their own account, in violation of section 2(c) of the Clayton Act, as amended by the Robinson-Patman Act. (4215)

**D. J. Mahler Company, Inc.**, 3124 Pawtucket Ave., East Providence, R. I., is charged in a complaint with the dissemination of misleading representations in the sale of a device recommended for use in the electrolytic removal of superfluous hair from the human body.

According to the complaint, the respondent misleadingly represents that its "Mahler Electrolysis Apparatus" or the "Mahler Method" is an efficient, effective and safe device and method for the permanent removal of superfluous hair from the human body and that its device can be successfully operated by an unskilled layman with ordinary care and skill. In truth, the complaint continues, use of the device as recommended by the respondent may result in local infections, erysipelas, skin burns, scars, metallic tattoo marks, pitting and permanent disfigurement. It is further charged that in certain cases when infection occurs as a result of the use of respondent's device, there may follow serious injury to health.

The respondent's advertisements are also alleged to be misleading in that they fail to reveal that use of its device under conditions prescribed in such advertisements or under customary or usual conditions may result in serious physical injury, permanent disfigurement and in serious irreparable danger to health.

Upon petition of the Federal Trade Commission, the respondent was recently restrained by a United States District Court from further dissemination of certain false advertisements with respect to this preparation pending issuance of a complaint and final disposition of the case under the Federal Trade Commission Act. (4228)

**Manshire Mills**—See Siegel-Kahn Company, Inc.

**Memorial Granite Company, Inc.,** 159 Hancock St., Quincy, Mass., is charged in a complaint with the dissemination of misleading representations in the sale of tombstones and monuments.

According to the complaint, the respondent misleadingly advertises that its monuments and tombstones were produced or quarried in the Barre, Vt., district, the Westerly, R. I., district, or manufactured from imported Red Granite; that the price at which such products are offered for sale saves 30 per cent to 50 per cent more to the purchasers than if they bought similar products sold by competitors; that its indicated price includes such items or expenses as the cost of lettering, delivery and erection of such products; that the tombstones and monuments are polished on all sides, including the front, back, top, sides and base, and that its place of business is of the size pictured in its advertisements.

In truth, the complaint continues, the respondent's tombstones and monuments are manufactured from Rygate, Vt., granite which is a cheaper grade than that represented; its products are not offered for sale for less than the customary and usual price, and additional charges are required for lettering, delivery, erection, finishing and polishing of its products. It is also charged that the pictorial representation of the respondent's place of business is a composite of two different views of the plant, formed by combining two or more pictures in such a manner as to convey an untrue impression to purchasers with respect to the size of the business conducted by the respondent. (4214)

**Michigan Merchandising Company**—Charles D. Brown, trading as Michigan Merchandising Company, 31 Allison St., Pontiac, Mich., is charged in a complaint with the dissemination of misleading representations in the sale of a small electric water heater, called "Wonder Electric Water Heater".

According to the complaint, the business as conducted by the respondent is a scheme to extract money from persons in need of employment by misrepresenting to them, through "Help Wanted" sections of newspapers, the character of work to be performed, the purpose of an initial payment of $100 by the applicant for work, the terms of the employment, the salary to be paid, the price for which his heater is regularly sold, and the extent and nature of the guaranty on the heaters.

Among such alleged misrepresentations made by the respondent are that prospective distributors who answer his "Help Wanted" ads, are only to make deliveries of and collections for his heaters; that the respondent will establish the required number of dealers to handle his heaters on a consignment basis without any sales effort on the part of the distributor; that the initial payment of $100 required of each distributor is in the nature of a temporary bond and will be refunded as soon as the routine matter of securing and approving the list of dealers has been accomplished by the respondent, and that he will pay to the distributor a weekly salary of $25, commencing on the day the contract is signed, plus a commission of 50 cents per heater for every heater over two sold each week by each established dealer in the distributor's territory.

In truth, the complaint continues, no salary or commission has ever been paid by respondent to any distributor; no quota of dealers has ever been established which met the number necessary to be established to entitle the distributor to a refund. salary or commission; the initial payment of $100 was not in the nature of a temporary bond, but is applied by the respondent as payment for forty-eight of the electric water heaters, and the distributor, under the respondent's plan, becomes a mere purchaser of the heaters without any adequate outlets for their disposal or established dealers to handle them. (4207)

**Ocono Company**—See King Foods Company.

**Oxol Laboratories**—W. S. McClymonds and G. L. McClymonds, trading as Oxol Laboratories, 1042-48 Santa Fe Drive, Denver, Colo., are charged in a complaint with the dissemination of misleading representations in the sale of a drug preparation known as "Trox Tablets".

According to the complaint, the respondents represent that their preparation is a cure, remedy and effective treatment for various diseases and ailments of the kidneys and of the prostate gland, when in truth it has no value with respect to relieving any such conditions. (4208)

**Pelican State Candy Company**—See Hoosier Candy Sales Co.

**Queen City Candy Company, Inc.,** 531 Bruns Ave., Charlotte, N. C., is charged in a complaint with the use of lottery methods in the sale of candy to ultimate consumers.

According to the complaint, the respondent sells certain assortments of candy so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when such candy is sold and distributed to consumers. One of such assortments, the complaint continues, consists of a number of bars of candy together with a device commonly called a push card. (4220)

**Sol. Raphael, Inc.**—See Bigelow-Sanford Carpet Company, Inc.

**Reed's Cut-Rate Drug Store**—Lenard and Sarah Gotlieb, trading as Reed's Cut-Rate Store and as Fountain Cut-Rate Stores, 127 South Fourth St., Clarksburg, W. Va., are charged in a complaint with the dissemination of misleading representations in the sale of a medicinal preparation.

According to the complaint, the respondents misleadingly represent that their preparation designated as "Prescription Female Capsules," and as "Lady Lydia Female Capsules," also designated as "Prescription Female Capsules—Double Strength," "Prescription Female Capsules—Triple Strength," and as "Lady Lydia Female Capsules—Double Strength" and "Lady Lydia Female Capsules—Triple Strength," is a competent and efficient treatment for delayed menstruation and that it is safe and harmless. In truth, the complaint charges, the respondents' preparation is not an efficient treatment for delayed menstruation, and is not safe in that it contains the drugs apiol green, ergotin, oil of savin and aloin, in quantities sufficient to cause serious and irreparable injury to health if used under the conditions described in the advertisements or under such conditions as are customary or usual.

The respondents' advertisements are also false, the complaint continues, in that they fail to reveal that use of their preparation under the prescribed or customary conditions, may result in injury to health.

Upon petition of the Federal Trade Commission, the respondents were recently restrained by a United States District Court from further advertisement of this preparation pending issuance of complaint and final disposition of the case under the Federal Trade Commission Act. (4211)

**Schmidt Brewing Company,** 1995 Wilkins St., Detroit, Mich., is charged in a complaint with the dissemination of misleading representations in the sale of beer.

According to the complaint, the respondent advertises that its beer contains no fattening substances, and such advertisements bear the statement "No Sugar," "No Glucose," "No Fattening Syrups Added" and "Schmidt's affords peace-of-mind to 'weight watchers' because a brimming glass equals no more calories than three soda crackers!" In truth, the complaint continues, the respondent's beer does contain sugars and other fattening substances.

Charging that such misrepresentations mislead the purchasing public into buying substantial quantities of the respondents' products in preference to that of its competitors, the complaint grants the respondent 20 days for filing answer to the alleged violation of the Federal Trade Commission Act. (4225)

**Seboeen Laboratories, Inc.**—A group of Illinois dealers in medicinal and cosmetic preparations is charged in a complaint with the dissemination of misleading representations in the sale of its products. The respondents are Seboreen Laboratories, Inc., 6912 Ravenswood Ave., Chicago; Federal Cosmetic Sales Corporation, 126 North 7th St., Springfield; and Fred E. Schon, Lloyd M. Wendt, Ethel Cronson and Evelyn Schon, Chicago; and Henry M. Schoen, Virginia L. Cook and William Horsley, Springfield. Federal Cosmetic Sales Corporation sells and distributes the medicinal and cosmetic preparations manufactured by Seboreen Laboratories, Inc.

The respondents allegedly misrepresent that their preparation "Sebrone" is a new, scientific discovery; is a cure or remedy for dandruff; will remove scar tissue; will prevent baldness and will stimulate the growth of hair.

It is further charged in the complaint that the respondents misleadingly represent that their preparation "Waft" is a new, scientific discovery; is a cure or remedy for athlete's foot; will reduce excessive sweating to normal; will remove and kill foot and body odors and will remove room and closet odors. (4230)

**Snugintucks Mills**—See Siegel-Kahn Company, Inc.

**Stephen Rug Mills**—Nathan E. Herzfeld and Saul S. Herzfeld, trading as Stephen Rug Mills, 135 Madison Ave., New York, allegedly describe certain of their rugs, which closely resemble true Oriental and Chinese Oriental rugs, by the names "Bombay" and "Manchu" and attach thereto labels with the depiction of an Oriental scene, when in truth such rugs are made on power looms in factories in Belgium and Italy. According to the complaint, the respondents further describe their "New Avalon" rugs as "Chinese Ovalette Replica" and depict an Oriental scene on labels attached to such rugs, when actually they are not exact copies or reproductions of true Chinese Orientals in structure, method of manufacture or material, but merely simulate them in appearance.

Certain of the respondents' other rugs which are manufactured in Europe are allegedly designated as "New Bedford," thus misleadingly representing that such wares are made in the United States. By the use of the words "Rug Mills" in their firm or trade name, the complaint continues, the respondents represent that they manufacture the rugs they sell, when such is not the case. (4222)

**Diamond Candy Company**—Curtis C. Walker, trading as Diamond Candy Company, 219 North Graham St., Charlotte, N. C., is charged in a complaint with the use of lottery methods in connection with the sale of candy.

According to the complaint, the respondent sells certain assortments of candy so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when such candy is sold and distributed to consumers. One of such assortments, the complaint continues, consists of a number of bars of candy together with a device commonly called a push card. (4224)

**Siegel-Kahn Company, Inc.,** trading as Manshire Mills and as Snugintucks Mills, 93 Worth St., New York, is charged in a complaint with the dissemination of misleading representations in the sale of women's undergarments.

According to the complaint, the respondent represents that certain of its products designated "Snugintucks" contain 30 per cent and 15 per cent wool, respectively, when in truth neither of such products contains the specified percentage of wool, the actual fiber content being 88 per cent cotton, 9 per cent rayon and 3 per cent wool.

The respondent further is alleged misleadingly to represent that its products designated "Dr. Ames Treat Yourself Woolywarms Multi-Ply Crotch, 30 per cent Pure Wool," and "Dr. Ames Treat Yourself Woolywarms Multi-Ply Crotch, 15 per cent Pure Wool," contains 30 per cent and 15 per cent wool, respectively, when in truth the product represented as containing 30 per cent wool is composed of 85 per cent cotton and only 15 per cent wool, while the product represented as containing 15 per cent wool contains 90 per cent cotton and only 10 per cent wool.

Through the use of the word "Woolywarms" in designating "Dr. Ames Treat Yourself Woolywarms Multi-Ply Crotch, Full Combed," unaccompanied by any specific designation of the fiber content, the respondent allegedly represents that such product contains a substantial percentage of wool, when in fact it contains no wool whatsoever, but is composed entirely of cotton. It is further alleged in the complaint that the respondent sells undergarments composed in part of rayon, without disclosing the rayon content of such products.

The complaint continues that through use of the word "Mills" in its trade names Manshire Mills and Snugintucks Mills, the respondent represents that it owns or operates a mill where its products are manufactured and that it is the manufacturer of such products, when in truth it purchases all of its products from other parties.

Through use of the term "Dr. Ames," the respondent also allegedly misrepresents that its products are designed, recommended or approved by a physician. (4204)

**Sun Cut-Rate Drug Company**—Howard Deckelbaum, trading as Sun Cut Rate Store, Huntington, W. Va., is charged in a complaint with the dissemination of misleading representations in the sale of a medicinal preparation.

According to the complaint, the respondent misleadingly represents that his preparation advertised as "Harmless Prescription Capsules" and as "Special Prescription Capsules" otherwise designated as "Prescription Female Capsules—Double Strength" and as "Prescription Female Capsules—Triple Strength," is a competent and efficient treatment for delayed menstruation and that it is safe and harmless. In truth, the complaint charges, the respondent's preparation is not an efficient treatment for delayed menstruation, and is not safe in that it contains the drugs apiol green, ergotin, oil of savin and aloin, in quantities sufficient to cause serious and irreparable injury to health if used under the conditions described in the advertisements or under such conditions as are customary or usual.

The respondent's advertisements are also false, the complaint continues, in that they fail to reveal that such use of his preparation under the prescribed or customary conditions may result in injury to health.

Upon petition of the Federal Trade Commission, the respondent was recently restrained by a United States District Court from further advertisement of this preparation pending issuance of complaint and final disposition of the case under the Federal Trade Commission Act. (4213)

**Wain's Laboratory, Inc.,** 4687 Hollywood Boulevard, Hollywood, Calif., allegedly misrepresents that its preparation, "Wain's Compound," formerly designated as "AMA-GON," is an effective and competent treatment for bronchial asthma and bronchial coughs; that its use gives immediate or prompt relief from the paroxyms of asthma, and that it is entirely safe and may be used without danger of ill effects upon the health of the user. In truth, the complaint continues, the respondent's preparation has no therapeutic value in the treatment of such conditions in excess of furnishing temporary symptomatic relief from the paroxysms of asthma and bronchial irritations. It is further charged in the complaint that "Wain's Compound" is not in all cases safe as it contains potassium iodide in quantities sufficient to cause in some instances injury to health if taken under the prescribed conditions or under such conditions as are customary or usual. It is alleged that the respondent's advertisements are also false in that they fail to reveal that use of its preparation under the conditions prescribed in its advertisements or under such conditions as are customary or usual, may result in injury to health. (4203)

**Zisblatt Furniture Company, Inc.,** trading as Grand Rapids Furniture Show Rooms, and Morris, Meyer, Sam and Lillian Zisblatt, and A. Maccia, 4132 Park Ave., New York, are charged in a complaint with the dissemination of misleading representations in the sale of household furniture.

According to the complaint, the respondent corporation misleadingly represents that furniture sold by it is manufactured in Grand Rapids, Mich.; that it owns, operates or controls a factory at Grand Rapids; that the furniture is sold direct from the factory to the purchasers without the addition of a middleman's profit; that the prices at which the furniture is sold are wholesale prices; that it does not ordinarily sell at retail, and that it occupies a large, seven-story building. In truth, the complaint charges, the respondent's sales are in fact resales, at retail, of furniture purchased by it from factories or from wholesalers; its place of business is not a factory show room, but a retail store; the prices which it charges for its wares are higher than the usual, current wholesale prices, and the building which it occupies is not correctly represented on its business cards and stationery, but is in fact a run-down building of only three stories. (4206)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**J. E. Bernard & Company**—Sales to dealers in foreign countries of reconditioned spark plugs not properly designated as such, are prohibited in an order issued against J. E. Bernard & Company, Inc., 27 Pearl St., New York.

Commission findings are that substantially all of the spark plugs sold by the respondent are used and discarded spark plugs which originally were manufactured and sold by the Champion Spark Plug Company and AC Spark Plug Company under the brand names "Champion" and "AC". The articles, the findings continue, were repaired and reconditioned by The Perfect Recondition Spark Plug Company, from whom the respondent purchases such products for resale to dealers in foreign countries without proper disclosure that they were used and defective articles and had been repaired and reconditioned.

The respondent was ordered, in connection with its sale of spark plugs to foreign countries, to cease selling or delivering to others for sale to the public, any spark plug which has been used and thereafter reconditioned in any manner unless the words "used", "second-hand" or "reconditioned", or some similar words, have been permanently stamped or fixed on each plug in a color in contrast to the surface to which it is applied and of a size and in such location as to be clearly legible to purchasers after the spark plugs shall have been installed, and unless there has been plainly printed or marked on containers a notice that they are used, second-hand or reconditioned. (3534)

**Consolidated Sign Letter Company, Inc.**, 416 South Dearborn St., Chicago, has been ordered to discontinue certain misleading representations in the sale of metallic sign letters and numbers.

Under the order, the respondent is prohibited from representing, through the use of the terms "genuine gold leaf sign letters" or "genuine gold leaf," or any similar words, that sign letters or numbers composed of a combination of gold and silver leaf on a backing of lead and tinfoil are composed of gold, gold leaf, or genuine gold leaf.

The order further prohibits representations by the respondent that the gold leaf used in the manufacture of its products is 24 karat fine gold; that such leaf contains an amount of gold in excess of its actual content, or that the leaf is made exclusively from gold and does not contain an alloy.

The respondent was also ordered to cease representing, through the use of the word "silver" in the trade name or in any other manner, that letters or numbers manufactured from a combination of lead and tinfoil contain, or are composed of, silver metal. (3539)

**Hardwood Charcoal Company**—Price-fixing agreements tending to eliminate competition in the hardwood charcoal industry and other practices deemed to be in restraint of trade, are prohibited under an order issued against producers of approximately 65 per cent of the Nation's output of that product which is used principally as a fuel.

Among the respondents are Hardwood Charcoal Company, Memphis, Tenn., and Manufacturers Charcoal Company, Bradford, Pa., which are exclusive sales agents for groups of charcoal producers, and Tennessee Eastman Corporation, Kingsport, Tenn., and Cliffs Dow Chemical Company, Marquette, Mich., hardwood charcoal producers.

Commission findings are that some or all of the respondents entered into various agreements having the effect of preventing price competition; that the Hardwood Charcoal Company and Manufacturers Charcoal Company, from 1932 to 1937, exchanged price and other information and in 1933 agreed to allot territories among themselves on a quota basis, the Hardwood company paying the Manufacturers company brokerage for handling the product of members of the Hardwood company's group, and that members of the Manufacturers' Charcoal Company group, from November, 1936 to January, 1937, purchased the entire output of Canadian charcoal entering the United States so as to prevent its competition with their product.

The Commission order directs that Hardwood Charcoal Company, Manufacturers Charcoal Company, Cliffs Dow Chemical Company, Tennessee Eastman Corporation, and their officers, directors and employees, directly or indirectly, or while the Hardwood and Manufacturers companies are acting on their own behalf or that of the members of their groups or other charcoal producers, are to cease and desist from fixing or maintaining, pursuant to agreement, understanding or combination, identical delivered prices at which hardwood charcoal is to be sold by them to distributors or dealers at any destination. The Manufacturers and Hardwood companies are directed, pursuant to agreement or understanding, to cease (1) fixing or maintaining identical or uniform resale prices; (2) alloting territories for sale of products of the members of their respective groups; (3) limiting severally and reciprocally the respective quantities of hardwood charcoal which each sells to its respective customers; (4) refusing to solicit customers of each other; (5) limiting the number of distributors or dealers to whom each shall sell, and (6) exchanging information as to delivered prices, sales policies and other matters for the purpose of effectuating agreements to fix identical or uniform delivered prices.

Hardwood Charcoal Company, while acting on behalf of itself or members of its group, and Tennessee Eastman Corporation, and their officers or representatives, are ordered to discontinue, pursuant to agreement or understanding, filling orders for hardwood charcoal for each other from dealers or distributors throughout the United States in bags or receptacles bearing the trade-mark or trade name of the seller without a statement on such containers that the contents thereof were packed for the seller. The respondent producer members of the Manufacturers Charcoal Company group, are directed to cease, by means of contract, agreement or understanding, from constituting that company as their exclusive sales agent during any specific period and also from acting by any means or method to purchase the entire or a substantial proportion of Canadian hardwood charcoal shipped into the United States so as to eliminate competition therewith.

The Commission dismissed as to Tennessee Products Corporation, Forest Products Chemical Company, and Crossett Chemical Company, certain allegations in its amended complaint pertaining to an alleged understanding and agreement among those three companies to eliminate and suppress competition through formation of the Hardwood Charcoal Company, such dismissal being without prejudice to its right to issue a new complaint containing such allegations should future facts warrant that procedure in the public interest. (3670)

**Industrial Plants Corporation**, 90 West Broadway, New York, has been ordered to discontinue the dissemination of misleading representations in the sale of pliers.

Commission findings are that the respondent advertised that its "Nickel plated pliers are ground and polished all over, heavily nickel plated and buffed to a high lustre," when in truth such pliers are not nickel plated.

The order prohibits the respondent from representing that pliers or any other tools which are not plated with the metal nickel are nickel plated. (3835)

**Luxor, Ltd.**, a manufacturer of toilet articles and cosmetics, with its place of business at 1355 West Thirty-first St., Chicago, has been ordered to discontinue violations of the Robinson-Patman Act in the sale of certain of its products.

The respondent company, according to findings, furnished some of its most popular cosmetics in "junior" or ten cent size packaging to novelty, variety, syndicate and five and ten cent stores and refused to supply such packaging to competing purchasers such as retail druggists.

Commission findings are that the "junior" or ten cent size is preferred by many customers because it is easier to carry, aids in the retention of fragrance and freshness, and reduces waste; that this size of packaging facilitates the resale of products, and that retail druggists endeavoring to obtain the junior size could get only the larger or forty-nine cent size which could not be conveniently divided into smaller quantity units for resale.

The Commission order directs the respondent company to cease and desist from furnishing any of its commodities packaged in containers of a certain size and style unless all purchasers competing in the resale of such articles are accorded the facility of packaging in containers of like size and style, on proportionally equal terms. (3736)

**Sales Promoting Company**—Charles Polk, trading as Sales Promoting Company, 160 Fifth Ave., New York, has been ordered to discontinue the use of lottery methods in the sale of watches, clocks, leather goods, electric lamps, quilts, blankets, waffle irons, radios, toilet sets and tourist sets.

The order prohibits the respondent from selling or distributing any merchandise so packed and assembled that sales to the general public are to be made by means of a lottery; supplying others with merchandise together with lottery devices which may be used in selling or distributing such merchandise to the general public by means of a lottery scheme; supplying others with lottery devices either with merchandise or separately which may be used in selling such merchandise to the general public by means of a game of chance, or selling any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4175)

**Seaboard Paint & Varnish Company**—Samuel Swimmer, trading as Seaboard Paint and Varnish Company, 275 Russell St., Brooklyn, N. Y., has been ordered to discontinue certain misleading representations in the sale of reconditioned paint known as "Spray Booth Off Fall".

Commission findings are that the respondent misrepresents that the regular price of his paint is $2.65 per gallon and that it is being offered at a sacrifice price of $1.55 per gallon; that it was manufactured for use on surfaces exposed to the weather; that he has, in a warehouse located in the vicinity of his prospective customer, some one hundred or other specified number of gallons of such paint, which accounts for the sacrifice he is reputedly making in the price; that the paint is of clean, fresh stock, and that it is of extremely high quality and lasts practically a lifetime.

The order prohibits the respondent from representing that the customary price per gallon of his paint is any sum in excess of that at which it is usually sold; that he has a quantity of such paint warehoused at any point other than at his place of business in Brooklyn, N. Y.; that his paint was manufactured for use on outside or exposed surfaces, or that it is clean, fresh stock and will last practically a lifetime. (4014)

**Union Fountain Pen Company**, 79 Fifth Ave., New York, and three of its officers, has been ordered to discontinue misrepresentations in the sale of fountain pens. The officers named as respondents are Pauline Joab, Isadore Sandrow and Louis Morrison.

The respondents are found to have represented that pens ordinarily selling at prices ranging from 89 cents to $1 have a regular value of $3.75, and, through use of the term "Custom-Built," to have misleadingly represented that their "Tourist" brand pens are hand-made. The respondents, according to findings, used the phrase "Guaranteed Lifetime Service" in connection with the sale of their pens, which in fact will not last a lifetime, and misled purchasers into believing that any necessary repairs would be made by the respondents without cost to the buyers. (3522)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Akron Lamp & Mfg. Co.**, 600 South High St., Akron, Ohio, engaged in selling stoves using gasoline for fuel, designated "Diamond Radiant Heaters," agrees to cease representing that the heater burns 96 per cent air, or that the liquid transforms ordinary air into heat, or that it burns air at all, or that it burns only 4 per cent fuel; that the heat produced is a new kind of heat and is the kind that experts recommend; that the heat is almost like that from the sun itself or that it produces infra-red or ultraviolet rays, or the same penetrating or health-giving rays as are produced by the sun. The respondent also agrees to desist from representing that the heater will relieve lumbago and other ailments; is a competent treatment for colds, flu or penumonia, or that it has healing qualities or is valuable for checking diseases or for the promotion of health, and that the method of heating is endorsed by physicians or leading health authorities. The respondent also agrees to discontinue representations that prospective agents, salesmen or distributors can make earnings or profits, within any specified period of time, of any amounts which are in excess of the average earnings within like periods of time made by a substantial number of its active, full-time agents or distributors in the ordinary and usual course of business and under normal conditions and circumstances. (02619)

**Beutalure, Inc.**, 14 Ashley Place, Wilmington, Del., stipulates that it will cease advertising that "Beutalure Hair Tonic" (now designated "Beutalure Hair Lotion") will bring hair back to its original shade; contains no dye; relieves dandruff, unless the assertion is limited to its aid in the temporary removal of dandruff; checks or stops excessive falling hair; reveals the natural hidden beauty of the hair, or is a competent treatment for gray, dull, faded or streaked hair. The respondent also agrees to desist from describing its product as a tonic and will not use the word "tonic" as a part of the trade name for the product. (02609)

**Chicago Musical Instrument Co.**, and its subsidiary The Tonette Company, both of 30 East Adams St., Chicago, entered into a stipulation in which they agree to discontinue certain representations in the sale of a musical instrument designated "Tonette."

The respondents agree to cease representing that anyone, though unable to read musical notes, and without regard to knowledge of music, musical training or aptitude for music, can in just a few minutes' time learn to play on the Tonette, song hits, classics or "old favorites." (02614)

**Cluff Fabric Products, Inc.**, 300 West 19th St., New York, entered into a stipulation in which it agrees to discontinue certain representations in the sale of auto and marine fabric equipment, including life preserver cushions or vests.

Under the stipulation, the respondent agrees to cease advertising that its life vests have an individual total weight of 36 ounces or more or that the weight of the filling used in the construction of such products is 24 ounces or more, when in fact, the actual total weight and the actual weight of the filling is less than that indicated.

The respondent further stipulates that it will cease representing that its device has a designated total weight or is equipped with a filling of a designated weight, the effect of which tends to convey the belief to purchasers that it has a buoyancy commensurate with such designated weights, when in fact, the weights are less than that represented.

Cluff Fabric Products, Inc., also agrees to cease representing that the buoyancy of its life vests is such as to comply with the requirements of Section 5 of the Act of Congress approved June 9, 1910, for Motor Boats not Carrying Passengers for Hire, when in fact, such is not the case. (2895)

**Curtiss Candy Company**, 622 Diversey Parkway, Chicago, stipulates it will cease advertising that "Baby Ruth" candy will avoid fat. The respondent further agrees to cease representing that "Baby Ruth" candy will avoid fatigue; sustains body activity; reinforces body resistance to avoid ill health, or will snap one out of spring fever, unless it is clearly stated that it is intended to help overcome fatigue and temporarily increase energy when eaten between meals. The respondent also agrees to discontinue representing that it is necessary to eat dextrose to secure the energy building and sustaining foods, or that people who need energy need dextrose or "Baby Ruth" bars. (02608)

**Eagle-Picher Lead Company** and its subsidiary, Eagle-Picher Sales Company, Temple Bar Building, Cincinnati, Ohio, agree to cease advertising that all insulation using paper as a base, or that insulation such as that sold by their competitor, Insul-Wool Insulation Corporation of Wichita, Kans., is inflammable or that its thermal conductivity compares unfavorably with that of rock wool or is higher than that of sawdust. The respondents further agree to discontinue claims that insulation having a paper base is susceptible to moisture or will settle when properly placed in the stud of a building. The respondents also stipulate that they will cease representing, through the use of excerpts from newspapers concerning a fire which occurred at the plant of a competitor, that the material which was burned was the finished product, when in fact, the burned material was only raw material which had not been placed in the completed form in which it was customarily sold by the competitor in the usual course of trade. (2900)

**Herb Products Company**—A. P. Durham, trading as Herb Products Company, Anderson, S. C., agrees to cease representing that this medicinal preparation, "Vim Herb," will strengthen or build up the system; will rid the system of poisons; will completely cleanse the intestinal walls; will act as a tonic for the blood; will benefit everyone; will relieve pain; will clear the skin of eruptions, or will afford immediate, lasting, or positive relief from any disease, disorder or ailment. The respondent further agrees to desist from representing that his preparation is a tonic; that it has benefited thousands, or that the preparation is harmless, without at the same time clearly indicating that its use may be injurious where there are present acute inflammatory conditions of the gastro-intestinal tract. The respondent also stipulates that he will cease representing that his preparation is guaranteed, without at the same time clearly indicating the nature and scope of the guarantee. (02604)

**Hoffman Health Products Company**—A stipulation has been accepted from Albert H. Hoffman, trading as Hoffman Health Products Company, 5912 Lynn Ave., Tampa, Fla., in which he agrees to discontinue certain representations in the sale of honey designated as "El Panel Cuban Wonder Honey."

The respondent agrees to cease advertising that his honey has a natural lubricating effect that helps to eliminate waste and thus promotes better appetite and consequently better assimilation; that it has nine mineral elements which have special virtues in supplying minerals needs of the body, or that it vitalizes, alkalizes and affords special virtues in the treatment of anemia and poor appetite.

The respondent further stipulates that he will desist from claiming that his product assists in relieving and overcoming attacks of asthma, bronchitis, colds, hay fever, sinus trouble, or coughs other than local throat irritations, possesses remedial powers in the treatment of gastric ulcers and disorders of the bowels and colon, or differs essentially from domestic varieties of honey in the matter of nutritional or therapeutic value. (2902)

**K-R-O Company**, Springfield, Ohio, engaged in selling a rat-killing preparation designated "K-R-O (Kills Rats Only)," agrees to cease representing that the preparation is a sure killer and will make rats go outside to die, unless their burrows or habitats are outside of the homes and other buildings, or that it will drive rats out of homes or other buildings once and for all, or that it will protect homes or farm buildings, or livestock or supplies from damage by rats, or that K-R-O is the most effective rat-killer on the market. (02618)

**McCoy Drug Company**—Paul V. McCoy and L. E. Goursmen, trading as McCoy Drug Company, 311 French St., Santa Ana, Calif., have entered into a stipulation in which they agree to discontinue certain representations in the sale of a compound known as "McCoy's Little Tablets."

Under the stipulation, the respondents agree to cease representing that use of their product will correct the elimination of any organ or will effect other than temporary relief from constipation. The respondents further agree to discontinue claims that when constipation is overcome through use of their product, it ends, or often ends, nine-tenths or any other specified numerical estimate of other ailments with which a sufferer may be afflicted when in fact such claim is not based upon statistical or other competent evidence.

Further representations which the respondents agree to discontinue are that their product does not contain harsh laxatives or ingredients that depend upon irritating the bowels for their effect, or that it will act as a tonic for every part of the digestive tract and will sweeten the stomach. (2897)

**Medical Tea Company of California**, 823 East Seventeenth St., Los Angeles, agrees to discontinue representing that its "Sylphide (or Cleo) Tea," a preparation consisting of various herbs, is safe to use for weight reducing purposes, except when such use is moderate or employed over short periods of time, or that it is a competent and effective remedy or treatment for obesity, except to the extent that it may reduce weight by increased elimination. The respondent also stipulates that it will cease representing that some of the ingredients of Sylphide Tea possess certain therapeutic properties which they do not in fact possess. (02615)

**Mellquist Reducing & Cosmetic Salons, Inc.**, a New York corporation, Mellquist Reducing & Cosmetic Salons, Inc., an Illinois corporation, and Erik W. Mellquist, individually and as officer and director of both corporations, 550 Fifth Ave., New York, in connection with the sale and distribution of "Mellquist Massage Balm," agree to cease and desist from use in their advertisements and advertising matter, or in any other way, of statements or representations the effect of which tends or may tend to convey the belief to purchasers that use of the product in and of itself will break down fat cells and strengthen tissues, or in any way reduce the user's weight or otherwise solve the user's reducing problems. (2903)

**Milks Emulsion Company**, Terre Haute, Ind., agrees to desist from representing that its "Milks Emulsion" is a competent treatment for constipation, or will do more than aid in temporarily relieving constipated conditions; is "Nature's Remedy"; would free one from constipation for all time; is sold under the "strongest" guarantee of any medicine, or that thousands of mothers have testified as to what "Milks Emulsion" has done for their children. The respondent also stipulates that it will cease using the word "Emulsion" or any letters that simulate emulsion in sound or spelling to designate its preparation as compounded and manufactured prior to May 13, 1940. (02610)

**Robert E. Miller, Inc.**, 35 Pearl St., New York, has entered into a stipulation in which it agrees to discontinue certain representations in the sale of tacks and upholstery nails.

The respondent agrees to cease marking its imported commodities with the words "Made in U.S.A.", or otherwise representing that such products are of domestic origin. If commodities of foreign origin are treated in the United States to improve their appearance or for other purposes and reference is made to such treatment, then in that case, suitable words shall be used to indicate clearly that they are merely treated or processed in this country, according to the stipulation. (2904)

**Morris Paint & Varnish Company**—Leo Sophir, Jack J. Sophir and Alfred Sophir, trading as Morris Paint & Varnish Company, 5161 Easton Ave., St. Louis, Mo., have entered into a stipulation in which they agree to discontinue certain representations in the sale of paints, varnishes and lacquers.

Under the stipulation, the respondents agree to cease representing through use of the word "Manufacturers", or in any other manner, that they own, operate or control the factory in which their products are manufactured.

The respondents further agree to desist from use of the phrase "100% Pure White Lead" as descriptive of paint, the pigment content of which is not composed wholly of white lead, and from use of the words "White Lead" either alone or in conjunction with any other words so as to imply that the pigment content of such paint is composed wholly of white lead. If the pigment content of the paint is composed in substantial part of white lead, and in part of other ingredients and the words "White Lead" are used to describe such white lead content, then in that case, the words "White Lead" shall be immediately accompanied by some other words printed in equally conspicuous type so as to indicate clearly that the pigment content is not composed wholly of white lead but is composed in part of some other ingredient. (2885)

**Hewett P. Mulford & Company**—Hewett P. Mulford and M. R. Mulford, trading as Hewett P. Mulford & Company, Lebanon, Ohio, stipulate that they will discontinue use of the phrase "Holland Potted Bulbs" as descriptive of bulbs not grown in and imported from Holland, or use of the word "Holland" so as to convey the belief to purchasers that their bulbs were grown in and imported from Holland, when in fact such bulbs were grown elsewhere. (2901)

**Musebeck Shoe Company,** Danville, Ill., agrees to desist from representing that its "Health Spot Shoes" will relieve the wearer of foot trouble; will enable the wearer to get rid of foot trouble, sick, sore, tired or aching feet; are perfect foot health and comfort insurance; will keep the feet healthy, or will control the bones of the feet.

The respondent also agrees to cease representing that "Health Spot Shoes" keep the whole body in good posture and are fitted by people who have taken a course in scientific shoe fitting. (02612)

**National Briar Pipe Company, Inc.,** 41 Morris St., Jersey City, N. J., agrees to discontinue using punch boards or other lottery devices in the sale of its pipes to ultimate consumers. (2898)

**Neah Laboratories**—E. A. Hartman, Ezra Hartman and R. J. Jeffries, trading as Neah Laboratories, 326 East Wayne St., Fort Wayne, Ind., agree to cease representing that their preparation, "Sinus-Aid," affords a new or effective method for treating sinus infections, colds, asthma, hay fever, or other disturbances of the respiratory tract, or that the fumes of their preparation are effective without carrying the infection to other parts of the respiratory tract. The respondents further stipulate that they will discontinue use of the word "Laboratory," or any similar word, as any part of their trade name, or representing in any manner that they own, operate or control a laboratory. The respondents also agree to cease using the word "Sinus," or any similar word, as part of the trade name of any medicinal preparation which is substantially similar to "Sinus-Aid." (02613)

**Per-Mo Mothproof Company**—O. S. Schaffer, trading as Per-Mo Mothproof Company, 3729 Virginia Ave., Kansas City, Mo., agrees to cease using the words "Permanent Mothproof Liquid" as descriptive of his product "Per-Mo", or using the word "permanent", or any similar term, so as to convey the belief to purchasers that the moth immunizing effect of his product will endure indefinitely or that its use will assure constant, equal efficacy against moths throughout the years and that such efficacy will not be impaired by dry cleaning, exposure, or use. (2899)

**Henry J. Pinkston Laboratories**—Henry J. Pinkston, trading as The Henry J. Pinkston Laboratories and as The Pinkston Laboratories, 54 West Randolph St., Chicago, agrees to desist from advertising that his preparation, "Pinkston's Corn and Callous Remover", is one of the greatest discoveries of modern times or is a discovery at all; that it will remove corns or callouses by the roots, or that corns or callouses have roots. The respondent also stipulates that he will cease representing that "Pinkston's Bunion Reducer" will do more than temporarily relieve the pain caused by inflammation of the skin over the bunion, and will cease using the word "Reducer" as part of the trade name of his product, or in any other manner representing that it will reduce bunions.

It is further agreed by the respondent that he will cease using the word "Laboratory" as part of his trade name, or in any other manner representing that he owns, operates, or controls a laboratory. (02616)

**James M. Piwonka**—A stipulation from James M. Piwonka, Cleveland, Ohio, has been accepted in which he agrees to discontinue certain representations in the sale of booklets, folders, formulas and health information designated "Gaining Weight Rapidly," "Body-Cleansing Diet System," "Guide to Beauty Culture," "Nature's Health Food Laxative" and "Drawsit."

Under the stipulation, the respondent agrees to cease representing that he is a qualified or licensed health director; that human ailments, diseases or old age are caused by acids or wastes; that the health is ruined by constipation, or that the phrases "internal cleanliness" and "clean blood" are of therapeutic or scientific significance.

The respondent further agrees to desist from representing that the information in the folios "Gaining Weight Rapidly," "Body-Cleansing Diet System" and "Guide to Beauty Culture" will benefit or improve the health or that such folios sell for other than their actual price; that "Nature's Health Food Laxative" is of any therapeutic value in excess of a mild laxative to temporarily aid evacuation of the intestine, or that "Drawsit" is a competent remedy or effective treatment for boils, old running sores, abscesses, corns, scaly skin, or chronic ulcers. (02611)

**Red Seal Beverage Company,** trading also as Zip Company, 2338 West Erie St., Chicago, entered into a stipulation in which it agrees to discontinue certain representations in the sale of a carbonated water beverage known as "Zip."

The respondent agrees to cease representing that "Zip" is an alkalizing beverage; is a health factor of proven value; keeps one physically fit; is a sure relief for indigestion; corrects any physical condition whatsoever, or renews energy. The respondent also agrees to desist from representations that its beverage helps burn up surplus flesh or adipose, or has any therapeutic properties or any appreciable effect on bodily conditions beyond such degree of refreshment as may properly be attributed to a carbonated water beverage. (2889)

**Superior Brands, Inc.,** 420 Lexington Ave., New York, entered into a stipulation in which it agrees to discontinue certain representations in the sale of cereal flour and rye bread sours.

The respondent agrees to cease representing that its flavoring concentrate "Ry-Taste," is the only 100 per cent pure rye culture or that it actually is 100 per cent pure; is a natural rye product devoid of any artificial sour acids or adulterations; contains in concentrated form "all" of the aromatic flavors, color or germ of the rye berry; may be considered as part of the rye flour for labeling purposes, or that no additional labeling would be necessary on brands flavored with "Ry-Taste" concentrate. (2896)

**Dr. Ward's Medical Company,** Winona, Minn., stipulates that in connection with the sale of flavors, imitation flavors, extracts, spices and beverages designated as "Ward's Summer Drinks" or "Summer Koolers", it will cease advertising that its representatives can earn more money by selling products of the Dr. Ward's Medical Company than they can earn in any other business or occupation, or that its salesmen can make profits within a specified period of time which are in excess of those which have been consistently earned by its active, full time representatives in the usual course of business under normal circumstances. The respondent also agrees to discontinue representing that its soft drinks are composed wholly of the natural fruit or juice of the fruit. (02607)

**Zip Company**—See Red Seal Beverage Company.

## FTC CASE CLOSED

The Federal Trade Commission has closed its case against National Hops Co., 664 North Michigan Ave., Chicago, without prejudice to its right to resume proceedings should the facts so warrant. The respondent corporation, which is now dissolved and its charter forfeited, had been charged with unfair competition in promoting the sale of hops, in violation of the Federal Trade Commission Act.

NAB Reports
The National Association of Broadcasters

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8. No. 34, August 23, 1940

## THE WEEK IN WASHINGTON

The NAB has arranged with the National Defense Advisory Commission for the NAB to act as the clearing house for member stations in furnishing information and advice relative to requests from government agencies seeking time for "national defense" programs (p. 4521).

The Code Compliance Committee discusses the proposed Father Coughlin series (p. 4522).

Neville Miller discusses foreign language broadcasts (p. 4523).

The New BMI license form, effective next April 1, and the text of the court decision in the Florida ASCAP case are included in this series (p. 4525).

Summer promotion at two stations and the progress of the LISTEN BEFORE YOU VOTE campaign also are reported (p. 4529).

## National Defense

As a result of its consultations with the National Defense Advisory Commission this week, the NAB will act as a clearing house for member stations in furnishing information and advice relative to requests from government agencies seeking time on the air in the name of national defense.

In addition, the National Defense Advisory Commission will aid NAB in securing factual information with which to guide radio advertisers in presenting claims of possible price advances due to possible demands upon industry and raw materials in the present emergency period. In addition, the National Defense Advisory Commission, beginning this coming Sunday, August 26, will issue a weekly Radio Release to all press services giving a statistical week-to-week report on the progress of national defense. It is planned to issue this report at 6 P. M. each Sunday. It is anticipated that the full report—a three to four minute statement—will be carried in full by all press wires serving the news rooms of radio stations, enabling Sunday night radio audiences to have a week-to-week, factual, non-political accounting of defense preparations.

In the past two weeks there has been a tremendous increase by various departments of government, both from Washington and regional offices, in requests for programs, announcements and time on the air to promote various aspects of national defense.

In many stations the requests for such purposes reached a point where it became almost impossible to find adequate time to take care of all requests received. Many requests were duplications.

In an effort to clarify the situation for members, NAB this week called upon the National Defense Advisory Commission, which is the central government organization responsible for the coordination of all elements of the national defense program.

The Commission expressed its appreciation for the support the broadcasting industry has already given, and extended its cooperation to NAB in its effort to eliminate unnecessary multitudinous and duplicating requests for radio time in the name of national defense.

Upon receipt of an inquiry from a member station, NAB will check directly with the National Defense Advisory Commission to determine whether or not the requested time is needed and coordinated with the central national defense effort. Naturally, the National Defense Advisory Commission has neither the authority or desire to advise on requests from government departments for radio time, except those made on behalf of national defense.

### Question of Rising Consumer Prices and National Defense

Attention of the NAB has been directed to the copy by some advertisers warning consumers of impending skyrocketing prices advising "buy now". The American Retail Federation was among those calling it to our attention.

NAB has expressed its willingness to cooperate in making available all possible information, but it has also pointed out the primary responsibility of retailers, advertisers and their own trade associations in handling the matter.

According to information from the National Defense Advisory Commission, there is no present basis for state-

*(Continued on page 4522)*

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## NATIONAL DEFENSE

*(Continued from page 4521)*

ments that prices of consumer goods and merchandise are due for skyrocketing or unseasonal advances due to the effect of the national defense program.

## 609 STATIONS COOPERATE

Total number of stations now known to be cooperating in recruiting 100,000 skilled workers for national defense jobs is 609. Cooperating stations not listed in NAB Reports of July 26, August 2 and 16 are urged to register the fact with Arthur Stringer at headquarters.

According to the United States Civil Service Commission, these men are wanted, for the most part, to build guns and equipment in government arsenals and ships and equipment in government navy yards.

Bringing qualified men to these vital jobs stands at the very pinnacle of the country's defense needs. Soldiers and sailors without weapons are powerless.

Stations cooperating in the man power search, not previously listed, are:

### DISTRICT 3

Pennsylvania
WPEN—Philadelphia

### DISTRICT 5

Puerto Rico
WNEL—San Juan

### DISTRICT 6

Tennessee
WDOD—Chattanooga

### DISTRICT 7

Ohio
*WING—Dayton

### DISTRICT 13

Texas
KGNC—Amarillo

### DISTRICT 17

Alaska
KFAR—Fairbanks

---

* Reported by U. S. C. S. C.

## WAR DEPARTMENT PRAISES RADIO

Declaring "because of the patriotism and wonderful cooperative spirit of the broadcasting companies the War Department has never been called to purchased radio time to disseminate to the public information of general interest," the Department praised radio and expressed its thanks for the resolution adopted at NAB Convention pledging the industry's support to national defense.

The letter follows:

ESA

AG 341 (8/22/40) E. August 22, 1940.

Mr. Ed. Kirby,
The National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.,
Washington, D. C.

My Dear Mr. Kirby:

I desire to take this opportunity to express to you and to all our good friends in the National Association of Broadcasters the appreciation of the War Department for the splendid resolution adopted in San Francisco, California, on August 7, 1940, in placing its services at the disposal of all departments of the Federal Government in behalf of National Defense.

The War Department appreciates the great power of radio in reaching, effectively, the great mass of the people of the country with any message or program in a minimum of time. Radio broadcasting is a tremendously efficient force that can be applied to all problems of interest to the country whether it be a commercial sales campaign, or one of public service in the interest of National Defense. It is noteworthy to state that because of the patriotism and wonderful cooperative spirit of the broadcasting companies the War Department has never been called upon to purchase radio time to disseminate to the public information of general interest.

The loyal and wholehearted cooperation of the broadcasters of the country in assisting to build up our Army is of great value and is greatly appreciated by the War Department.

Very truly yours,

(Signed) E. S. Adams,
*Major General,*
*The Adjutant General.*

# Code

## FATHER COUGHLIN SERIES

In reply to several informal inquiries from stations, the Code Committee advises as to the status under the NAB Code, of the proposed broadcasts on a commercial basis by Father Charles E. Coughlin which we understand are being offered in a series of fifty-two weekly programs to begin October 10. This advice must necessarily be limited to our interpretation of the code in relation to the proposed broadcasts, and in no sense preempts or replaces the authority or responsibility of station licensees for programs broadcast.

It is also to be borne in mind that such advice must, at this time, be based on certain assumptions, since final judgment on our part as advisers—or on the part of station licensees—requires actual knowledge of the content of such broadcasts. Not until the programs are read or heard in advance can final determination of their status under the code be made. We are, however, assuming as a fact what we believe has been represented or implied by the agency seeking to order time for these broadcasts in its statement that the broadcasts would comply with the code—that is, that they will necessarily be political in nature. On that premise, the question clearly falls under that phase of the code which deals with political broadcasts as a part of the general section devoted to the broadcasting of "controversial public issues." The following paragraphs from this section seem to be directly pertinent:

> "As part of their public service, networks and stations shall provide for the presentation of public questions, including those of controversial nature. Such time shall be allotted with due regard to all the other elements of balanced program schedules and to the degree of public interest in the question to be presented. Broadcasters shall use their best efforts to allot such time with fairness to all elements in a given controversy.
>
> "Time for the presentation of controversial issues shall not be sold, except for political broadcasts.
>
> "The political broadcasts excepted above are any broadcasts in connection with a political campaign in behalf of or against the candidacy of a legally qualified candidate for nomination or election to public office, or in behalf of or against a public proposal which is subject to ballot. This exception is made because at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away."

Surely it is evident that the adoption of these principles, by which broadcasters willingly assume their basic obligation to the public to provide time without charge for the discussion of all controversial public issues, clearly reflects the spirit of a free, democratic medium of information, properly serving a free, democratic people. And it is noteworthy that it is only during the brief campaign periods when broadcasters cannot possibly afford to give away the properly required amounts of political time that the single exception is made to charge for broadcasters in this specific category.

Under the provisions of the Code for this single exception, it seems clear to us that time could properly be sold for the proposed broadcasts, or any other broadcasts of a strictly political nature during the current political campaign, provided that equal opportunity be afforded for the presentation of opposing views. To maintain this scrupulous fairness in public debate, which is not only the essence of this section of the Code but is so vital an element of democracy itself, it is logical and necessary that stations should know, before making any commitment for time, what side of what issues the broadcasts will support, and which candidacy, or candidacies will be advocated.

We call this to your particular attention in relation to your program schedule, because it is a problem which does not arise in the usual sale of time to political parties whose positions on issues and candidates is self-evident in advance. The need for such information is even more necessary in making commitments for a series of broadcasts during consecutive weeks, because the problem of time for opposing viewpoints is multiplied by the number of such broadcasts.

The foregoing interpretation of the Code is limited, as stated, to the duration of the current political campaign, since the Code clearly specifies that all broadcasts on controversial public issues are to be made on unpaid time, except when they are for or against a legally qualified political candidate, or an issue subject to ballot during political campaign periods.

In this connection it is disquieting to the committee to learn that the proposed broadcasts are being offered for a 52-week series. We know of no interpretation of the Code which would permit the sale of time for broadcasts on controversial national public issues beyond the period of the national campaign. We believe stations therefore, should limit any commitments which are made to reflect the principles of the Code in this respect.

For the Code Committee,
EDGAR BILL,
*Chairman.*

## Foreign Language Broadcasts

Foreign Language Broadcasts proved an interesting subject at the Convention and a large group attended the two breakfast round table sessions on Tuesday and Wednesday, at which the subject was discussed. Chairman James Lawrence Fly was the guest of honor at the Wednesday morning session and participated in the discussion. President Miller recently made the following statement concerning these programs:

> Foreign language broadcasts are of real value to the nation, especially under conditions which exist today; and the said broadcasts properly programmed strengthen our national unity and defense. It is recognized that some members of the public are critical of the broadcasts, but it is believed that this is due to lack of knowledge concerning the broadcasts, inability to understand the language, and failure to realize the true purpose and need for the broadcasts. I suggest that stations, as occasions permit, explain to the public that the foreign language broadcasts are not foreign broadcasts, but are American broadcasts in a foreign language. The reason these broadcasts are not in English is that in many areas as much as two-thirds of the population falls into foreign language classifications, that is, the inhabitants themselves or their parents were born in a foreign country. In order to talk to these millions of people, it is necessary to use the language they understand best, and in carrying these foreign language broadcasts the stations do so in the knowledge and certainty that they are performing a necessary and vital task, i.e., of bringing to these people a message of Americanization which they can get in no other way; and, if this work is not done by the American stations, it would be tantamount to turning over vast segments of our population to the very forces we are combating, in that these groups would be driven to securing their news and their conception of democracy from foreign government controlled short wave stations abroad broadcasting in their own tongues. If we are to have a united nation, we must realize that a large number of people in the United States understand other languages better than English, and it is necessary to talk to them in their language if we desire to build loyalty among them. It is worth noting that many stations are carrying on interesting Americanization programs in connection with the foreign language broadcasts, and distribute copies of the Constitution and pamphlets on Americanization subjects upon receipt of requests from listeners to these programs.
>
> It is agreed that every effort should be made to continually impress upon all connected with the foreign language broadcasts that the station has a special trust to perform in the public service, and that special efforts should be exercised to scrutinize these programs to see that they express only the highest ideals of Ameri-

canism and that we continue to take definite steps to guard against and eliminate any influences which may be trying to use our American System of Broadcasting to inculcate foreign isms or ideologies. It is further thought wise that a committee be appointed to consider ways and means of working with various groups in the community interested in Americanization programs, to arrange for speakers, etc., and to report the result of the committee's activity to stations carrying foreign language broadcasts. Therefore the following Committee has been appointed:

Joseph Lang, WHOM, Jersey City, N. J., *Chairman;*
Samuel Gellard, WLTH, New York City;
M. S. Novik, WNYC, New York City;
W. C. Alcorn, WBNX, New York City;
David Casem, WOV, New York City;
Arthur Simon, WPEN, Philadelphia, Pa.;
A. W. Dannenbaum, Jr., WDAS, Philadelphia, Pa.

I wish to stress the importance of continued vigilance regarding the programs to insure their integrity. Among the precautions believed indispensable are the following:

a) All scripts in foreign languages should be carefully read and appraised in the light of American national defense;

b) After the station's approval of such scripts, adequate and capable linguists in whom complete confidence may be reposed, should be utilized to supervise active presentation on the air to prevent possible ad lib insertions or deviations from the scripts;

c) A complete file of continuity and script of all foreign language broadcasts should be kept.

Many stations are making recordings of the programs and I believe this is an excellent additional precaution. I recommend to all stations that detailed information concerning all personnel connected in any way with any foreign language program should be kept up to date, and further, that copies of the questionnaire which is used to secure this information be kept on hand for delivery to any government official or other person who desires to know what steps are being taken to insure the integrity of the programs.

Although it is recognized that there are circumstances where commentators were doing a splendid job, the majority of broadcasters report that they are limiting news broadacsts to translations of recognized news services, and every effort is being made to impress upon the listener the authenticity of the news.

Many stations have adopted a policy prohibiting announcements over the radio of picnics and other meetings of racial groups.

I believe that it is of extreme importance that we maintain intimate contact and understanding with the foreign groups in our communities, and I am sure that the licensees of broadcasting stations operating in the foreign language field are capable of handling this problem intelligently. I am further sure that it is to the best interests of broadcasters that they voluntarily continue to take all definite and positive steps necessary to protect the integrity of the foreign language broadcast programs.

The NAB will continue to gather information upon all aspects of the subject and will keep all stations advised of developments.

Ninety-three stations carrying foreign language broadcasts recently returned a questionnaire sent out by the NAB. Although it does not present the complete picture, a detailed tabulation by NAB Districts of the languages used in the programs of these 93 stations is printed below, and I believe it will be of interest. Stations which have not returned the questionnaires are urged to do so.

## LANGUAGES USED IN CURRENTLY BROADCAST FOREIGN LANGUAGE PROGRAMS

| Language | NAB Districts | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | Total |
| Italian | 8 | 5 | 8 | 0 | 1 | 0 | 2 | 2 | 3 | 1 | 1 | 1 | 0 | 0 | 1 | 2 | 0 | 35 |
| Polish | 8 | 5 | 7 | 1 | 0 | 0 | 4 | 2 | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 |
| French | 3 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| Hebrew | 1 | 4 | 3 | 0 | 0 | 0 | 0 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 15 |
| Greek | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| Arabic | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Hungarian | 0 | 3 | 2 | 1 | 0 | 0 | 4 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 |
| Ukranian | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| Chinese | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Spanish | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 2 | 0 | 1 | 9 | 0 | 17 |
| Swedish | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 0 | 2 | 1 | 0 | 1 | 0 | 0 | 3 | 14 |
| German | 0 | 3 | 3 | 0 | 0 | 0 | 1 | 3 | 6 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 18 |
| Czech | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 |
| Armenian | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| Gaelic | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Danish | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Dutch | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 |
| Slovak | 0 | 0 | 3 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Lithuanian | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Roumanian | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Finnish | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Bohemian | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| Croatian | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Slovene | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Serbian | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Yugoslavic | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Norwegian | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Russian | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Portuguese | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 3 |
| Japanese | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 |
| Total | 22 | 39 | 30 | 2 | 1 | 1 | 20 | 19 | 52 | 6 | 12 | 3 | 2 | 3 | 5 | 15 | 4 | 236 |

# BMI Developments

## NEW BMI LICENSE

Below is the new BMI licensing agreement form, to be used after next April 1. It calls for a graduated scale of payments, ranging from 1.5 per cent for stations with income of $15,000 or less to 2.5 per cent for stations with income in excess of $100,000.

## BROADCAST MUSIC, INC.

### FIRST RENEWAL PERFORMING RIGHT LICENSE AGREEMENT

AGREEMENT made this.............day of............., 194.., between BROADCAST MUSIC, INC., a corporation organized under the laws of the State of New York (hereinafter called Music) with principal offices in New York New York, and .................................................................

Strike out inapplicable lines
- A corporation organized under the laws of the State of.......................
- A partnership ...................................
- An individual residing at.........................

(hereinafter called Broadcaster) with offices located at........... ......................... City of....................., State of ......................................

### WITNESSETH:

I. The parties hereto have heretofore entered into a performing right license agreement for a term expiring not earlier than March 31, 1941 and desire to extend the term of said license on the terms and conditions of this agreement, hereinafter called First Renewal Agreement.

II. Music hereby grants to Broadcaster a non-exclusive license to perform by radio broadcasting over Station...............all musical works the copyrights or rights to grant broadcasting performing licenses of which Music may, during the term hereof, own. Music agrees to deliver to Broadcaster from time to time during the term hereof lists of musical works covered by this license. The rights granted hereby shall include the right to broadcast dramatic performances of each such musical work unless Music at any time shall have given notice to Broadcaster that it does not own the dramatic performing rights thereof.

III. Broadcaster agrees to pay to Music, as a license fee hereunder, such sum not in excess of $.............. as Music may require Broadcaster to pay, payment to be made in instalments as and when required by Music, each such instalment being payable within ten (10) days after the date specified by Music in a written demand therefor, provided that no demand or demands shall be made for the payment during any consecutive thirty (30) day period of any instalment or instalments aggregating in excess of 15% of the foregoing maximum total license fee. Broadcaster represents and warrants that the broadcasting station licensed hereby falls into category............of Schedule "A" hereto annexed, and that the said maximum total license fee represents the applicable percentage of Broadcaster's 1939 station income as defined in said schedule. In the event that Broadcaster shall fail to make any payment under this agreement or under the initial performing right license agreement between the parties hereto, when and as due, Music may, in addition to any and all other remedies which it has at law or in equity, terminate this license upon ten (10) days' notice in writing. (It shall be a condition precedent to the licensing hereunder of any broadcasting stations managed or operated by National Broadcasting Company, Inc., or Columbia Broadcasting System, Inc., that such companies shall agree to make the additional special network payments set forth in said Schedule "A".)

IV. Music agrees to indemnify, save and hold harmless and to defend Broadcaster, its advertisers and advertising agencies, from and against all claims, demands and suits that may be made or brought against Broadcaster, its advertisers and advertising agencies, with respect to the performance under this license agreement of any material licensed hereunder, provided that this indemnity shall not apply to broadcasts of any composition performed by Broadcaster after written request from Music to Broadcaster that Broadcaster refrain from performance thereof. Broadcaster agees to give Music immediate notice of any such claim, demand or suit, and agrees immediately to deliver to Music all papers pertaining thereto. Music shall have full charge of the defense of any such claim, demand or suit, and Broadcaster shall cooperate fully with Music therein.

V. The term of this license shall commence on the day following the date of the expiration of the term of the initial performing right license agreement between the parties hereto and shall continue for such period of time, not less than one (1) year, as may be designated in writing by Music. This license shall be non-assignable except to the person, firm or corporation legally acquiring the Federal Communications Commission license of the broadcasting station designated in Article II hereof.

VI. Broadcaster, on written request made on not less than one (1) week's notice, agrees to furnish to Music weekly lists of Broadcaster's performances of musical compositions under this license, indicating the compositions performed, by title and composer or by such other convenient method as may be designated by Music.

VII. In the event that the Federal Communications Commission revokes or fails to renew the broadcasting license of Broadcaster, or in the event that the Governmental rules and regulations applicable to the broadcasting station referred to in Article II hereof are suspended or amended so as to forbid the broadcasting of commercial programs by Broadcaster, Broadcaster may notify Music thereof, and Music, within ten (10) days of the receipt of such notice, shall, by written notice to Broadcaster, at Music's option, either terminate this license, or shall suspend this license and all payments and service hereunder for the period that such condition continues. In the event that Music elects to suspend this license, such suspension shall not continue for longer than six (6) months, and this license shall automatically terminate at the end of six (6) months' suspension. In the event that the condition giving rise to the suspension shall continue for less than six (6) months, Music, at its option, and on written notice to Broadcaster, may reinstate this license at any time within thirty (30) days after the cessation of such condition.

VIII. Music agrees, (a) that all First Renewal Agreements between Music and its stockholders shall (except as to terminations for breach) terminate simultaneously, (b) that Music shall not demand the payment of any instalment of the license fee hereunder unless Music simultaneously demands from all other stockholders of Music with whom Music has made First Renewal Agreements the payment of an instalment of the license fee in the same percentage and payable on the same date, (c) that all First Renewal Agreements between Music and stockholders shall require the payment of a maximum license fee in accordance with Schedule "A" hereto annexed, except that in the discretion of Music a different license fee may be specified in a First Renewal Agreement made with any stockholder if the broadcasting station named in such agreement was not in operation during the entire calendar year 1939 or if there was a material change in the power or hours of operation or in the network affiliation status of the broadcasting station named therein subsequent to January 1, 1939, and prior to the execution of the First Renewal Agreement, and except that Music shall have the discretion to specify in First Renewal Agreements with broadcasting stations forming part of the Mutual Broadcasting System in 1939, different license fees with respect to the network income of such stations received from Mutual Broadcasting System, Inc. so as to tend to equalize the basis of payment made by stations on such income with the combined payments made for stations and networks with respect to income from the sale of network time by National Broadcasting Company, Inc. and Columbia Broadcasting System, Inc.

IX. The term "stockholder-licensee" as hereinafter used shall include only such stockholders as have held the initial performing right license agreements for the term expiring not earlier than March 31, 1941, and the First Renewal Agreements and all subsequent performing right license agreements of Music available to such stockholders. For the purpose of this Article IX, stockholder-licensees are hereby divided into the following categories: (1) stockholder-licensees whose broadcasting stations have no network affiliations; (2) stockholder-licensees operating both broadcasting stations and national networks; and (3) stockholder-licensees operating broadcasting stations affiliated with, but not operated by, national networks. In the event that Music, with respect to performing right license agreements for any period subsequent to the expiration of the license hereby granted, shall propose, (a) the alteration of material terms of licenses or the method of fixing or allocating performing right license fees, so as to effect a change discriminatory against any of the foregoing categories of stockholders-licensees, or (b) the denial of licenses to stockholder-licensees, or (c) the omission from future performing right license agreements with stockholder-licensees of provisions to the same effect as any of those contained in this Article IX, then Music shall give notice of such proposal to all stockholder-licensees in any category which contains adversely affected stockholder-licensees, and, in the event that notice of objection to such proposal shall not, within thirty (30) days, be given to Music by stockholder-licensees to whom such notice was given, and whose annual license payments to Music under the license agreements with stockholder-licensees in effect at the time of such proposal shall aggregate one-third or more of the annual license payments made by all stockholder-licensees in the same category, such proposal may be put into effect.

X. This Agreement shall become effective as a license agreement upon the execution and delivery of a copy hereof by Music. In consideration of Music using its best efforts to obtain the signature of First Renewal Agreements by other broadcasters, and in consideration of the signature of First Renewal Agreements by other broadcasters, Broadcaster agrees that this instrument shall constitute a continuing offer which cannot be revoked by Broadcaster for forty (40) days from the date of the receipt hereof by Music.

XI. All notices required or permitted to be given hereunder shall be duly and properly given if mailed to the party to whom such notice is required or permitted to be given, by United States mail, postage prepaid, addressed to said party at its main office for the transaction of business. This agreement constitutes the entire understanding between the parties and shall be construed in accordance with the laws of the State of New York.

BROADCAST MUSIC, INC.

By ..............................................

..............................................
(Corporations or partnerships sign here)

By ..............................................

..............................................
(Individuals sign here)

(This agreement should be executed in duplicate by the licensee of the station named in Article II hereof. If such licensee is a corporation, the title of the officer signing the agreement should be stated.)

The National Broadcasting Company and the Columbia Broadcasting System have declared their approval of the principle of clearance at the source when an economically and legally feasible method of so clearing can be devised which is not more burdensome to the said networks than the basis of increased payments set forth in Schedule "A" of the foregoing agreement and they have agreed that at an appropriate time the said networks will make an earnest cooperative effort with the network affiliates to work out such a feasible plan of clearance at the source.

The Board of Directors of Broadcast Music, Inc., in adopting the foregoing form of First Renewal License, by unanimous resolution expressed its recognition of the broadcasting industry's desire to pay for music in accordance with use, and reaffirmed its statement that such basis of payment was the ultimate objective of BMI and its determination to put such basis into effect at the earliest time that the establishment of a free competitive market in the field of popular music will, in the opinion of the Board, make such basis of payment practicable.

## SCHEDULE "A"

Station income shall mean the gross income from sales by Broadcaster of time on the air over the station named in Article II of the foregoing agreement, including station payments by networks, made or accrued during the calendar year 1939, less only advertising agency commissions not in excess of 15% and time discounts, actually allowed and paid or accrued. The maximum license fee to be inserted in Article III of the foregoing agreement shall be determined by applying to such station income the applicable percentage figure set forth below opposite the applicable station income category.

| Categories of Station Income for Calendar Year 1939 | Applicable Percentage of Station Income |
|---|---|
| a. Not in excess of $15,000 | 1.5 % |
| b. In excess of $15,000 and not in excess of $20,000 | 1.55% |
| c. In excess of $20,000 and not in excess of $25,000 | 1.6 % |
| d. In excess of $25,000 and not in excess of $30,000 | 1.65% |
| e. In excess of $30,000 and not in excess of $35,000 | 1.7% |
| f. In excess of $35,000 and not in excess of $40,000 | 1.75% |
| g. In excess of $40,000 and not in excess of $45,000 | 1.8 % |
| h. In excess of $45,000 and not in excess of $50,000 | 1.85% |
| i. In excess of $50,000 and not in excess of $55,000 | 1.9 % |
| j. In excess of $55,000 and not in excess of $60,000 | 1.95% |
| k. In excess of $60,000 and not in excess of $65,000 | 2.0 % |
| l. In excess of $65,000 and not in excess of $70,000 | 2.05% |
| m. In excess of $70,000 and not in excess of $75,000 | 2.1 % |
| n. In excess of $75,000 and not in excess of $80,000 | 2.15% |
| o. In excess of $80,000 and not in excess of $85,000 | 2.2 % |
| p. In excess of $85,000 and not in excess of $90,000 | 2.25% |
| q. In excess of $90,000 and not in excess of $95,000 | 2.3 % |
| r. In excess of $95,000 and not in excess of $100,000 | 2.4 % |
| s. In excess of $100,000 | 2.5 % |

The maximum license fees to be payable by National Broadcasting Company, Inc. and Columbia Broadcasting System, Inc. in respect of all stations managed or operated by them, shall be computed on the basis of the above formula, and the 1939 income of such stations from the broadcasting of network programs shall be deemed to be the compensation which would have been payable upon the application to each such station of the 1939 NBC standard form of station contract. In addition to such payments in respect of stations managed or operated by them, National Broadcasting Company, Inc. and Columbia Broadcasting System, Inc. shall each pay to Music such sum as Music may require not in excess of one half of 1% of the gross income during 1939 received from the sale of time on the air in network broadcasting less only advertising agency commissions not in excess of 15% and time discounts actually allowed, and paid or accrued, and less station payments to affiliated stations actually paid or accrued, and less the amounts credited to managed or operated stations on the basis set forth in the preceding sentence of this paragraph. Such payments shall be made in instalments at the same time and in the same proportion as the payments made for individual stations.

## FLORIDA MUSIC MONOPOLY LAW HELD UNCONSTITUTIONAL

Below is the complete text of the final decree and the findings of a three-judge federal court in the Florida ASCAP case, in which the court enjoined state officials from enforcing the state's music monopoly law as unconstitutional:

UNITED STATES DISTRICT COURT
Northern District of Florida
Gainesville Division

Filed August 5, 1940

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, etc., *et al.*, Complainants,

*v.*

George Couper Gibbs, Indivdually and as Attorney General of the State of Florida, *et al.*, Defendants.

### FINAL DECREE

This cause came on to be heard at this term, under Section 380, Title 28, U. S. C. A. (Jud. Code Sec. 266) on the 15th, 16th and 17th days of April, 1940, and the Court sat as provided therein; and the cause was tried and testimony taken and argument heard; thereupon, the Court having made its Findings of Fact and Conclusions of Law, upon consideration thereof, it is ORDERED, ADJUDGED AND DECREED, as follows, viz.:

1. The temporary injunction order awarded herein on April 5, 1938, against enforcement of the 1937 Act, be and the same hereby is made permanent and perpetual.

2. The temporary injunction order awarded against the enforcement of the 1939 Act, be and the same is hereby vacated and dissolved as to the whole act and all of its sections except Section 4-a and 4-c, and as to these sections, the order is made permanent and perpetual.

3. That Defendants George Couper Gibbs, individually and as Attorney General of the State of Florida; R. A. Gray, individually and as Secretary of the State of Florida; J. M. Lee, individually and as Comptroller of the State of Florida; E. Dixie Beggs, Jr., individually and as Sate Attorney for the First Judicial Circuit of Florida; O. C. Parker, Jr., individually as State Attorney for the Second Judicial Circuit of Florida; A. K. Black, individually and as State Attorney for the Third Judicial Circuit of Florida; William A. Hallowe, individually and as State Attorney for the Fourth Judicial Circuit of Florida; J. W. Hunter, individually and as State Attorney for the Fifth Judicial Circuit of Florida; Chester B. McMullen, individually and as State Attorney for the

Sixth Judicial Circuit of Florida; Murray Sams, individually and as State Attorney for the Seventh Judicial Circuit of Florida; T. A. Duncan, individually and as State Attorney for the Eighth Judicial Court of Florida; Murray W. Overstreet, individually and as State Attorney for the Ninth Judicial Circuit of Florida; L. Grady Burton, individually and as State Attorney for the Tenth Judicial Circuit of Florida; G. A. Worley, individually and as State Attorney for the Eleventh Judicial Circuit of Florida; Clyde H. Wilson, individually and as State Attorney for the Twelfth Judicial Circuit of Florida; J. Rex Farrior, individually and as State Attorney for the Thirteenth Judicial Circuit of Florida; D. McRae, individually and as State Attorney for the Fourteenth Judicial Circuit of Florida; Phil O'Connell, individually and as State Attorney for the Fifteenth Judicial Court of Florida, and the respective agents, servants and employees of each of them, and all other persons acting under or through the authority of each of them or by virtue of the authority of the office of each of them, be and they are, each of them, severally, enjoined and restrained permanently from bringing directly or indirectly, and from permitting to be brought, directly or indirectly, any proceeding at law or in equity, for the purpose of enforcing or executing the Statute of Florida, known as Chapter 17807, Laws of Florida, 1937, enacted June 9, 1937, and Secs. 4-a and 4-c, of Chapter 19653, Laws of Florida, 1939, enacted June 12, 1939, against the Complainants and others similarly situated, their representatives, employees, agents or any of them, and from threatening to enforce against any citizens or residents of the State of Florida the penalties of the 1937 State Statutes, or those of the 1939 Act for violation of Sections 4-a and 4-c, and from prosecuting criminally the Complainants, their representatives, or agents, or any of them or others similarly situated, under the 1937 State Statutes or Sections 4-a and 4-c of the 1939 Act, for doing any legal act to enforce their respective rights under the Copyright Act in the Federal Courts of the State of Florida, or elsewhere, and generally from doing any act or thing to carry out or enforce any of the provisions of the 1937 State Statute or Sections 4-a and 4-c of the 1939 Statute.

4. Cost to be taxed against Defendants.

Dated August 5, 1940.

By the Court:

(S) J. C. Hutcheson, Jr., U. S. Circuit Judge.
(S.) Augustine V. Long, U. S. District Judge.
(S) William J. Barker, U. S. District Judge.

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## UNITED STATES DISTRICT COURT
Northern District of Florida
Gainesville Division

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, etc., *et al.*, Complainants,

*against*

George Couper Gibbs, Individually and as Attorney General of the State of Florida, *et al.*, Defendants.

### Findings of Fact and Conclusions of Law

This suit having been duly commenced on February 7, 1938, by filing a subpoena and Bill of Complaint in this Court, and personal service of copies thereof having been duly made upon all the Defendants, and the Supplemental and further supplemental Bills of Complaint herein having been duly filed thereafter, and personal service of copies thereof having been duly made upon all the Defendants herein, and this Court having duly granted a temporary injunction on April 5, 1938, and the same having been affirmed by the Supreme Court of the United States April 17, 1939, and this Court having duly granted a further temporary injunction on October 30, 1939, and Defendants having duly filed their answers to said bills on June 21, 1939 and November 15, 1939 respectively, and this case having come on for trial on the 15th, 16th and 17th days of April, 1940, in the District Court of the United States, Northern District of Florida, Gainesville Division, at the Court House thereof in the City of Gainesville, Florida, and Complainants having appeared by Frank J. Wideman, Manley P. Caldwell, (Louis D. Frohlich and Herman Finkelstein, of Counsel), and Defendants having appeared by George Couper Gibbs, Attorney General, (Thomas J. Ellis, Assistant Attorney General, and Lucien H. Boggs, Special Assistant Attorney General, and Andrew W. Bennett of Counsel), and evidence having been adduced upon the merits of this case, and due deliberation having been had, and the Court having filed its opinion, hereby makes the following Findings of Fact and Conclusions of Law:

### Findings of Fact

1. The State of Florida enacted Chapter 17807 General Laws of Florida which became effective June 9, 1937. Said Statute is hereinafter referred to as the "1937 Act." The State of Florida enacted Chapter 19653 which became effective on June 12, 1939. Said Statute is hereinafter referred to as the "1939 Act." Both Statutes are hereinafter referred to collectively as the State Statutes.

2. The plaintiff American Society of Composers, Authors and Publishers, is a voluntary unincorporated association organized in 1914 under the General Associations Law of New York. Its membership consists of a substantial number of persons, firms and corporations who own or control copyrighted vocal or instrumental musical compositions, as authors, composers and publishers. It brings this suit through Gene Buck, its President, who has been duly authorized to bring this suit on behalf of the Society and all its members. Other plaintiffs are certain individuals and corporations who are members of the Society and are interested in copyrighted musical compositions. They are all citizens of the United States and citizens and residents of States other than Florida.

3. The Attorney General, the Secretary of State, and the Comptroller, all of the State of Florida, as well as the State Attorneys of the fifteen Judicial circuits of Florida, all citizens and residents of Florida, are the Defendants.

4. There are approximately 1,425 composers and author members of the American Society of Composers, Authors and Publishers, hereinafter referred to as the Society, in the United States, and 131 publisher-members who constitute the principal music publishers of the country. Each member has assigned to the Society the exclusive right of public performance for profit of his copyrighted musical compositions for periods of five years at a time, the present contracts between the Society and its members expiring December 31, 1940. The Society has issued and still does issue only blanket licenses to the users of its copyrights by which such users are permitted publicly to perform at any time all of the musical compositions owned, written or composed by members of the Society without requiring further consent of the owner of the particular composition performed. These blanket licenses include not only the right to perform the works of the members of the Society, but also grant the right to perform the works of some 45,000 members of other similar societies in foreign countries throughout the civilized world, with which foreign societies the Society has exclusive contracts authorizing the Society to grant such licenses. The management of the Society is vested by its Articles of Association exclusively in a self-perpetuating Board of Directors of 24 members consisting of 12 directors representing publisher-members of the Society and 12 directors representing composer and author members. The Board has absolute control over the fixing of prices to be charged for performance licenses, the expenditures of all moneys received, including distribution to members, the admission of a composer, authors and publishers to membership, the prosecution of infringements and all other activities engaged in by the Society.

5. At the time the 1937 Act was passed, there were in existence 410 signed contracts between the Society and establishments in the State of Florida engaged in the business of publicly performing copyrighted musical compositions for profit. For that year, these licenses paid the Society $61,347.94 pursuant to such contracts. Among such licenses of the Society were the owners of 188 motion picture theatres, 12 radio broadcasting stations, and 210 hotels, restaurants, dance halls and miscellaneous establishments. Among the 12 radio stations in Florida licensed by the Society, six are affiliated with the Columbia Broadcasting System and four with the National Broadcasting Corporation. Part of the programs broadcast by the eleven affiliated stations emanate from points outside of the State and the remaining part initiate in the studios of such Florida broadcasters or elsewhere within the State. There were on January 1, 1939, 308,900 radio receiving sets in private homes in the State of Florida. No license fees are paid by the owners of these receiving sets inasmuch as they do not engage in public performances for profit. In 1937 and 1939 respectively the Society's net income from motion picture theatres, broadcasting stations, hotels, restaurants, cabarets and miscellaneous establishments in the State of Florida was approximately $46,623.00 and $71,316.00. When the 1937 Act was passed, the following annual license fees were paid by users of various types in the State of Florida to the Society as follows:

39 Restaurants paid fees totalling $3,988.50, such fees ranging from $15 to $300 per year, the majority paying less than $100.

22 Dance halls paid fees totalling $2,166.00, such fees ranging from $15 to $180.

69 Miscellaneous establishments paid fees totalling $8,671.50 or an average of $125.

80 Hotels paid fees totalling $6,580.79 or an average of $82.

188 Motion picture theatres paid fees totalling $15,343.71, such fees ranging from $1.91 to $463, many paying less than $25 annually.

The cost of operation of the Society is approximately 20% of the gross amount received.

The Society is given by its members the exclusive right to make collections, fix prices for blanket licenses, and otherwise carry on the licensing of the right of public performance for profit of all the musical compositions copyrighted by its members. Some $6,000,000 was received for public performance rights by the Society from such licensing in the entire United States during 1938, of which approximately 20% was used to defray all expenses, the balance being distributed among its members. 50% of such net income was divided among the composer- and author-members and the other 50% was divided among the publisher-members, in accordance with a method of classification defined in the Articles of Association of the Society.

7. Prior to the organization of the plaintiff Society, authors, composers and publishers who had obtained copyrights for their productions had no practical means of enforcing the exclusive right given them by the Copyright Act. They were not so equipped nor organized to discover violations of their rights, and it would require much time and a large amount of money to detect infringement and to enforce their rights by means of litigation. None of them secured any revenue from the public performance for profit of their copyrighted musical compositions. Users of music, on the other hand, who wished to obtain the rights of public performance for profit, were unable to ascertain who the copyright owner was and to whom to go and could not economically obtain individual licenses for the separate performance of the large numbers of works required by them daily. It was for the purpose of protecting the legal rights of its members in their copyrighted musical compositions against infringement by public performance for profit and to give users ready access to a substantial repertoire of music for such purposes that the Society was organized.

8. The Society and its members, including the other complainants, come within the purview, and regulative provisions of the State Statutes.

9. Complainants are jointly interested in the subject of the action and in obtaining the relief demanded; the questions raised by the Bill of Complaint, the supplemental Bill of Complaint and further supplemental Bill of Complaint are of common and general interest to all the members of the Society who constitute a class so numerous as to make it impracticable to bring them before the Court; Complainants herein are suing on their own behalf and on the behalf of all the members of the Society.

10. The value of the matter in dispute herein between Complainants and Defendants is in excess of the sum of $3,000.00 exclusive of interest and costs.

11. The repertoire of music controlled by the Society is sufficiently diversified and substantial to furnish a comprehensive and instantaneously available reservoir upon which licensees may draw at will. Indeed it is so complete and comprehensive that users of music in the public entertainment industry find it very difficult, if not impossible, to conduct their businesses without a license from the Society.

12. The Society's practice has been to grant blanket licenses to theatres according to their seating capacity, to radio broadcasting stations according to their income, power and coverage, and to hotels, cabarets and dance halls according to their respective size, business done, number and size of orchestras, methods of performance, income and standing. Certain of such users have for many years consistently refused to pay license fees to the Society or its members, until investigations were made by the Society, infringements ascertained and suits brought.

13. The radio broadcasting stations in the State of Florida are members of the National Association of Broadcasters, which association on behalf of its members, for many years last past, has acted and presently acts collectively in dealing with the Society.

14. Under the contracts between the Society and said foreign societies, the latter are not required to, and never have, filed with the Society or with any State Authority, copies of the respective compositions copyrighted by their respective members.

15. Many thousands of the copyrighted musical compositions owned and published by Complainants, as well as others similarly situated, have been recorded under the compulsory license provision of Section 1(3) of the Copyright Act by manufacturers of phonograph records, music rolls and electrical transcriptions. Such manufacturers have paid to copyright owners not more than two cents for each record and said copyright owners have no right to demand any further sums from such manufacturers; Complainants and others similarly situated have no control over the sale or disposition of such phonograph records, music rolls or electrical transcriptions and they cannot compel the manufacturers thereof to affix any price upon them or to collect a price for the public performance for profit thereof, or if collected, to remit or give to them the sums so collected respectively for the public performance for profit thereof.

16. The requirements of Section 2 of the 1939 Act with reference to the disclosure of information concerning the identification and ownership of musical copyrights to be licensed for public performance in the State of Florida are not unreasonable or difficult of compliance.

17. There are a great number of separate performing rights with separate owners of each of such rights. The 1939 Act implies to both dramatico-musical works and musical compositions. A dramatico-musical composition (an opera, operetta or musical comedy) usually includes a great number of separate musical compositions. The entire work is copyrighted as a dramatico-musical composition under Section 5(e) of the Copyright Act and that copyright protects each of the separate musical compositions under Section 3 of the Copyright Act. With respect to compositions included in dramatico-musical works, the Society licenses the performance of separate numbers from such composition when such performances are given in non-dramatic form. The dramatic rights are not granted to the Society. Such rights are usually owned by a number of different persons, each of whom has an interest in the rights of the others. The producer of a musical show owns the stage rights for performances in first class theatres where the play is originally presented and "on the road" where performances are given by so-called "road show companies." The place where the performance may be given is solely within the discretion of the producer, but the price to be paid cannot be fixed without the consent of the author. The stock rights are usually owned by an entirely different person, who, together with the authors, licenses performances by "stock companies." The amateur dramatic rights are owned by still another person.

18. The rights granted to the publisher and the rights reserved by the composer and author may not be exercised in such manner as to conflict with the dramatic rights for this reason: it is necessary that the composer, author and publisher from whom the Society derives its so-called "small performing rights," shall reserve the right to restrict the performance of the musical compositions in good faith, such restrictions usually being made for the purpose of protecting the investment of the producer of a stage show or motion picture in which the separate musical compositions restricted are incorporated. The right to restrict numbers is the most valuable right certain composer- and publisher-members of the Society have. All these rights are constantly being licensed in the State of Florida. In many cases, the publisher has an interest in the dramatic rights and will fix a price for dramatic uses in collaboration with the composer.

19. Complainants and others similarly situated are not willing to permit their musical compositions to be performed within the State of Florida publicly for profit on any basis wherein the price for such performance would be included in the price paid for a copy of the sheet music, phonograph records, music roll, electrical transcription or sound track thereof.

20. The musical compositions of the Society's members and Complainants have been for many years last past, and are presently being performed within the State of Florida in hotels, dance halls, taverns, motion picture theatres and broadcasting stations.

21. Defendants have threatened to and will enforce such State Statutes against these Complainants and others similarly situated in the event that such Complainants and others similarly situated refuse to comply with said State Statutes or do any of the acts made unlawful by said State Statutes.

### Conclusions of Law

1. The 1937 Statute is not a reasonable exercise of the police power of the State of Florida, and the penalties and confiscatory provisions provided for therein are not reasonably necessary to meet any alleged evil; enactment of the said Statue was not necessary to protect, nor does it serve the public interest of the State of Florida; the object, purpose and effect of the said Statute is to take the copyrighted musical compositions of the Complainants, and others similarly situated, for a private purpose, to wit: to benefit the 410 users within the State of Florida; the said Statute discriminates against, and in fact, confiscates the Complainants' copyrighted musical compositions as well as those of others similarly

situated; it is contrary to and hinders carrying out the purpose of Article 1, Section 8 of the Constitution of the United States, and will deter composers, authors and publishers from securing copyright registration of their works.

2. The 1937 Statute is an invasion of Complainants' constitutional rights in the following respects:

(a) It interferes with and destroys the patterns of the Copyright Law by which Congress has endeavored to carry out the purpose of the Constitution to insure uniformity and certainty in the field of copyright.

(b) It denies to Complainants' equal protection of the laws, and by making them presumptively guilty of the criminal provisions therein deny to the Complainants due process of law.

3. Complainants have no adequate remedy at law and are reliable only in this Court of Equity, and if Complainants are not afforded the equitable relief prayed for in the Bill of Complaint and supplemental Bills of Complaint, but are required to resist, when criminal prosecutions and other suits or proceedings are instituted under said State Statutes, it will result in such a multiplicity of suits and entail such delay and so jeopardize and injure Complainants in their persons and property as to make the remedy at law grossly inadequqate, and unless an injunctional order is issued, Complainants will be irreparably damaged.

4. Complainants are entitled to an injunction perpetually enjoining and restraining the Defendants and each of them individually and in their capacity as officials of the State of Florida, charged by said State Statute with the enforcement of the provisions thereof, from bringing directly or indirectly any proceeding at law or in equity for the purpose of enforcing said State Statute against the Complainants and others similarly situated, their representatives, employees, agents or any of them, and from interfering with all existing contracts entered into by the Complainants and others, including the Society and citizens and residents of the State of Florida, and from threatening to enforce against any citizen or resident of the State of Florida the penalties of said State Statute, in the event such citizens and residents desire to carry out their contracts with the American Society of Composers, Authors and Publishers, or Complainants, or others similarly situated, and from prosecuting criminally the Complainants, their representatives or agents of any of them or others similarly situated for doing any act or thing to detect infringements and to enforce their respective rights under the Copyright Act in the Federal Court of the State of Florida or elsewhere, and generally from doing any act or thing to carry out or enforce any of the provisions of said State Statutes.

5. The said Statute constitutes an attempt to restrict and to regulate the right of Complainants to the full enjoyment of the exclusive rights granted them by the laws of the United States, generally known as the Copyright Laws.

6. The Court has jurisdiction of this suit.

7. The 1939 Act, based as it is upon the purpose to compel disclosure as to the ownership of copyrighted compositions is, except as to Section 4-a and 4-c, which are not germane to the purpose of the act, for the reasons set out in the opinion, a valid exercise of the police power of the state. Sections 4-a and 4-c of that act are, for the reasons set out in the opinion, invalid as an arbitrary interference with liberty of contract and with the rights granted under the copyright laws. Complainants should have their decree, making the temporary injunction awarded on April 5, 1938, against the 1937 Act, permanent and perpetual and the temporary injunction awarded them October 30, 1939, against the enforcement of the 1939 Act, modified and made permanent and perpetual as to Sections 4-a and 4-c of that act.

As to the balance of the 1939 Act, the decree should deny plaintiffs the injunction prayed.

Let decree be entered accordingly.

Dated August 5, 1940.

By the Court:

(Signed) J. C. Hutcheson, Jr.,
*U. S. Circuit Judge*

(Signed) Augustine V. Long,
*U. S. District Judge.*

(Signed) William J. Barker,
*U. S. District Judge.*

Filed August 5, 1940.

# Promotion

## SUMMER STUNT AT WBIG

A poster ,"Enjoy Your Radio More Than Ever This Summer," and, by proximity to a WBIG banner, over that station, recently graced an island window in Belk's, Greensboro, N. C. Radio sets and listing of WBIG and CBS broadcast features completed the display.

Major Edney Ridge, managing director of WBIG, arranged the window as part of his summer-long campaign to raise the listening level. More people pass this island display every day, he said, than any other window in North Carolina.

## GOVERNOR OF NORTH DAKOTA SPEAKS AT WDAY'S RADIO WEEK

John Moses, Governor of North Dakota, was the headline opener of Radio Week over WDAY, Fargo, Sunday afternoon, August 18. He spoke from the station's Red River Valley fairground studios.

The week's events were planned by Bill Dean, WDAY publicity director, as a combination Radio Festival and celebration for WDAY's grant of increased nighttime power to 5,000 watts. New equipment is to be installed.

Incorporated in Radio Week were LISTEN BEFORE YOU VOTE and LISTEN WHILE YOU DRIVE campaigns.

Included in the opening program were a series of pick ups from fairground locations with the station's new ultra-modern mobile unit and pack transmitter. The entire WDAY program and technical staff took part.

Among special daily programs were "Meet Your Neighbor" and "Do You Know Your Radio?" which covered every department in radio.

All buses throughout Fargo and Moorhead carried big bumper signs calling attention to Radio Week. These were augmented by window displays, street signs and lobby banners.

## LISTEN BEFORE YOU VOTE

LISTEN BEFORE YOU VOTE posters are now en route to all NAB members. Shipments included the additional orders which were placed by members up to Tuesday, August 20.

With much earlier than announced delivery, station managers will have an ample supply of samples to solicit poster sponsorship. Tens of thousands of additional posters will thus be displayed. Orders are now accumulating for a second run of posters.

Peter Lyman, public relations director, KOMO and KJR, Seattle, called a meeting of all local broadcasters for Thursday, August 22, to arrange the details of city wide cooperative efforts behind the "Listen Before You Vote" campaign.

"In addition," wrote Mr. Lyman, "we are keeping in contact with NAB stations throughout the state, and have so far received encouraging results from them to make this a state wide campaign."

What people hear over their home radio sets between now and November is going to decide the presidential issue. It will pay every station to capitalize on the tremendous national interest which the forthcoming election has generated. Radio, the medium employed to determine the man to lead this nation for the next four years, is the medium for every prospective business concern to use in its own behalf. Because of this angle the campaign is applicable to southern states as well as to east, west and north.

Such realization will be speeded by broadcasters promoting the campaign. There is ample time for everyone to complete their plans along the general lines as discussed in the LISTEN BEFORE YOU VOTE bulletin of July 18. There is also time for stations to get additional supplies of posters needed for a complete tie-in job.

## Miscellaneous

### AFRA CERTIFIED AT KXOK

The Labor Relations Board has certified AFRA as the sole collective bargaining agency selected by a majority of the staff and free-lance actors, singers, and announcers employed by Star-Times Publishing Company at radio station KXOK, St. Louis, Missouri.

Board action was based upon a secret ballot election held July 31, resulting in an 11 to nothing count in favor of the AFL union.

### PUBLIC SERVICE OPPORTUNITY

The United States Committee for the Care of European Children, headed by Marshall Field, is sending out announcements for use in connection with its drive to obtain American homes for European children for the duration of the war.

## Complete Convention Register

### NAB MEMBERS

Akerberg, Herb, WABC, New York, New York.
Alcorn, W. C., WBNX, New York, New York.
Allen, Preston D., KLX, Oakland, California.
Allen, Riley H., KGMB, Honolulu, Hawaii.
Allen, Walter H., KALB, Alexandria, Louisiana.
Anderson, H. Vernon, WJBO, Baton Rouge, Louisiana.
Anthony, Earle C., KFI-KECA, Los Angeles, California.
Arnoux, Campbell, WTAR-WPID-WRTD, Norfolk, Virginia.
Atteberry, Ellis, KCKN, Kansas City, Kansas.
Baldwin, John M., KDYL, Salt Lake City, Utah.
Ballou, David S., KYOS, Merced, California.
Bannister, Harry, WWJ, Detroit, Michigan.
Bard, Dick, WNEW, New York City.
Barker, Ed L., KGO-KPO, San Francisco, California.
Barrett, Neal, KOMA, Oklahoma City, Oklahoma.
Barroll, Hope H., WFBR, Baltimore, Maryland.
Bauriedel, John G., KUIN, Grants Pass, Oregon.
Benson, Harvey S., KOIN-KALE, Portland, Oregon.
Beville, Jr., H. M., NBC, New York City.
Bill, Edgar L., WMBD, Peoria, Illinois.
Bishop, Edward E., WGH, Norfolk-Newport News, Virginia.
Bishop, Lee, KMED, Medford, Oregon.
Bishop, Frank L., KFEL, Denver, Colorado.
Bitner, Harry M., WFBM, Indianapolis, Indiana.
Blatterman, Headlee L., KFI-KECA, Los Angeles, California.
Bockoven, Leslie F., Western Electric Co., New York City.
Bohn, John W., KMOX, St. Louis, Missouri.
Bookwalter, L. S., KOIN-KALE, Portland, Oregon.
Borton, F. W., WQAM, Miami, Florida.
Brewer, Clarence D., WWJ, Detroit, Michigan.
Bright, Arthur L., KFPY, Spokane, Washington.
Brown, Charles, NBC, Los Angeles, California.
Brunton, John, KQW, San Francisco, California.
Brunton, Mott Q., KJBS-KQW, San Francisco, California.
Brunton, Ralph R., KJBS-KQW, San Francisco, California.
Brunton, S. B., KJBS, San Francisco, California.
Buckendahl, Harry H., KOIN-KALE, Portland, Oregon.
Bullen, Reed, KVNU, Logan, Utah.
Burk, Reverend Wallace A., WEW, St. Louis, Missouri.
Burtland, Carl J., WCCO, Minneapolis, Minnesota.
Butcher, Harry C., CBS, Washington, D. C.
Butler, Burridge D., KOY, Phoenix, Arizona.
Caley, Charles C., WMBD, Peoria, Illinois.
Calkins, John T., WENY, Elmira, New York.
Campbell, Martin, WFAA, Dallas, Texas.
Campbell, Pat, World Broadcasting System, Hollywood, California.
Caraway, John B., WGBF, Evansville, Indiana.
Carpenter, Kenneth H., WHK-WCLE, Cleveland, Ohio.
Carr, Eugene, WGAR, Cleveland, Ohio.
Cartwright, Wm. H., Edward Petry & Co., Inc., Detroit, Michigan.
Cavey, F. A., WWL, New Orleans, Louisiana.
Chafey, Clifford M., WEEU, Reading, Pennsylvania.
Church, Arthur B., KMBC, Kansas City, Missouri.
Cisler, Stephen A., WGRC, Louisville, Kentucky.
Clark, Plez S., KFH, Wichita, Kansas.
Cobb, Wilton E., WMAZ, Macon, Georgia.
Cohan, Edwin K., CBS, New York City.
Collins, Keith B., KMJ, Fresno, California.
Connell, Richard A., WJBK, Detroit, Michigan.
Corbin, Charles Paul, KIEM, Eureka, California.
Cosby, Clarence G., KXOK-KFRU, St. Louis, Missouri.
Coulson, W. Lee, WHAS, Louisville, Kentucky.
Cox, H. Q., KEX, Portland, Oregon.
Craig, Edwin M., WSM, Nashville, Tennessee.
Crandall, George, CBS, New York, New York.
Craney, Ed., KGIR, Butte, Montana.
Cranston, George, KGKO, Fort Worth, Texas.
Cunniff, Ed., WKBH, La Crosse, Wisconsin.
Damm, W. J., WTMJ, Milwaukee, Wisconsin.
Davis, Don, WHB, Kansas City, Missouri.
Dellar, Lincoln, KSFO, San Francisco, California.
de Mars, Paul A., WNAC, Boston, Massachusetts.
Dohyns, C. Merwin, KGER, Long Beach, California.
Dohyns, J. Alden, KGER, Long Beach, California.
Dolberg, Glenn R., KGO-KPO, San Francisco, California.
Dolph, William B., WOL, Washington, D. C.
Dorais, S. P., KGO-KPO, San Francisco, California.
Dumm, Wesley I., KSFO, San Francisco, California.
Dumm, Robert W., KSFO, San Francisco, California.
Dunville, R. E., WSAI, Cincinnati, Ohio.
Egner, C. Lloyd, NBC, New York City.
Eickelberg, Wilbur, KHJ, Los Angeles, California.
Ekrem, T. C., KVOD, Denver, Colorado.
Elias, Don S., WWNC, Asheville, North Carolina.
Ellsworth, Harris, KRNR, Roseburg, Oregon.
Elmer, John, WCBM, Baltimore, Maryland.
Elvin, Ralph G., WLOK, Lima, Ohio.
Enns, Ted, KRNT, Des Moines, Iowa.
Ethridge, Mark F., WHAS, Louisville, Kentucky.
Evans, Ralph, WHO, Des Moines, Iowa.
Falknor, Frank B., WBBM, Chicago, Illinois.
Fellows, Harold E., WEEI, Boston, Massachusetts.
Feltis, Hugh M., KOMO-KJR, Seattle, Washington.
Fetzer, John E., WKZO, Kalamazoo, Michigan.
Fiebig, H. O., KQW, San Jose, California.
Finley, Ernest L., KSRO, Santa Rosa, California.
Fisher, Bennett, KOMO-KJR, Seattle, Washington.
Fisher, Birt F., KOMO-KJR, Seattle, Washington.
Fisher, O. D., KOMO-KJR, Seattle, Washington.
Fitzer, Dean, WDAF, Kansas City, Missouri.
Fitzpatrick, Leo J., WJR, Detroit, Michigan.
Fitzsimonds, F. E., KFYR, Bismarck, North Dakota.
Flanigan, Ed, WSPD, Toledo, Ohio.
Fletcher, Henry H., KSEI, Pocatello, Idaho.
Fox, S. S., KDYL, Salt Lake City, Utah.
Franklin, Ed. P., KJBS, San Francisco, California.
Fuerst, George W., KGO-KPO, San Francisco, California.
Fuld, Steve, WABC, New York, New York.
Gale, Phebe, WRC, Washington, D. C.
Gammons, Earl H., WCCO, Minneapolis, Minnesota.
Gander, Harold, KORE, Eugene, Oregon.
Garber, Milton B., KCRC, Enid, Oklahoma.
Gardner, John E., KTFI, Twin Falls, Idaho.
Gartland, William C., NBC, New York, New York.

Gentling, Gregory, KROC, Rochester, Minnesota.
Gillin, John, WOW, Omaha, Nebraska.
Gilman, Don E., KPO, Hollywood, California.
Glade, Earl J., KSL, Salt Lake City, Utah.
Goldman. Harry L., WOKO-WABY, Albany, New York.
Gonce, Chet L., KFJI, Klamath Falls, Oregon.
Graham, Donald. KOMO-KJR, Seattle, Washington.
Graham. Richard H., NBC, Los Angeles, California.
Grant, E., KGO-KPO, San Francisco, California.
Groves, Willice, KSL, Salt Lake City. Utah.
Gray, Gilson, CBS, New York, New York.
Grove, William C., KSAN, San Francisco, California.
Gunzendorfer, Wilt, KSRO, Santa Rosa, California.
Hacker, Les, KVEC, San Luis Obispo, California.
Hager. Kolin D., WGY, Schenectady, New York.
Hagman, Clarence T., WTCN, St. Paul, Minnesota.
Halff, Hugh, WOAI, San Antonio, Texas.
Hamilton, G. C., McClatchy Broadcasting Co., Sacramento, California.
Hanson, O. B., NBC, New York, New York.
Hayes, Arthur Hull, WABC, New York, New York.
Haymond, Carl E., KMO, Tacoma, Washington.
Heath, Dick, KTAR, Phoenix, Arizona.
Hedges, William, WEAF, New York, New York.
Herman, A. M., WBAP, Fort Worth, Texas.
Hickox, Sheldon, WEAF, New York City.
Hill, Edward E., WTAG, Worcester, Massachusetts.
Hill, Frank L., KORE, Eugene, Oregon.
Hirsch, Oscar, KFVS, Cape Girardeau, Missouri.
Hoffman, Phil, WNAX, Yankton, South Dakota.
Hollister, Herb, KFBI-KANS, Wichita, Kansas.
Holliway, Harrison, KFI-KECA, Los Angeles, California.
Holt, Thad, WAPI, Birmingham, Alabama.
Honea, B. N., WBAP, Fort Worth, Texas.
Hopkins, James, WJBK, Detroit, Michigan.
Horn, C. W., NBC, New York, New York.
Horton, Kingsley F., WEEI, Boston, Massachusetts.
Hough, Harold, WBAP-KGKO-KTOK, Fort Worth, Texas.
Hubbard, Stanley E., KSTP, St. Paul, Minnesota.
Hurt, Frank E., KFXD, Nampa, Idaho.
Inman, Don E., WMT, Waterloo, Iowa.
Irwin, Earl, KVI, Tacoma, Washington.
Jackson, Henry M., CBS, San Francisco, California.
Jacobson, Christina, KVEC, San Luis Obispo, California.
Jarvis, Leo P., KPMC, Bakersfield, California.
Jayne, Dan, WELL, Battle Creek, Michigan.
Jennings, W. Carey, KEX, Portland, Oregon.
Johnson, G. W., KTSA, San Antonio, Texas.
Johnson, Les, WHBF, Rock Island, Illinois.
Jones, Marle S., KMOX, St. Louis, Missouri.
Joscelyn, A. E., WBT, Charlotte, North Carolina.
Kapner, L., WCAE, Pittsburgh, Pennsylvania.
Karol, John J., CBS, New York, New York.
Kelchner, Orville J., WMMN, Fairmont, West Virginia.
Kemp, Arthur J., CBS, Berkeley, California.
Kendrick, A. J., World Broadcasting System, New York City.
Kennedy, John A., WCHS-WSAZ-WBLK-WPAR, Charleston, West Virginia.
Keplinger, Lou, KSAN, San Francisco, California.
Kesten, Paul W., CBS, New York City.
Kettler, S. P., WHIZ, Zanesville, Ohio.
Kilgore, T. H., KARM, Fresno, California.
Knight, W. T., WTOC, Savannah, Georgia.
Knowland, J. R., KLX, Oakland, California.
Kobak, Edgar, NBC, New York, New York.
Koessler, Walter, WROK, Rockford, Illinois.
Lafount, Harold, WCOP, Boston, Massachusetts.
Landis, DeWitt, KFYO, Lubbock, Texas.
Lane, Howard, KFBK, Sacramento, California.
Laubengayer, R. J., KSAL, Salina, Kansas.
Lawrence, Craig. KSO-KRNT, Des Moines, Iowa.
Lee, J. C., KFXM, San Bernardino, California.
Leich, Martin L., WGBF, Evansville, Indiana.
Leuschner, Frederick, NBC, Los Angeles, California.
Lewis, Dick. KTAR, Phoenix, Arizona.
Lewis, Ray M., KQW, San Jose, California.
Lindblade, Vern, KFAC, Los Angeles, California.
Locke, C. B., KFDM, Beaumont, Texas.
Lodge, William B., WABC, New York, New York.
Loeb, Howard M., WFDF, Flint, Michigan.
Loeb, L. A., KDYL, Salt Lake City, Utah.
Loggan, Frank H., KBND, Bend, Oregon.
Lounsberry, I. R., WGR-WKBW, Buffalo, New York.
Loyet, Paul A., WHO, Des Moines, Iowa.
Ludy, Ben, WIBW, Topeka, Kansas.
Luther, Clark A., KFH, Wichita, Kansas.
Lyman, Peter, KOMO-KJR, Seattle, Washington.
Lynn, Roland A., NBC, New York City.
McAndrews, R. J., KGO-KPO, San Francisco, California.
McCarthy, C. L., KQW, San Jose, California.
McCaw, Robert S., KELA. Centralia, Washington.
McClung, Hugh, KYOS. Merced, California.
McCollough, Clair R., WGAL-WILM, Lancaster, Pennsylvania.
McCracken, H. L., KVRS, Rock Springs, Wyoming.
Macy, J. Noel, WFAS. White Plains, New York.
Maland, Joseph O., WHO, Des Moines, Iowa.
Maslin, Robert S., Jr., WFBR, Baltimore, Maryland.
Matson, Chester G., Edward Petry & Co., Inc., Los Angeles, California.
Merino, John C., KTUC. Tucson. Arizona.
Meyer, P. J., KFYR. Bismarck, North Dakota.
Meyers, Carl J., WGN, Chicago, Illinois.
Milbourne, Lewis W., WCAO, Baltimore, Maryland.
Mills, Byron, KPO, San Francisco, California.
Mitchell, L. S., WDAE, Tampa, Florida.
Morency, Paul W., WTIC, Hartford, Connecticut.
Moroney, James M., WFAA, Dallas, Texas.
Mosby, Art J., KGVO, Missoula, Montana.
Moskovics, George L., KNX, Los Angeles, California.
Mullen, Frank E., NBC, New York, New York.
Murphy, James A., KMO, Yakima, Wasbington.
Musselman, B. Bryan, WSAN, Allentown, Pennsylvania.
Myers, Chuck, KOIN-KALE, Portland, Oregon.
Myers, Robert P., WJZ, New York, New York.
Nelson, A. E., KPO-KGO, San Francisco, California.
Newkirk, Van, KHJ, Los Angeles, California.
Nicoll, Paula, MBS, New York City.
Norton, George W., WAVE, Louisville, Kentucky.
Norton, John H., WJZ, New York City.
O'Fallon, Gene, KFEL, Denver, Colorado.
O'Kane, Don, KIEM, Eureka, California.
Olsen, Tom, KGY, Olympia, Washington.
O'Neil, Bill, WJW, Akron, Ohio.
Pack, Eugene, KSL, Salt Lake City, Utah.
Palmer, Col. B. J., WHO, Davenport, Iowa.
Palmer, Fred A., KOY, Phoenix, Arizona.
Patt, John F., WGAR, Cleveland, Ohio.
Patterson, S. H., KSAN, San Francisco, California.
Peck, Curtis, KPO-KGO, San Francisco, California.
Pengra, Marshall, KRNR, Roseburg, Oregon.
Petry, Edward, Edward Petry & Co., Inc., New York, New York.
Phillips, C., KIDO, Boise, Idaho.
Pierce, Jennings, KGO-KPO, San Francisco, California.
Pribble, Vernon, WTAM, Cleveland, Ohio.
Priebe, Robert, KRSC, Seattle, Washington.
Quarton, S. D., WMT, Cedar Rapids, Iowa.
Quarton, Wm. B., WMT, Cedar Rapids. Iowa.
Randall, J. Clayton, WTIC, Hartford, Connecticut.
Rawlings, Calvin W., KDYL, Salt Lake City, Utah.
Read, H. B., KSLM, Salem, Oregon.
Ream, Joseph, WABC, New York, New York.
Rees, David H., KMED, Medford, Oregon.
Ricketts, Leo, KFBK, Sacramento, California.
Robertson, Dale, KGGM, Albuquerque, New Mexico.
Robinson, King H., KTRH, Houston, Texas.
Rodgers, James W., WROK. Rockford, Illinois.
Rosenbaum, Samuel R., WFIL, Philadelphia, Pennsylvania.
Roth, Eugene J., KONO, San Antonio, Texas.
Ruess, William, WOW, Omaha. Nebraska.
Russell, Frank M., WRC, Washington, D. C.
Runyon, Mefford R., WABC, New York, New York.
Ruppel, Louis, CBS. New York, New York.
Ryan, John H., WSPD, Toledo, Ohio.
Ryan, William B., KGO-KPO, San Francisco, California.
Samuel, Milton N., KGO-KPO, San Francisco, California.
Sandeberg, David H., KFBK, San Francisco, California.
Saumenig, J. Dudley, WIS, Columbia, South Carolina.
Scales, John F., KARM, Fresno, California.
Schamblin, L. A., KPMC, Bakersfield, California.
Schudt, William A., Columbia Recording Corp., New York, New York.
Schuetz, Robert F., NBC, Hollywood, California.
Scott, Charles P., KTKC, Visalia, California.
Scott, Clyde, KFI-KECA, Los Angeles, California.
Scott, Duncan A., KJBS, San Francisco, California.
Scripps, William J., WWJ, Detroit, Michigan.
Searle, Don, KOIL-KFAB-KMMJ, Omaha, Nebraska.
Shannon, Teny, WNAC, Boston, Massachusetts.
Sharp, Ivor, KSL, Salt Lake, Utah.
Sharp, Thomas E., KFSD, San Diego, California.
Shepard, John, 3rd, WNAC, Boston, Massachusetts.
Shouse, J. D., WLW, Cincinnati, Ohio.
Sibson, Ken Lowell, KRGV, Weslaco, Texas.
Smith, Calvin J., KFAC, Los Angeles, California.
Smith, Earl H., Edward Petry & Co., Inc., San Francisco, California.
Smith, George W., WWVA, Wheeling, West Virginia.
Smith, J. Kelly, WBBM, Chicago, Illinois.
Smith, Vernon H., KOWH, Omaha, Nebraska.
Smullin, Wm. B., KIEM, Eureka, California.
Snyder, Glenn, WLS, Chicago, Illinois.
Soule, O. P., KTFI-KSEI, Salt Lake City, Utah.
Spence, Harry R., KXRO, Aberdeen, Washington.
Spencer, Ernest L., KVOE, Santa Ana, California.
Stanton, Frank, CBS, New York City.
Stoddard, Robert, KERN, Bakersfield, California.
Stone, Harry, WSM. Nashville, Tennessee.
Storer, George, WSPD, Toledo, Ohio.
Street, Robert, WCAU, Philadelphia, Pennsylvania.
Streibert, Theodore C., WOR, New York, New York.
Strotz, Sidney, WMAQ-WENR, Chicago, Illinois.
Summerville, William H., WWL, New Orleans, Louisiana.
Symons, T. W., Jr., KXL, Portland, Oregon.
Symons, III, T. W., KXL, Portland, Oregon.
Taft, H., WKRC, Cincinnati, Ohio.
Tapp, Jay, KGER, Long Beach, California.
Taylor, Ted, KGNC, Amarillo, Texas.
Thomas, Lloyd C., KGFW, Kearney, Nebraska.
Thompson, Griff, KYW-WOWO, Philadelphia, Pennsylvania.
Thompson, Roy F., WFBG, Altoona, Pennsylvania.
Thompson, W., KROY, Sacramento, California.
Thornburgh, Donald W., KNX, Los Angeles, California.
Thurston. E. W., Western Electric, Kearny, New Jersey.
Tincher, Robert R., WNAX, Yankton, South Dakota.
Tips, Kern, KPRC, Houston, Texas.
Torge, George R., WBEN, Buffalo, New York.
Trammell, Niles, NBC, New York, New York.
Twamley, Edgar H., WBEN, Buffalo, New York.
Tyson, Leo B., KMPC, Beverly Hills, California.
Uridge. Owen F., WSR, Detroit, Michigan.
Voynow, Edward E., Edward Petry & Co., Chicago, Illinois.
Wagner, James A., WHBY-WTAQ, Green Bay, Wisconsin.
Wagstaff, W. E., KDYL, Salt Lake City, Utab.
Wailes, Lee B., WGL. Philadelphia, Pennsylvania.
Wall, H. G., WIBC, Indianapolis, Indiana.
Wallace, Forrest P., WWJ, Detroit, Michigan.
Wallace, James W., KVI, Seattle, Washington.
Walters, Howard V., KDON, Monterey, California.
Ward. J. T., WLAC, Nashville, Tennessee.
Warner, E. N., KLS, Oakland, California.

Wasmer, Louis, KHQ, Spokane, Washington.
Warner, Stafford W., KLS, Oakland, California.
Warren, Selleck B., KTSW, Emporia, Kansas.
Warren, William W., KOMO-KJR, Seattle, Washington.
Warrick, Dupuy, KMBC, Kansas City, Missouri.
Watson, Loren, WBAL, Baltimore, Maryland.
Webb, Frank, KTMS, Santa Barbara, California.
Weber, Fred, MBS, Chicago, Illinois.
Welland, Jonas, WFTC, Kinston, North Carolina.
Weiss, Lewis, KHJ, Los Angeles, California.
West, William H., WTMV, East St. Louis, Illinois.
Westlund, Art, KRE, Berkeley, California.
Wetzel, Maurice, NBC, New York City.
Wheelahan, Harold, WSMB, New Orleans, Louisiana.
White, Paul, WABC, New York City.
Whitmore, Charles, KTKC, Visalia, California.
Whitmore, W. E., KGFL, Roswell, New Mexico.
Wilder, Harry C., WSYR, Syracuse, New York.
Willets, H. N., Western Electric Co., Kearney, New Jersey.
Williams, R. B., KVOA, Tucson, Arizona.
Wilson, L. B., WCKY, Cincinnati, Ohio.
Wooten, Hoyt B., WREC, Memphis, Tennessee.
Wyler, Karl O., KTSM, El Paso, Texas.
Wylie, Cole, KVOS, Bellingham, Washington.
Yocum, Ed., KGHL, Billings, Montana.
Yoder, Lloyd, KOA, Denver, Colorado.
Young, George, WDGY, Minneapolis, Minnesota.
Zimmerman, Ed., KARK, Little Rock, Arkansas.

## NON-MEMBERS

Allen, Edwin C., Reynolds-Fitzgerald, Inc., Chicago, Illinois.
Azcarraga, Emilio, XEW, Mexico City, Mexico.
Baker, I. R., RCA Mfg. Co., Inc., Camden, New Jersey.
Bates, William H., KTRB, Modesto, California.
Bedell, Eugene D., Allied Phono. & Record Mfg. Co., Hollywood, California.
Belknap, Paul C., Allen Kander & Co., New York, New York.
Bennitt, Russell, KXOX, Sweetwater, Texas.
Blair, John, John Blair & Co., Chicago, Illinois.
Blink, Milton M., Standard Radio, Chicago, Illinois.
Brandeburg, F. C., Pacific Telegraph & Telephone Co., San Francisco, California.
Bruck, Franklin, Franklin Bruck Adv. Corp., New York, New York.
Caldwell, Louis, Kirkland Fleming Green Martin & Ellis, Washington, D. C.
Callahan, Dave, SESAC, New York, New York.
Campeau, Ted. J. E., CKLW, Detroit, Michigan.
Charbneau, Jules, Jules Charbneau Miniatures, San Francisco, California.
Chase, Frank, Superman, Inc., New York City.
Coffin, Frank H., Golden Empire Broadcasting Co., Redding, California.
Conrow, Jos. W., Printers' Ink, Los Angeles, California.
Courrier, G. F., Hammond-Calumet Broadcasting Corp., Hammond, Indiana.
Coveny, Charleton E., John Blair Company, Los Angeles, California.
Cronise, Ralph R., Central Willamette Broadcasting Co., Albany, Oregon.
David, William R., General Electric Company, Schenectady, New York.
Denny, Herbert, Standard Radio, Dallas, Texas.
Dillard, Everett L., Commercial Radio Equipment Company, Kansas City, Missouri.
Dirks, Dietrich, Sioux City Broadcasting Co., KTRI, Sioux City, Iowa.
Dorrance, Dick, FM Broadcasters, Inc., New York City.
Eaves, Augustus J., Graybar Electric Company, New York, New York.
Edmonds, A. L., General Electric Company, Los Angeles, California.
Finney, C. M., Associated Music Publishers, Inc., New York, New York.
Fisher, Ben S., Washington, D. C.
Foreman, Edwin G., Jr., The Foreman Company, Chicago, Illinois.
Fowler, L. Dean, General Electric Company, Los Angeles, California.
Fox, J. Leslie, Paul H. Rayner Company, Los Angeles, California.
Freitag, Willis O., Radio Broadcasters, Inc., Los Angeles, California.
Gates, S. Niles, C. P. MacGregor, Hollywood, California.
Gillenwaters, T. R., Memorox, Inc., Los Angeles, California.
Gillett, Glenn D., Glenn D. Gillett Consulting Radio Engrs., Washington, D. C.
Godley, Paul F., Montclair, New Jersey.
Gross, Jack O., Warner Bros. Broadcasting Corp., Los Angeles, California.
Gunther, Frank A., Radio Engineering Labs., Inc., Long Island, New York.
Haley, A. G., Washington, D. C.
Hall, Glad, KRKD, Los Angeles, California.
Haverlin, Carl, BMI, New York City.
Headley, Frank M., Headley-Reed Company, New York, New York.
Hollingbery, George P., George P. Hollingbery, Chicago, Illinois.
Hooper, C. E., C. E. Hooper, Inc., New York City.
Imeson, Thomas C., City of Jacksonville, Jacksonville, Florida.
Ingrim, Ward D., KFRC, San Francisco, California.
Jacobus, Melvin S., Photo & Sound, Inc., San Francisco, California.
Jadassohn, Kurt A., SESAC, New York, New York.
Jansky, C. M., Jr., Jansky & Bailey Consulting Radio Engrs., Washington, D. C.
Kaye, Sydney M., Broadcast Music, Inc., BMI, New York, New York.
King, Gerald, Standard Radio, Hollywood, California.
Langlois, Cy, Lang-Worth, Inc., New York, New York.
Lasky, Philip G., Educational Broadcasting Corp., San Francisco, California.
LeFerne, Bob, Minneapolis, Minnesota.
McCosker, David, Warner Bros. Broadcasting Corp., Hollywood, California.
McIntosh, Frank H., Greybar Electric, San Francisco, California.
MacGregor, C. P., C. P. MacGregor, Los Angeles, California.
Maizlish, Harry, Warner Bros. Broadcasting Corp., Hollywood, California.
Martin, Harry, Harry Martin Enterprises, Chicago, Illinois.
Miller, James A., Miller Broadcasting System, Inc., New York, New York.
Morris, Edmund T., Jr., Westinghouse Electric & Mfg. Co., Baltimore, Maryland.
Morrison, John F., Bell Telephone Labs., New York, New York.
Morse, George H., The Pacific Telegraph & Telephone Co., San Francisco, California.
Nelson, Linnea, New York, New York.
Norman, J. Clinton, Radio Station KTHS, Hot Springs, Arkansas.
Pabst, William D., KFRC, San Francisco, California.
Paul, W. L., Northwest Radio Advertising Company, Seattle, Washington.
Pearce, Harold E., Standard Radio, Seattle, Washington.
Power, Ralph L., Los Angeles, California.
Prosser, John I., KTHS, Hot Springs, Arkansas.
Radner, Roy, WIBM, Inc., Jackson, Michigan.
Raymer, Paul H., Paul H. Raymer Company, Chicago, Illinois.
Read, H. C., American Telegraph & Telephone Co., New York, New York.
Reed, Dwight S., Headley-Reed Company, Chicago, Illinois.
Reiniger, Gustavus, Radio Engineering Labs., New York City.
Rogers, Naylor, Keystone Broadcasting System, Los Angeles, California.
Rollo, Reed T., Kirkland, Flemming, Green, Martin & Ellis, Washington, D. C.
Ross, Cecil C., Greybar Electric Company, Dallas, Texas.
Ross, George, McClatchy Broadcasting Company, Stockton, California.
Runchey, O. A., KOL, Seattle, Washington.
Ryan, Hazel L., Radio Broadcasters, Inc., KRKD, Los Angeles, California.
Schuebel, R., The Biow Company, New York City.
Sherman, Dean F., Radio Station KINY, Seattle, Washington.
Singleton, Harold C., Consulting Radio Engineers, Portland, Oregon.
Sleeper, George E., San Francisco, California.
Spector, Raymond, Raymond Spector Co., Inc., New York, New York.
Spight, Lindsen, John Blair & Company, San Francisco, California.
Stone, Carl A., Boonton Radio Corp., Los Angeles, California.
Sutton, G. O., Washington, D. C.
Taranto, Alman J., William Esty & Company, New York City.
Tennery, Walter I., Radio Advertising Corp., New York, New York.
Thomson, Roy H., Northern Broadcasting Co., CKGB, Timmins, Ontario, Canada.
Thorwald, John, Park Cities Broadcast Corp., Dallas, Texas.
Tibbals, Walter A., Biow Co., Inc., New York City.
Tompkins, Merritt E., Broadcast Music, Inc., New York City.
Townsend, Edward S., Edward S. Townsend Company, San Francisco, California.
Tozier, Cliff, Commercial Radio Equipment Co., Kansas City, Missouri.
Vance, Harold C., RCA Mfg. Company, Camden, New Jersey.
Walker, M. S., KHUB, Watsonville, California.
Weed, Joseph J., Weed & Company, New York, New York.
Weed, Neal, Weed & Company, Chicago, Illinois.
Wentworth, Ralph C., Lang-Worth, Inc., New York, New York.
Whitehead, Ed. A., General Electric Company, San Francisco, California.
Williams, Edna, Columbia Pictures Corp., Los Angeles, California.
Wilson, Howard H., Howard H. Wilson Co., Chicago, Illinois.
Wolcott, C. Frederick, Silfillas Bros., Inc., Los Angeles, California.
Woodling, M. F., KHSL, Chico, California.

## LADIES AND CHILDREN

Allen, Charlotte B., Alexandria Broadcasting Co., Inc., Alexandria, Louisiana.
Allen, Ed (Mrs.), Chicago, Illinois.
Anderson, Sara M., WJBO, Baton Rouge Broadcasting Co., Inc., Baton Rouge, Louisiana.
Arney, C. E., Jr. (Mrs.), Washington, D. C.
Arnold, Ruth, C. E. Hooper, Inc., Los Angeles, California.
Arnoux, Campbell (Mrs.), WTAR, Norfolk, Virginia.
Atteberry, Mona, KCKN, Kansas City, Kansas.
Ballinger, Grace, Seattle, Washington.
Barroll, H. H. (Mrs.), WFBR, Baltimore, Maryland.
Bauriedel, J. G. (Mrs.), Southern Oregon Broadcasting Co., Grants Pass, Oregon.
Bennett, Andrew W. (Mrs.), Washington, D. C.
Bennett, Lucie, Washington, D. C.
Bernstein, S. R. (Mrs.), Advertising Age, Chicago, Illinois.
Beville, H. M., Jr. (Mrs.), New York, New York.
Blair, W. H. (Mrs.), Guest, Dallas, Texas.
Bohn, John W. (Mrs.), KMOX, St. Louis, Missouri.
Borton, Frances, WQAM, Miami, Florida.
Borton, Fred, Jr., WQAM, Miami, Florida.
Bright, Arthur L. (Mrs.), Spokane, Washington.
Brunton, Dorothy (Mrs.), KJBS, San Francisco, California.
Brunton, Mott Q. (Mrs.), KJBS-KQW, San Francisco, California.
Bullen, Kathryn, KVNU, Logan, Utah.
Campbell, Martin (Mrs.), WFAA, Dallas, Texas.
Carr, Eugene (Mrs.), Cleveland, Ohio.
Chafey, Clifford M. (Mrs.), WEEV, Reading, Pennsylvania.
Church, A. B. (Mrs.), KMBC, Kansas City, Missouri.
Clark, Ione, KFH, Wichita, Kansas.
Connell, Richard A. (Mrs.), WJBK, Detroit, Michigan.
Cranston, George (Mrs.), Fort Worth, Texas.
de Mars, Paul A. (Mrs.), Boston, Massachusetts.
Denny, Herbert (Mrs.), Standard Radio, Dallas, Texas.
Dunville, R. E. (Mrs.), WLW, Cincinnati, Ohio.
Elias, Don S. (Mrs.), Asheville Citizen-Times Company, WWNC, Asheville, North Carolina.
Ellsworth, Harris (Mrs.), KRNR, Roseburg, Oregon.
Elmer, John (Mrs.), Baltimore, Maryland.
Enns, Carolyn, KRNT, Des Moines, Iowa.
Ethridge. Mark F. (Mrs.), WHAS, Louisville, Kentucky.
Evans, Audrey L., Des Moines, Iowa.
Evans, Betty, KGER, Long Beach, California.
Fiebig, H. O. (Mrs.), KQW, San Jose, California.
Fitzpatrick, Leo (Mrs.), WJR, Detroit, Michigan.
Fletcher, Ruthe A., KSEI, Pocatello, Idaho.
Gardner, John E. (Mrs.), KTFI, Twin Falls, Idaho.
Gay, Helen, KJBS, San Francisco, California.
Gillett, Mary U. (Mrs.), Long Beach, California.
Gilman, Sara E., Hollywood, California.
Goddard, Ann, Chicago, Illinois.
Goldman, Martha, Albany, New York.
Greaves, V. Ford (Mrs.), FCC, Oakland, California.
Grove, Eva R., KSAN, San Francisco, California.
Groves, W. E. (Mrs.), KSL, Salt Lake City, Utah.
Gunzendorfer, Wilt (Mrs.), KSRO, Santa Rosa, California.
Haymond, C. E. (Mrs.), Tacoma, Washington.
Hedges, W. S. (Mrs.), New York City.
Hedges, Helen, New York City.
Hedges, Peggy, New York City.
Hill, Estelle M., WTAC, Worcester, Massachusetts.
Hirsch, O. C. (Mrs.), KFUS, Cape Girardeau, Missouri.
Hobby, Ovett C. (Mrs.), KPRC, Houston, Texas.
Hoffman, Phil (Mrs.), WNAX, Yankton, South Dakota.
Hollister, Herb (Mrs.), Wichita, Kansas.
Irwin, Vernice (Mrs.), KVI, Tacoma, Washington.

Jansky, C. M., Jr. (Mrs.), Washington, D. C.
Jansky, Curtis M., Washington, D. C.
Jansky, Marguerte, Washington, D. C.
Jayne, Lola (Mrs.), Battle Creek, Michigan.
Jennings, Connie A., Portland, Oregon.
Johnson, Les (Mrs.). WHBF, Rock Island, Illinois.
Knight, W. T., Jr. (Mrs.), Savannah, Georgia.
Knisely, Philip (Mrs.), NAB, Oakland, California.
Lafount. H. A. (Mrs.), WCOP, Boston, Massachusetts.
Landis. DeWitt (Mrs.), KFYD, Lubbock, Texas.
Lane, Howard (Mrs.), Sacramento, California.
Lasky, P. G. (Mrs.), KROW, San Francisco, California.
Lawrence, Craig (Mrs.), KSO-KRNT, Des Moines, Iowa.
Lewis, Grace, KQW, San Jose, California.
Lodge, William B. (Mrs.), New York, New York.
Loeb, Ruth O., WFDF, Flint, Michigan.
Luther, Clark A. (Mrs.), KFH, Wichita, Kansas.
McCarthy, C. L. (Mrs.), KQW, San Jose, California.
McClung, Hugh (Mrs.), KYOS, Merced, California.
McCollough. Clair (Mrs.), WGAL, Lancaster, Pennsylvania.
McIntosh, Frank H. (Mrs.), San Francisco, California.
MacGregor, C. P. (Mrs.), C. P. MacGregor, Los Angeles, California.
Maland, Jos. (Mrs.), WHO, Des Moines, Iowa.
Morrison, Susan H., Bell Telephone Labs., Boonton, New Jersey.
Mosby, Aline, Missoula, Montana.
Mosby, Marry Jane, Missoula, Montana.
Mullen, Frank E. (Mrs.), National Broadcasting Company, New York, New York.
Murphy, J. A. (Mrs.), KMO, Yakima, Washington.
Musselman. B. Bryan (Mrs.), WCBA, Allentown, Pennsylvania.
Newkirk, Marion H., Don Lee Broadcasting, Los Angeles, California.
Pack, Lucile. KSL, Salt Lake City, Utah.
Park, Alice E., WCCO, Minneapolis, Minnesota.
Patt, John F. (Mrs.), WGAR, Cleveland, Ohio.
Pengra, Eve, KRNR, Roseburg, Oregon.
Rexer, Thelma, KALB, Alexandria, Louisiana.
Ross, Cecil C. (Mrs.), Dallas, Texas.
Roth, Eugene J. (Mrs.), KONO, San Antonio, Texas.
Roth, Jack, KONO, San Antonio, Texas.
Ryan, John H. (Mrs.), WSPD, Toledo, Ohio.
Samuel, Marie E., NBC. San Francisco, California.
Sandeberg, David H. (Mrs.), KFBK, San Francisco, California.
Shouse, James (Mrs.), WLW, Cincinnati, Ohio.
Singleton, Rose, Consulting Radio Engineer, Portland, Oregon.
Smeby, L. C. (Mrs.). NAB, Washington, D. C.
Smullin, Wm. B. (Mrs.), Redwood Broadcasting Co., Inc., KIEM, Eureka, California.
Snow, Ellen (Mrs.), Western Electric, New York, New York.
Soule, O. P. (Mrs.), KSEI, Salt Lake City, Utah.
Spector, Raymond (Mrs.), New York, New York.
Stanton, Frank (Mrs.), CBS, New York, New York.
Sutton, L. S., George O. Sutton, Washington, D. C.
Taishoff, Sol (Mrs.), Broadcasting Magazine, Washington, D. C.
Tompkins, Florence A., New York, New York.
Uridge. Owen F. (Mrs.), WJR, Detroit, Michigan.
Warner. Florence, Lewis Warner, Inc., Spokane, Washington.
Welland, Lenore, WFTC, Winston. North Carolina.
Williams. R. B. (Mrs.), KVOA, Tucson, Arizona.
Wylie, Margaret, J. Walter Thompson Company, Chicago, Illinois.
Yocum, Ed. (Mrs.). Billings, Montana.
Yoder, Lloyd E. (Mrs.), Denver, Colorado.
Zimmerman, Ed. (Mrs.), Little Rock, Arkansas.

### GUESTS

Drewry, John E., Henry W. Brady School of Journalism, Athens, Georgia.
Early, Stephen B., Washington, D. C.
Fly, James L., Chairman, FCC, Washington. D. C.
Greaves, V. Ford, FCC, San Francisco, California.
Johnson, Louis, Clarksburg, West Virginia.
Nielsen, Arthur C., A. C. Nielsen Company, Chicago, Illinois.
Sykes, Judge Eugene O., Washington, D. C.

### PRESS

Allen, Irwin, Radio News Reel, Los Angeles, California.
Baue, Clayton, Examiner, San Francisco, California.
Befeler, Murray, Associated Press, San Francisco. California.
Bernstein, Sidney R., Advertising Age, Chicago, Illinois.
Bodec, Ben, Variety, New York City.
Bowerman, Dan. United Press, San Francisco, California.
Calton, Phoebe June, NBC, Portland, Oregon.
Cavagnaro, Bob, The Associated Press, San Francisco, California.
Clements, Maurice, Radio Today, New York City.
Crain, Edith W., Western Advertising Magazine, San Francisco, California.
Curran, Phil R., United Press, Seattle, Washington.
Dean, Lorraine, The Advertiser, Chicago, Illinois.
Delaplane, Stanton. Chronical, San Francisco, California.
Duckett, Othello C., Transradio Press Service, San Francisco, California.
Farbman, N. R., S. F. Examiner, San Francisco, California.
Foster, Thomas H., Shipping News, San Francisco, California.
Fry, Richard J., The Associated Press, San Francisco, California.
Gagos, Hubert K., United Press, Sacramento, California.
Gard, Thomas L., The Associated Press, San Francisco, California.
Glickman, Dave, Broadcasting Magazine, Hollywood, California.
Goodwin. Fritz, San Francisco Examiner, San Francisco, California.
Gordon, Frank, San Francisco Chronicle, San Francisco, California.
Gross, Ben, N. Y. Daily News, New York City.
Guckenheimer, Sims, Transradio Press Service, New York, New York.
Hall, Bob, Call-Bulletin, San Francisco, California.
Harrison, A. F., United Press, New York, New York.
Hauser, Carrol, Radio News Reel, Los Angeles, California.
Hellman, J., Daily Variety, Hollywood, California.
Heroux, Harold, International News, San Francisco, California.
Hilliard, Jay G., Pacific Coast Record, Los Angeles, California.
Holland, Miller, United Press, San Francisco, California.
Hunter, Maxwell J., Simpson-Reilly, Ltd., San Francisco, California.
Johanesen, Harry, International News Service, San Francisco, California.
Kirsch, Marvin, Radio Daily, New York, New York.
Long, Maury, Broadcasting Magazine, New York City.
Mattox, E. Tilden, The Argonaut, San Francisco, California.
Murphy, Edward V., Press—NAB, San Francisco, California.
Myers, J. Clarence, Broadcasting Magazine, San Francisco, California.
Peterson, Eldridge, Printers' Ink Publication, New York, New York.
Pickens, William H., Transradio Press Service, New York, New York.
Reddy, Jack F., Transradio Press Service, San Francisco, California.
Rosenberg, Manuel, The Advertiser, Cincinnati, Ohio.
Rosenthal, F. L., Radio Varieties, Inc., Chicago, Illinois.
Rubino, Aaron L., Wide World Photos, San Francisco, Calfiornia.
Sanders, Wilbur A., The Associated Press, San Francisco, California.
Smith, Y., Call-Bulletin, San Francisco, California.
Stroupe, Phil, Broadcasting Magazine, San Francisco. California.
Taishoff, Sol, Broadcasting Magazine, Washington, D. C.
Watson, Campbell, Editor & Publisher, Correspondent, Berkeley, California.
Weiser, N., Radio Daily, New York, New York.
Werner, Willis, Variety, San Francisco, California.
White, Nate R., The Christian Science Monitor. San Francisco, California.
Winter, Hal, Radio Daily, New York, New York.

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has adopted an Order granting the application of Sharon Herald Broadcasting Company (WPIC), **Sharon, Pa.,** for authority to install a new transmitter and increase power from 250 watts to 1000 watts, operating daytime only on **780 kilocycles.**

### NEW INTERNATIONAL STATION

Columbia Broadcasting System, Inc., has been granted construction permit by the FCC for a new international broadcast station to be located at Brentwood, N. Y., and use 50 kilowatts, the minimum power ruled by the Commission necessary for satisfactory international service.

The new station, using A3 emission, will operate on 6060, 9590, 11830, 15270, 17830 and 21520 kilocycles, sharing time on 6060, 9590 and 21520 kilocycles with international broadcast station WCAB, now operated by the WCAU Broadcasting Co., Newton Square, Pa.; also sharing 11830 and 17830 kilocycles with WCBX, another Columbia international broadcast station, near Wayne, N. J., and 15270 kilocycles with the stations mentioned as well as with WLWO, Crosley Corp. international broadcast station at Mason, Ohio. The construction permit is granted subject to certain engineering requirements as to directional antenna and frequency control. The application has previously been designated for hearing.

Columbia has application pending to move WCBX to Brentwood, and increase the power of that station from 10 to 50 kilowatts. It also has understanding with its affiliate WCAB that the latter, now operating on 10 kilowatts, will transfer facilities to Columbia and discontinue operation. Stations WCAB and WCBX have had a working arrangement to provide simultaneous program service to Europe and South America. While one station directed programs to Europe the other delivered programs to South America. It is intended to continue this plan by the use of two stations at the Brentwood location.

### FROM THE FCC MAIL BAG

### (No. 13 of a series)

Numerous persons requesting the 1300-page report on chain broadcasting made by a committee of the Commission are informed that only a limited number of copies were mimeographed, and the supply has long since been exhausted. The official record, however, is open to public inspection at the Commission's Washington offices.

The Commission has sent a note of appreciation to the Ohio Power Co. for its interest and cooperation in eliminating interference to radio reception in a community in that State.

A committee for the care of refugee children seeks Commission permission to solicit funds by radio. Such permission is not required under provisions of the Communications Act or the Commission's rules. Decision rests with the individual station or the network.

It is mostly in the matter of complaints with reference to broadcasting that the Commission has to advise lack of jurisdiction. The following current cases are typical:

A Toronto, Canada, woman objects to radio commentators who "spread terror by inuendo."

A San Francisco man dislikes the "hysterical broadcasting" of war news by a particular commentator.

A Macon, Ga., man would prohibit networks from carrying news reports originating in Germany.

A Philadelphia man suggests censorship of news and comment by radio and press during "continuation of the present unsettled world conditions."

A New Yorker asks the Commission to make radio stations broadcast a song he has written.

A Bismarck, N. Dak., man wants the Commission to require a network to carry a particular religious broadcast.

An Asheville, N. C., man would require newspapers owning radio stations to publish the programs of competing broadcast stations.

A Philadelphia man thinks he is entitled to a prize from one of the radio contest programs.

## BROADCAST MEASUREMENTS

In July FCC officials measured 705 broadcast stations, leaving 144 not measured.

Of the total 642 stations showed a maximum deviation within 0-10 cycles; 57 stations maximum deviation within 11-25 cycles; 4 stations maximum deviation within 26-50 cycles; no stations showed a maximum deviation over 20 cycles, while 2 stations showed a maximum deviation over 50 cycles.

## FCC BILL PASSES HOUSE

The House this week passed H. R. 10205 to amend section 4 (f) of the Communications Act of 1934 as amended to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. There was no discussion.

## FCC RULES OF PRACTICE AMENDED

FCC has amended Section 1.38 of its Rules of Practice and Procedure by designating the existing rule as subsection (a) and by adding an additional subsection reading as follows:

"(b) No member, officer or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled before the Federal Communications Commission for the week beginning Monday, August 26. It is subject to change.

### Monday, August 26

NEW—God's Bible School and College, Cincinnati, Ohio.—C. P., **11710, 21610 kc.,** 60 KW night, 60 KW LS, Emission A-3, shares time on **11710 kc.,** unlimited on **21610 kc.**

## FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast oral arguments. They are subject to change.

### September 26

Reargument Before the Commission

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, **1410 kc.,** 1 KW, unlimited time; and auxiliary, **1410 kc.,** 500 watts, 1 KW LS. Time: Auxiliary purposes only.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no regular meeting of the Commission this week.

### MISCELLANEOUS

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted modification of construction permit for new station, for approval of antenna system, new transmitter, and approval of studio and transmitter site; **1310 kc.,** 100 watts, unlimited time (B2-MP-1056).

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted modification of license to change name of licensee from The First Methodist Protestant Church of Lapeer to The Liberty Street Gospel Church of Lapeer; **1200 kc.,** 250 watts, specified hours (B2-ML-1018).

WEGP—Berks Broadcasting Co. (area of Reading, Pa.), Portable-Mobile.—Granted license to cover construction permit for increase in power to 2 watts and installation of new transmitter (B2-LRE-319).

KFAS—Midnight Sun Broadcasting Co. (area of Fairbanks, Alaska), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.,** 2 watts power (B-LRE-314).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 6:45 p. m. to 8:30 p. m., CST, on August 15, 1940, in order to broadcast a political speech by Abit Nix, candidate for Governor.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate W2XOY with 1000-watt amplifier from August 14, 1940, to not later than September 12, 1940, pending completion of manufacturing and installation of the Model 4AF2A1 amplifier as stipulated in construction permit (File No. B1-PNB-112).

WPAY—Chester A. Thompson and The Brush-Moore Newspapers, Inc., Portsmouth, Ohio.—Granted petition to take depositions in re hearing on application for transfer of control of the Vee Bee Corp., licensee of station WPAY; **1370 kc.,** 100 watts night, 100 watts LS, unlimited time (B2-TC-199).

The Huntsville Times Co., Inc., Huntsville, Ala.—Passed over to August 23 the petition to accept amendment to application for construction permit for new broadcast station to request the facilities of station WBHP; applicant requests **1200 kc.,** 250 watts night, 250 watts LS, unlimited time (B3-P-2784).

WAUV—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted license to cover construction permit as modified for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.,** power 50 watts (B2-LRY-203).

WINX—Lawrence J. Heller, Washington, D. C.—Granted modification of construction permit for new broadcast station, for approval of antenna, approval of transmitter and studio sites, and approval of synchronous amplifier site, and change in type of transmitter; **1310 kc.,** 250 watts, unlimited time, with 50-watt synchronous amplifier (B1-MP-1045).

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y. —Granted modification of construction permit for local move of transmitter, to change transmitter location from 500 Fifth Ave. to 444 Madison Ave., New York City; add A1 emission and extend commencement date from June 8, 1940, to 90 days after grant, and completion date from December 8, 1940, to 180 days thereafter (B1-MPRE-45).

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit as modified for move of transmitter, installation of directional antenna, and changes in equipment, for extension of completion date from September 6, 1940, to November 6, 1940.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted license to cover construction permit for changes in equipment and increase in power from 100 to 250 watts.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 p. m. to 5 p. m., MST, on August 20, 21, and 22, 1940, in order to broadcast programs incident to the Fair only.

The Mayflower Broadcasting Corp. and The Yankee Network, Inc., Boston, Mass.—Scheduled for reargument on September 26, 1940, in re applications of The Mayflower Broadcasting Corp. for construction permit for new broadcast station and The Yankee Network, Inc., for renewal of license of station WAAB.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Construction permit to increase power from 500 watts night, 1 KW day, to 5 KW day and night, and install new equipment and directional antenna for day and night use. Class III-A station.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) as modified for move of transmitter, installation of directional antenna, equipment changes, requesting extension of completion date from 9-6-40 to 11-6-40.

### 690 Kilocycles

NEW—Fred Jones, Mary Eddy Jones, and W. E. Hightower, d/b as Fred Jones Broadcasting Co., Tulsa, Okla.—Construction permit for a new broadcast station to be operated on **690 kc.,** 50 KW, unlimited time. Class II station (contingent on Havana Treaty), directional antenna day and night.

### 890 Kilocycles

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit to install new transmitter; make changes in antenna; change hours of operation from specified to unlimited time; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; move transmitter from West Lafayette to north of Romney, Wea Twp., Inc., directional antenna for night use; request Class III-B station. Amended to change type of transmitter.

KTKC—Tulare-Kings Counties Radio Associates (Chas. A. Whitmore, Pres.), Visalia, Calif.—Modification of license to change the licensee from an unincorporated association to a partnership. No change in name. Amended to give name of partnership as J. E. Richmond, Percy M. Whiteside, Homer W. Wood and Visalia Publishing Co., d/b as Tulare-Kings Counties Radio Associates.

WJAR—The Outlet Co., Providence, R. I.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna (directional antenna day and night use), and move transmitter. Amended re antenna changes.

### 930 Kilocycles

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Class III-A station.

### 1120 Kilocycles

WKPA—Allegheny-Kiski Broadcasting Co., New Kensington, Pa.—Modification of construction permit for a new station (B2-P-2770) requesting approval of antenna, new transmitter, and approval of transmitter and studio sites.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of construction permit (B3-P-2714) for new vertical antenna and move of transmitter, further requesting authority to install new transmitter, increase power from 500 watts to 1 KW, Class III-B station, and extension of commencement and completion dates 60 and 180 days respectively.

### 1200 Kilocycles

NEW—Worcester Broadcasting, Inc., Worcester, Mass.—Construction permit for a new broadcast station to be operated on **1200 kc.,** 250 watts, unlimited time. Class IV station. Amended: To give location of transmitter site, install vertical radiator and construct two 100 watt booster stations, one S. W. corner Main and Florence Sts., Marlborough, Mass., and the other at S. W. corner Main and Douglas, Whitinsville, Mass.

### 1210 Kilocycles

WGGA—Henry Estes, Austin Dean and L. H. Christian, d/b as Gainesville Broadcasters, Gainesville, Ga.—Modification of construction permit (B3-P-2627) for a new broadcast station, requesting approval of antenna and approval of transmitter and studio sites.

WGAC—The Twin States Broadcasting Co., east of Augusta, Ga.—Modification of construction permit (B3-P-2891) for a new broadcast station, for approval of antenna, and approval of transmitter and studio sites.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct measurement of antenna power.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—License to cover construction permit (B2-P-2817) for changes in equipment and increase in power.

### 1250 Kilocycles

WGBF—Evansville On The Air, Inc., Evansville, Ind.—Modification of construction permit (B4-P-2321) for new transmitter and directional antenna for night use, change frequency, increase power, move transmitter and change hours of operation, requesting change in type of transmitter and slight change in location of transmitter. (Same designation.)

### 1300 Kilocycles

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Construction permit to install directional antenna for day and night use, increase power from 1 to 5 KW, install new transmitter and move transmitter from Brooklyn to New York City.

### 1310 Kilocycles

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—License to cover construction permit (B3-P-2442) as modified, for a new broadcast station.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—License to cover construction permit (B5-P-2779) for changes in equipment and increase in power.

NEW—J. C. Kaynor, Ellensburg, Wash.—Construction permit for a new broadcast station to be operated on **1310 kc.,** 250 watts, unlimited time. Amended: re equipment.

WINX—Lawrence J. Heller, Washington, D. C.—Modification of construction permit (B1-P-2546) for a new station requesting approval of antenna, approval of transmitter and studio sites at 8th and Eye Sts., N. W., Washington, D. C., also synchronous amplifier site at American University Grounds, Mass. and Nebr. Aves., N. W., Washington, D. C., and change in type of transmitter.

KSUB—Leland M. Perry & Harold Johnson, d/b as Johnson and Perry, a partnership, by Leland M. Perry & May Weight Johnson, adm., Cedar City, Utah.—Voluntary assignment of license from Leland M. Perry & Harold Johnson, d/b as Johnson & Perry, a partnership, by Leland M. Perry and May Weight Johnson, Adm. to Southern Utah Broadcasting Co.

WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Modification of construction permit (B4-P-1902) for a new station requesting approval of antenna system, new transmitter, studio site and transmitter site.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

WDRC—WDRC, Incorporated, Hartford, Conn.—Authority to determine operating power by direct measurement of antenna power.

WDRC—WDRC, Incorporated, Hartford, Conn.—License to cover construction permit (B1-P-2223) as modified, to install directional antenna for day and night use, and increase power.

### 1340 Kilocycles

WPAB—Portorican American Broadcasting Co., Inc., Ponce, P. R.—License to cover construction permit (B-P-2389) as modified, for a new broadcast station.

WPAB—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Authority to determine operating power by direct measurement of antenna power.

WSPD—The Fort Industry Co., Toledo, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WSPD—The Fort Industry Co., Toledo, Ohio.—License to cover construction permit (B2-P-2470) as modified, for increase in power, installation of directional antenna for night use.

### 1370 Kilocycles

NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time. Class IV station.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Modification of license to change hours of operation from shares with KRKO to unlimited time. Re facilities of KRKO when vacated.

### 1500 Kilocycles

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Authority to transfer control of corporation from John T. Alsop, Jr., to News-Journal Company, 101 shares.

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Modification of construction permit (B2-P-2879) for a new station, requesting approval of antenna system and approval of transmitter site.

KSAL—KSAL, Inc., Salina, Kans.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW day and night, and make changes in directional antenna system. Amended: To make changes in directional antenna system and request Class III-A station.

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—Modification of construction permit (B1-P-2713) for a new station requesting approval of antenna and approval of transmitter and studio sites at U. S. Route No. 13, outside city limits of Salisbury.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Modification of construction permit (B3-P-2384) as modified for a new station, requesting change in type of transmitter.

### 1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Modification of construction permit (B2-PSB-14) as modified, for changes in transmitter, antenna, and move of transmitter, approval of studio site, extend commencement date to date of grant and completion date to 60 days thereafter.

## FM APPLICATIONS

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new high frequency broadcast station to be operated on **43900 kc.**; coverage, 15,642 square miles; population coverage, 2,168,091. Amended to change frequency to **43100 kc.**

NEW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 8,400 square miles; population coverage, 2,100,000.

NEW—John Lord Booth, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **44100 kc.**; coverage, 4,400 square miles; population coverage, 2,514,753.

NEW—The Evening News Assn., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **43100 kc.**; coverage, 25,280 square miles; population coverage, 5,641,981.

NEW—General Electric Co., Schenectady, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43900 kc.**; coverage, 16,030 square miles; population coverage, 1,560,000.

NEW—Zenith Radio Corp., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 10,760 square miles; population coverage, 4,500,204.

NEW—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 6,589 square miles; population coverage, 967,733.

NEW—The Outlet Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on **44300 kc.**; coverage, 16,370 square miles; population coverage, 6,263,346.

NEW—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**; coverage, 623 square miles; population coverage, 194,102.

## MISCELLANEOUS

NEW—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Construction permit for a new television broadcast station to be operated on Channel 3, **66000-72000 kc.**, 1000 watts visual and aural. Emission A3 and A5.

NEW—Television Productions, Inc., Portable-Mobile (area of Los Angeles, Calif.).—Construction permit for a new relay television broadcast station to be operated on Channels 9 and 10, **180000-186000** and **186000-192000 kc.**, 200 watts visual, Emission A5 (to be used with new television station B5-PVB-33, granted 8-5-40).

NEW—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit for new relay broadcast station to be operated on **156750, 158400, 159300, 161100 kc.**, special emission for frequency modulation.

NEW—University of Illinois, South of Champaign, Ill.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190, 2830 kc.**, power 20 watts, A3 emission.

NEW—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Construction permit for a new international broadcast station to be located in Brentwood, N. Y., power 50,000 watts; **6060, 9590, 21520 kc.** sharing with WCAB, **11830, 17830 kc.** sharing with WCBX, **15270 kc.** sharing with WCAB, WCBX and WLWO; A3 emission. Amended to show sharing time with stations WLWO and WCAB on **6060** and **9590 kc.**

WBOE—Cleveland City Board of Education, Charles H. Lake, Supt., Cleveland, Ohio.—Construction permit to change frequency, power and emission, and install new transmitter, from **41500 kc.**, 500 watts power, A3 emission, to **42500 kc.**, 1000 watts power, and special emission for frequency modulation.

NEW—Courier-Journal and Louisville Times Co., Louisville, Ky.—Construction permit for a new relay broadcast station to be operated on **156750, 158400, 159300, 161100 kc.**, 50 watts, special emission for frequency modulation.

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for a new (relay) television broadcast station to be operated on Channels 11 and 12, **204000-210000** and **210000-216000 kc.**, power 250 watts visual, emission A5, area Chicago, Ill. (To be used with new television station B4-PVB-50, granted 8-2-40.)

NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new television broadcast station to be operated on Channel 3, **66000-72000 kc.**, 1000 watts visual and aural, emission A3 and A5.

NEW—Press Union Publishing Co., Portable-Mobile (area of Atlantic City, N. J.).—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** power 2 watts, A3 emission.

NEW—The Travelers Broadcasting Service Corp., Portable-Mobile (area of Hartford, Conn.).—Construction permit for a new relay broadcast station to be operated on **31220, 35620, 37020, 39260 kc.,** 0.2 watts, emission A3.

WIEO—National Broadcasting Co., Inc., Mobile.—Modification of license to add A1 and A2 emission, and change in description of transmitter from Western Electric 8-A to NBC Composite Serial No. 2.

KEHV—The Associated Broadcasters, Inc., Portable-Mobile.—License to cover construction permit (B5-PRY-221) for a new relay broadcast station.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new television broadcast station to be operated on **50000-56000 kc.,** power for visual and aural, 1000 watts, emission A3 and A5. Amended: Request frequencies **96000-102000** (Channel 6), and give location, also submitted revised 318 form.

W2XI—General Electric Co., New Scotland, N. Y.—License to cover construction permit (B1-PVB-51) for a new relay television broadcast station.

KEHS—WDAY, Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-345) for a new relay broadcast station. Amended: Section 7(a) re monitor.

KAQV—Central States Broadcasting Co., Portable-Mobile—License to cover construction permit (B4-PRY-208) for a new relay broadcast station. Amended: Section 7(a) re monitor.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Associated Denver Tailors**—See Associated Tailors.

**Associated Tailors**—Harry Hindlemann, trading as Associated Tailors and as Associated Denver Tailors, 1745 Champa St., Denver, Colo., is charged in a complaint with the dissemination of misleading representations in the sale of men's suits and coats.

The respondent, by means of radio broadcasts, circulars, letters, folders and samples of material, allegedly misrepresents that he sells custom made men's suits; that the suits are carefully cut and tailored to individual measurements and made with up-to-date patterns of imported fabrics and up-to-date linings and finishings, and that the quality of his materials and tailoring is equal to that obtained in custom made suits of high quality and price.

It is further charged in the complaint that the respondent misleadingly represents that the suits which he sells are made by expert tailors; that such suits are offered for the one price of $15.50 and that such offer and price are made possible by virtue of his purchase of fabrics and materials from foreign mills and manufacturers which are prompted to sell at sacrifice prices because of fear and uncertain business conditions.

The complaint also alleges that by means of statements on advertising literature and through the use of the trade names "Associated Tailors" and "Associated Denver Tailors," the respondent misrepresents that his business is that of an association, combination or group of tailors or tailoring establishments; that he maintains branch offices or plants in New York and Chicago, and that his business is "a national institution of quality tailoring." (4239)

**R. F. Bemporad & Company, Inc.,** 102 Madison Ave., New York, allegedly misrepresents through the use of Chinese names such as "Hong Kong," "Canton" and "Kina," that certain of its rugs are made in China, by hand, and are in all respects Chinese Oriental Rugs. The respondent further allegedly misrepresents, by means of designations such as "Mahah," "Kirma," "Orienta" and "Bagdad," that other of its rugs are true Oriental rugs. In truth, the complaint charges, the respondent's "Hong Kong," "Mahah," and "Bagdad" rugs are made in Italy, and the "Canton," "Kirma" and "Oriental" rugs are made in Belgium, of cotton and on power looms.

It is further alleged in the complaint that the respondent furnishes its dealers with circulars bearing representations that certain of its rugs are reproductions and copies of true Oriental and Chinese Oriental rugs, when in truth they merely simulate them in appearance.

By designating certain of its rugs with the names "Old Cabin" and "Boston," the complaint continues, the respondent represents that such products were made in the United States when in truth they were made in Europe. (4238)

**Lambert Pharmacal Company,** St. Louis, Missouri, is charged in a complaint with the dissemination of misleading representations in the sale of Listerine Antiseptic.

In advertising its product, the respondent allegedly represents that dandruff is of an infectuous type caused by a particular germ, and that Listerine Antiseptic is effective in killing this germ.

In truth, the complaint declares, dandruff is not recognized as having an infectuous origin nor as being caused by the germ claimed by respondent. The complaint charges that Listerine Antiseptic is not a cure or remedy for dandruff, and that its therapeutic properties are limited to a temporary removal of scales and the mitigation of the symptoms of itching.

According to the complaint, respondent likewise misrepresents that its product will effectively prevent colds and sore throats; that it will keep colds from progressing; that it quickly kills all mouth or throat germs, and that it reaches deeper into the throat than most gargles. These claims for Listerine Antiseptic are untrue, the complaint alleges.

Through the dissemination of its advertising, the complaint continues, respondent misleadingly represents that halitosis, or bad breath, is usually caused by the fermentation of food particles in the mouth and that Listerine Antiseptic quickly halts such food fermentation.

Actually, the complaint charges, comparatively few offensive breath odors arise from decayed food particles in the mouth and that Listerine Antiseptic in no way affects the usual sources of halitosis. (4232)

**Maine Spinning Company**—A manufacturer of yarns and a manufacturer of sweaters are charged in a complaint with misleadingly representing the constituent fiber of their products. The respondents are Maine Spinning Company, Skowhegan, Me., and Old Colony Knitting Mills, Inc., Hingham, Mass.

According to the complaint, the Maine Spinning Company represents that certain of its yarns are made of material imported from the British Isles, and are made in whole or in part of genuine Shetland wool. Such representations have been allegedly made to the Old Colony Knitting Mills, Inc., among others, in connection with the sale to it by the Maine Spinning Company of certain yarn which is used in the manufacture of sweaters. These sweaters are then allegedly represented by the Old Colony Knitting Mills, Inc., to be manufactured from imported yarns made of a blend of Scotch wool and Shetland wool, and from yarn made of genuine Shetland wool.

In truth, the complaint charges, the yarns sold by the Maine Spinning Company are not made of material imported from the British Isles, and are not made in whole or in part from genuine Shetland wool; and that sweaters sold by Old Colony Knitting Mills, Inc., are not manufactured from nor do they contain Scotch and Shetland wool. (4236)

**Masterkraft Guild Weavers, Inc.,** Asia Mohi Company, Ltd., and C. James Garofalo, president of both corporations, 295 Fifth Ave., New York, allegedly misrepresent, by means of designations such as "Hong Kong" and "Canton," that certain of their rugs are true Chinese Oriental rugs, and by designations such as "Mahah," "Kirma," "Numda," "Orienta" and "Bagdad" that other of their rugs are true Orientals or the true Indian "Numdah." In truth, the complaint charges, the respondents' "Hong Kong," "Mahah" and "Bagdad" rugs are made in Italy, and their "Canton," "Kirma," "Numda" and "Orienta" rugs are made in Belgium, of cotton, and on power looms.

The respondents further allegedly represent that certain of their rugs are reproductions and copies, except as to material, of true Oriental, Chinese Oriental, and Indian "Numdah" rugs, when in truth such rugs merely simulate them in appearance.

The complaint further charges that the respondents, by naming certain of their rugs "Chatham," "Dixie," "New Cape Colony" and "Old Cabin," represent that such products were made in the United States, when in truth they are of foreign origin.

Further alleged misrepresentations made by the respondents are that certain of the rugs sold by them were manufactured by the Masterkraft Guild Weavers, Inc.; that the Masterkraft Guild Weavers, Inc., is an association of weavers established for mutual aid in carrying out a common purpose; that certain of their rugs have been approved and accepted by a disinterested, independent agency qualified to pass judgment on such matters, and through use of the name "Wool-Tex," that other of their rugs are composed wholly of wool. (4237)

**Old Colony Knitting Mills, Inc.**—See Maine Spinning Company.

**Parr Sales Company**—Mitchell F. Brice, trading as Parr Sales Company, Vidalia, Ga., buying agent in the purchase of general merchandise, particularly foodstuffs, on behalf of the Tanner-Brice Company, Inc., is charged in a complaint with violation of the brokerage paragraph of the Robinson-Patman Act. Mitchell F. Brice allegedly owns and controls 83 per cent of the outstanding capital stock, and actively manages and conducts the business of the Tanner-Brice Company, Inc.

According to the complaint, Tanner-Brice Company, Inc., places orders for its merchandise with sellers through the Parr Sales Company. Since June 19, 1936, the Parr Sales Company has accepted from the sellers brokerage fees and commissions which represented a certain percentage (usually from 2½ per cent to 5 per cent) of the sales prices of such purchases.

It is charged in the complaint that the payment of brokerage fees and commissions by sellers to the respondent Mitchell F. Brice as a member of the brokerage firm trading as the Parr Sales Company, and the acceptance of such brokerage fees and commissions by the respondent upon the purchases of the Tanner-Brice Company, Inc., is in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4233)

**Stetson Felt Mills**—Meyer Dorfman and Arthur Cohler, trading as Stetson Felt Mills, 223 East 4th St., St. Paul, Minn., are charged in a complaint with the dissemination of misleading representations in the sale of felt rugs and felt pillows.

According to the complaint, the respondents misleadingly represent that they are affiliated with the John B. Stetson Company of Philadelphia and that their rugs and pillows are made from felt trimmings obtained from this widely known felt hat manufacturing concern.

The respondents further allegedly misrepresent that their rugs and pillows are fire-proof; that they are hand-made; and that the rugs and pillows shipped to purchasers will be of the grade and quality of the samples displayed.

It is further charged in the complaint that the respondents and their salesmen have adopted the practice of "padding" orders given them orally by purchasers by stating in the written order blank a quantity of goods greatly in excess of that actually contracted for by a particular purchaser, and then have attempted to collect larger sums of money than such purchasers originally agreed to pay, by threats to sue and other forms of intimidation. (4234)

**Wood & Hyde Company**, Gloversville, N. Y., is charged in a complaint with the dissemination of misleading representations in the sale of capeskin and cabretta glove leathers.

According to the complaint, the respondent company specializes in the tanning and manufacture of capeskin and cabretta glove leathers produced from sheepskins and sells the skins to various glove manufacturers. Formerly capeskin and cabretta leathers, the complaint alleges, due to the inferior methods of processing and tanning, had a heavy and coarse appearance, but about five years ago, the respondent began tanning such skins by an improved and secret process which produces a leather so similar in appearance to that of kid that only experts can distinguish gloves made of such leather from those made of genuine kid.

Each piece of leather sold and shipped to a glove manufacturer allegedly bears the label "KinKid", and glove manufacturers using the respondent's glove leathers are supplied with KinKid transfer stamps to be used in stamping the name "KinKid" on the inside of gloves manufactured from such products. It is further charged that KinKid leathers and gloves are marketed with no indication that they are produced from sheepskins and are not true kidskins.

The complaint alleges that the use of the trade name "KinKid" by the respondent in describing its leathers and gloves produced from the skins of sheep misleads the consuming public into the erroneous belief that such gloves are made from genuine kidskin. (4235)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Anthony Brice**—H. S. Bird, trading as Anthony Brice, 179 Sidney St., Cambridge, Mass., agrees to cease representing that his device known as "Vac-U-Massage Cup," "Vacu-Bell No. 1" and "Vac-Bell No. 2," enables one to massage all parts of the scalp; is a competent remedy or effective treatment for baldness or falling hair; has any therapeutic value in excess of a massage medium resulting in increased cutaneous circulation, or aids in the removal of surplus fat from the body. (02621)

**Bridgewater Workers Cooperative Association, Inc.**, Bridgewater, Mass., has entered into a stipulation in which it agrees to discontinue certain representations in the sale of shoes to cancellation shoe stores.

The respondent agrees to cease designating its product with the name or private brand of well-known advertised products of shoe manufacturers or shoe dealers so as to convey the belief to purchasers that the product is in fact such a well-known advertised article.

The respondent further stipulates that it will discontinue use of the words "Lord Kent English Custom Shoes" as descriptive of domestically made, machine-manufactured shoes so as to imply that they are of English make or are English custom shoes; from use of the words "Slater's Bench Made" as descriptive of machine-made products; and from use of the words "J. W. Stetson Quality Shoes" or the word "Stetson" so as to convey the belief to purchasers that its shoes are products made by or for or in accordance with the standards and specifications of the Stetson Shoe Co., Inc.

It was also stipulated by the respondent that it will desist from use of a price figure, the amount of which purports to be the retail selling price of shoes, when in fact, such indicated retail selling price is fictitious or much in excess of the price customarily asked for the shoes in the usual course of retail trade. (2906)

**El Dorado Hatchery**—J. M. Atkinson, trading as El Dorado Hatchery, El Dorado Springs, Mo., agrees to desist from stating directly or by implication, that chicks which are lost within 14 days after delivery will be replaced without cost to the purchaser, when such is not the fact. (02622)

**Embassy-Fairfax Dairy, Inc.**, 530 Seventh St., S. E., Washington, D. C., agrees to cease using the word "Guernsey" either alone or in connection with the word "milk" so as to imply that their product has been obtained exclusively from Guernsey cows. If, according to the stipulation, its product is composed in substantial part of milk obtained from Guernsey cows and in part of milk obtained from other cows, and the word "Guernsey" is used, then the fact that such milk is composed in part of milk obtained from other than Guernsey cows shall be made to appear conspicuously. (2905)

**James & Harwell, Inc.**, 1513 Chapman St., Houston, Tex., agrees to cease representing that polished rice is without substantial food value; that the nutritional value of its Uncle Ben's Rice is far superior to that of polished rice and contains all necessary food properties; that the nutritive elements of Uncle Ben's Rice are more nearly those of brown than polished rice, and that due to "Natural Milling," its rice has more nourishment. (02617)

**Treasure Research**—Findley Haile, trading as Treasure Research, San Bernardino, Calif., has entered into a stipulation with the Federal Trade Commission in which he agrees to discontinue certain representations in the sale of an instrument known as Aztec Mercuroid Earth Needle recommended for locating gold, gold ore, silver, silver ore and buried treasure.

According to the stipulation, the respondent agrees to cease representing that his device will enable one to locate gold, gold ore, silver, silver ore, other veins of ore, and buried treasure. (02620)

**Wonder Products Company**—Werner Walter, trading as Wonder Products Company, 334 Sixth St., N. E., Canton, Ohio, stipulates that he will discontinue representations that his cleaner and water softener known as "Wonder Glo" is manufactured by himself; contains no caustic soda or lye; is a most excellent antiseptic or germ destroyer; will eliminate the necessity of rubbing clothes when used in a tub of wash, or has any particular value as a shampoo other than to soften hard water. (2907)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**Lambert Pharmacal Company,** St. Louis, has been ordered to cease and desist from violating the Robinson-Patman Act in the sale of its "Listerine Antiseptic" and allied products by allowing to certain customers compensation for sales services or facilities furnished by them without making such payments available on proportionally equal terms to all other competing buyers of the Lambert products.

Commission findings are that the respondent company granted to certain wholesalers and retailers compensation for either carrying warehouse stocks or furnishing selling services and facilities, or both, as follows:

To one group of wholesalers, a sum equal to 10 per cent of the respondent's net billing prices of Lambert products sold by such wholesalers during the previous month.

To another group of wholesalers, five per cent of the previous month's purchases.

To a group of retailers, 10 per cent of the previous month's purchases.

To another group of retailers, for services and facilities less extensive than those supplied by the 10 per cent retailers, a sum equal to five per cent of the previous month's purchases.

It was found that the respondent corporation failed and refused to make available or pay compensation for similar services and facilities offered by other wholesalers and retailers competing with those dealers receiving the Lambert company's compensations. It was further found that some of the respondent corporation's customers who received compensation equal to five per cent of the previous month's purchases claimed that they were able and willing to furnish services and facilities for which the Lambert company paid their competitors 10 per cent of their previous month's purchases, but that the respondent corporation refused to accept their offers or to pay them the 10 per cent compensation.

In failing and refusing to pay the compensation requested in these instances, the respondent corporation, according to findings, failed to make such compensation available to all of its customers competing in the distribution of its commodities, on proportionally equal terms, thereby violating section 2 (d) of the Clayton Act, as amended by the Robinson-Patman Act.

The Commission's order specifically forbids the granting or allowing of the 10 and 5 per cent compensations to the wholesale and retail groups aforementioned unless such payments are made on proportionally equal terms to all competing buyers. The order also generally prohibits the allowing of any compensation to any customer for services or facilities furnished, unless such payments are made on proportionally equal terms to all competing buyers.

The Commission's case relates to operation of the respondent corporation's plan as it was in effect on March 29, 1939, the date of the Commission's complaint. (3749)

**Monarch China Company**—R. Frank Yancey, trading as The Monarch China Company, 703 Chestnut St., Greensboro, N. C., has been ordered to discontinue the dissemination of misleading representations in the sale and distribution of earthenware products including dinnerware sets designated by the respondent as "chinaware".

The Commission's order prohibits the respondent from representing that he is a manufacturer, or that he manufactures any of the products sold by him.

The order further forbids representations by the respondent that the prices at which his products are offered for sale constitute special or reduced or "clearance sale" prices, when they are in fact the customary and usual prices at which such products are sold in the normal course of business.

The respondent was also forbidden to represent, by the use of purported samples or otherwise, that his products are of a quality or value different from the actual quality or value of such products. (3410)

**Stromberg Ignition Company**—Henry O. Striker, trading as Stromberg Ignition Company, 14819 Charlevoix Ave., Detroit, has been ordered to discontinue the dissemination of misleading representations in the sale of an automotive device designated as "'Stromberg' Condenser" and as "'Stromberg' Master Condenser."

Findings of the Commission are that the respondent uses the word "Stromberg" as a trade name or brand for his product, such name being used without the authority or consent of the favorably known Stromberg Carburetor Company and Bendix Stromberg Carburetor Company who since 1907 have built up and enjoyed a valuable good will in the name "Stromberg" with respect to its automobile devices.

Further findings are that the respondent misleadingly represents that his device is capable of increasing the power of the motor; that its use eliminates spark plug trouble and saves the user oil and gasoline; that its users are able to drive up to 2,500 miles or more on a change of oil; that the use of his device reduces carbon and makes easier starting for the motor; that manufacturers of automobiles and gasoline motors have neglected the advancement and development of the ignition systems and that his product puts the ignition system in keeping with the other improvements made in motors; that an offer made to purchasers and prospective purchasers is a special thirty day offer which will expire at the end of that time and is more advantageous than that generally made, and that his device is approved and endorsed by a recognized automotive association which is equipped with laboratories for testing and approving various automotive equipment.

The Commission's order prohibits the respondent from making these representations and from using the name "Stromberg" or any other name similar in spelling or phonetic sound, as a trade name for doing business or as a brand name in designating his product. (4064)

**Trippe Manufacturing Company,** 564 West Adams St., and Trippe Sales Company, 600 West Jackson Boulevard, Chicago, were ordered to discontinue certain misleading representations in the sale of an electric auxiliary light known as "Trippe Safety Light" and "Trippe Speed Light."

The order forbids representations by the respondents that their light will penetrate and conquer fog, regardless of its density; that fog close to the ground is thin and less dense in all cases, or that their light cuts under and stays under the fog blanket in all cases.

Further representations forbidden by the order are that the respondents' light gives adequate illumination in fog, rain, mist or snow, regardless of the density, or that it affords the user 1,000 feet of visibility ahead under all conditions.

The order also prohibits the respondents from making claims that their light has been purchased or used by the United States Coast Guard officially, or by any other agency of the United States Government. (4037)

**Trippe Sales Company**—See Trippe Manufacturing Company.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 35, August 30, 1940

## THE WEEK IN WASHINGTON

Senator Tobey (R-N. H.) introduced a resolution calling for a Senate investigation of the FCC and the broadcasting industry, after long hearings on confirmation of Thad H. Brown for reappointment to the FCC. Confirmation of the Brown reappointment is still in the Senate Interstate Commerce Committee. (p. 4541.)

The House approved and sent to the Senate an excess-profits tax bill which the chairmen of the NAB legislative and accounting committees are studying. (p. 4542.)

A BMI tune made the Hit Parade last week. Name bands are making increased use of BMI music. (p. 4542.)

The NAB-Radio Council Survey of children's programs is continuing. Mrs. Lewis is starting on a trip to the West Coast. (p. 4543.)

The Code Committee has advised two New Orleans stations that the Code does not require acceptance of "better business bureau" advice. (p. 4543.)

The American Civil Liberties Union asks that all foreign language broadcasts be transcribed. (p. 4546.)

The Radio Manufacturers Association is cooperating with the NAB in obtaining set advertising for radio. (p. 4545.)

Chairman Fly of the FCC discusses movies, television and his proposed Defense Committee at a press conference. (p. 4547.)

# Legislation

## TOBEY ASKS BROADCASTING INVESTIGATION

Senator Tobey (R-N. H.) has introduced S. Res. 300 calling for an investigation "of any monopoly in radio broadcasting" and also of the FCC.

The resolution, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

"Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting or any phase thereof or in the production, sale, or distribution of radio receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation, to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

"For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman."

Introduction of the resolution followed the hearing on the confirmation of Thad H. Brown's reappointment to the FCC. No vote was taken on a report on confirmation at a meeting Thursday of the Interstate Commerce Committee. The committee adjourned subject to the call of Chairman Wheeler (D-Mont.) after an hour and a half's discussion.

## TOBEY QUESTIONS FCC

A letter was sent last week to each member of the FCC by Senator Tobey (R-N.H) asking for specific information as follows:

In going into the matters in connection with the hearing pending before the Interstate Commerce Committee regarding radio matters, there has come to me information that some members of the Federal Communications Commission have in the past received perquisites, gifts, favors or emoluments of one kind or another from either a radio station, one or more of the broadcasting

*(Continued on page 4542)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## TOBEY QUESTIONS FCC

*(Continued from page 4541)*

companies or systems, or R.C.A., or from officials of the foregoing, these sometimes taking the form of expenses being paid to different places, sometimes gifts of radio or television instruments, and other things.

I now write to ask if you will kindly advise me whether or not you have received any such favors, perquisites or gifts, and if so, will you kindly state the nature of these and the number in detail.

I am writing this letter to each member of the Commission in an entirely impersonal way, but to the end that this information may be secured.

Senator Tobey also sent a separate letter to Chairman Fly asking for substantially the same information about employees of the Commission.

## EXCESS PROFITS TAX

Chairman Doughton (D-N.C.) of the Ways and Means Committee, introduced a bill in the House Tuesday, August 27, which provides for (1) Excess Profits Tax, (2) 5-year amortization of plant and facilities occasioned by national defense activities, (3) suspension of profit limiting provision of the Vinson Act, and (4) amendments to Internal Revenue code.

The report of the Ways and Means Committee on the bill was read to the House on August 28 and the House approved the bill on August 29. It then went to the Senate.

The portion of the bill of interest to broadcasters is that of the Excess Profits Tax. The purpose of the tax is to eliminate during the period of national defense activities the amassing of war profits as was experienced in connection with the last war.

In applying the tax, corporations may select either of two methods in determining normal profits as a credit against excess profits. The first of these is the use of incorporate earnings during the period 1936 through 1939 to determine average profits. Earnings above this average would be subject to the Excess Profits Tax. The second method would be based on invested capital in the corporation, allowing a maximum of 10 per cent profit but mode definitely the per cent to invested capital which average earnings represent for the period 1936 through 1939. In both cases, an exemption of $5,000 increase in earnings will be permitted. In the case of corporations beginning operations after 1936, the invested capital method must be used. The rates of tax on the two methods are as follows:

| *Amount of Excess Profits* | *Rates of Tax* ** Average Earnings Method* | *Invested Capital Method* |
|---|---|---|
| First $20,000 | 25% | 20% |
| Next $30,000 | 30 | 25 |
| Next $50,000 | 35 | 30 |
| Next $150,000 | 40 | 35 |
| Next $250,000 | 45 | 40 |
| All over $500,000 | 50 | 45 |

* In addition to the higher tax rate on the average earnings method, there is also an increase of 4.1 per cent in the normal corporation tax.

John Kennedy, Chairman of the NAB Legislative Committee, and C. T. Lucy, Chairman of the NAB Accounting Committee, are studying the provisions of the Excess Profits Tax Bill to determine whether it will be necessary for the NAB to take part in the Senate hearings which Senator Pat Harrison, Chairman of the Senate Finance Committee, has announced will be held next week after the bill is sent to the Senate.

## BMI DEVELOPMENTS

### BMI FEATURE TUNES

**September 2-9**

1. **THE SAME OLD STORY**
2. **PRACTICE MAKES PERFECT**
3. **THERE I GO**
4. **MADAME WILL DROP HER SHAWL**
5. **SWINGIN' AT THE SEANCE**
6. **WE COULD MAKE SUCH BEAUTIFUL MUSIC**

The first BMI song to appear on the Lucky Strike Hit Parade was *Practice Makes Perfect* (August 24th). It is thus stamped as one of the ten most popular tunes in the country. It is being further buttressed in popularity by Kay Kyser's "Kollege of Musical Knowledge" and Ted Weems' "Beat the Band" program and other hit-spotting schedules.

This week it is tied for first place on Variety's list of the numbers most often played with a score of 36. *The Same Old Story* appears a little further down with 21, followed by *We Could Make Such Beautiful Music,* showing up for the eighth week, with 19, and *There I Go* with 16. Because the latter has taken such a grip on the public it has been moved up into third place on BMI's own feature list, and because *Beautiful Music* is holding on so remarkably it is once more added to the list.

*Madame Will Drop Her Shawl* and *Swingin' at the Seance,* two of the newer numbers, are beginning to make talk about themselves and they are destined for the hit lists along with the rest of the current feature tunes.

"Don Roberts," who is credited with the words for *Practice Makes Perfect,* is a mythical person, a combination of Don McCray and Robert Sour, who have written so many other successful BMI songs. Bob Sour is not a newcomer in the ranks of leading hits. He wrote the lyrics for the sensational success, *Body and Soul,* a few years ago.

BMI subscribers will also recognize the name of Ernest Gold, the composer of *Practice Makes Perfect,* who also wrote *Here In the Velvet Night, Pied Piper, Jr.,* and a number of other BMI tunes. He is the brilliant young nineteen-year-old whose first song was published this spring by BMI.

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Still they come! BMI welcomes to its list of subscribers two more stations:

WSIX, Nashville, Tennessee.
KAND, Corsicana, Texas.

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Tommy Dorsey has been creating a sensation with his Amateur Songwriters' Contest. The conditions of the contest provide that each song submitted must be written by persons who have never before written words or music of a professionally published song. Three songs each week are being performed by Tommy Dorsey and receive prizes of $25, $15, and $10 respectively. In addition, the first prize song of each week is to be published by BMI, which has the right to publish any song submitted if it so desires.

Manuscripts have poured in by thousands from every State in the Union. In response to requests, more than 3,000 application blanks have been mailed out in a single day. Twenty-five people examining the manuscripts have not been able to keep up with the incoming mail.

The program, which has been on WEAF on Saturdays from 5 to 6 p. m., has been so remarkably successful in attracting interest that it has now acquired a sponsor, the Lewis Howe Co. of St. Louis, Missouri. Beginning on October 3rd it will be carried by NBC at 9 p. m., following the *Pot of Gold* program. In its new spot the program is to be known as *Fame and Fortune.*

The winning songs for the first five weeks, which will be published by BMI, are the following:

*Why Am I Still Dreaming,* by Mabel Toole,
*At Last a Little Love,* by Charles O'Neil and Joseph L. Peluso,
*Falling in Love,* by Jack Simmons and John Antrim,
*Often,* by Arnold Sucherman,
*The Thoughtless Things I Do,* by Judy Park.

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RCA-Victor releases on August 30, a recording by Dick Todd of *We're All Americans, All True Blue,* by James T. Mangan (record number, B-10840). This number is published by the Bell Music Company, but BMI has acquired the performance rights. Mr. Mangan is Director of Advertising and Merchandising for the Mills Novelty Company of Chicago, one of the large manufacturers of automatic phonographs, and is well known throughout the industry. His song is the first popular number of the patriotic type to go into the BMI catalogue.

BMI has received strong and welcome evidence of the concern of the automatic phonograph industry in the effort to create an open and competitive market for music and of the desire of phonograph operators to have BMI music made available to them in record form. The number of such records is now growing every week and will be greatly strengthened by this new patriotic number.

A list of all phonograph records of BMI music obtainable in the retail shops is to be given out shortly for the information of BMI subscribers.

# The Code

## NAB RADIO COUNCIL SURVEY OF CHILDREN'S PROGRAMS

Continuing the field survey in 44 states begun last spring in conjunction with the Radio Council on Children's Programs, Mrs. Dorothy Lewis, vice chairman, former advertising agency writer, and nationally known club woman, starts on a journey September 9 that will take her to stations through the mid-west, far west, Pacific Coast, Texas and the southwest, returning through the southern states to complete her trip December 20 reporting to NAB headquarters.

The Radio Council on Children's Programs was set up voluntarily last year by the outstanding women's, teacher and library organizations to cooperate with NAB in the improvement of children's programs as outlined in the NAB Code. Stations visited are very high in their praise of Mrs. Lewis and her work. She is interested in securing from each station a report on their experience with children's programs, especially from the standpoint of the children's own reaction. She is likewise interested in merchandising tactics which have been successful in this field. The result of her findings will be made available next winter to advertising agencies and clients. The Radio Council, a non-profit, public service organization, is prepared to throw its full support to commercially sponsored radio programs which conform to the standards for children's programs set up in the NAB Code. Further information about the Council may be found in the NAB Code Manual.

Where local women and civic clubs have not already set up luncheon meetings or conferences, stations in the same city have found it most helpful to arrange such luncheons themselves. This is a matter, of course, subject to individual station desires.

Below we publish the itinerary of Mrs. Lewis which has just come to us from the RCCP:

### SCHEDULE—FALL TRIP—1940—RADIO SURVEY

NOTE: Where conferences are indicated, it is expected that all Radio Chairmen of women's organizations, educators, children's librarians, representatives of advertising agencies and nearby Radio Stations, sponsors and prospect sponsors of children's programs, will attend. A local club woman will act as chairman and cooperate with the local station managers in arranging the meeting. Each person should pay for his own luncheon or dinner, except where the station makes it a practice to hold such meetings and might wish to use this occasion for one of them, acting as host.

*September 9, Monday.*—Noon Luncheon, Syracuse, N. Y. P. M. to Rochesster, Evening Conference.

*September 10, Tuesday.*—Buffalo. Noon Conference. P. M. to Cleveland.

Buffalo Conference Chairman, Mrs. Frank Messenger, Town Club, Town Club, Buffalo, N. Y., cooperating with the New England Women.

*September 11, Wednesday.*—A. M. Survey stations in Cleveland. P. M. Meeting with address, D. A. R. Chapter.

Cleveland Conference Chairman, Mrs. Charles Dickey Dyer, 2581 Berkshire Road, Cleveland Heights, Ohio, and New England Women's Society.

*September 12, Thursday.*—A. M. Survey, continued. Noon Conference—Representatives from stations in Akron, Canton and Youngstown. P. M. to Toledo.

*September 13, Friday.*—A. M. Survey stations, Toledo. Noon Conference. P. M. to Columbus.

Toledo Conference Chairman, Miss Alice Kinsey, 4150 Overland Park; Mrs. Floyd Dewey, 2021 Shenendoah Road; and Mrs. Helen Buchanan Bruyers, 539 Winthrop Street, Toledo, Ohio.

*September 14, Saturday.*—A. M. Columbus. Noon Conference—Representatives from Zanesville station. P. M. Survey, continued.

Columbus Conference Chairman, Mrs. D. C. Bryant, 2053 Iyka Ave., Columbus.

*September 15, Sunday.*—Dayton, Noon. P. M. to Cincinnati.

*September 16, Monday.*—A. M. Cincinnati. Noon Conference. P. M. Survey, continued.

Cincinnati Conference Chairmen, Mrs. M. Y. Newcomb, 1722 Fairfax Ave., Walnut Hill, Cincinnati, Ohio, and Mrs. L. F. Hobart, 3130 Fairfield Ave.

*September 17, Tuesday.*—A. M. to Indianapolis. Noon Conference. P. M. Survey, Indianapolis.

Indianapolis Conference Chairman, Mrs. George Jacqua, 203 E. Washington, Winchester, Indianapolis, Indiana.

*September 18, Wednesday.*—A. M. Survey, continued. Noon to Elkhart.

Mail Address: Mr. R. R. Baker, Station WTRC, Elkhart, Indiana.

*September 19, Thursday.*—A. M. Survey Elkhart. Noon Survey South Bend and Gary. P. M. to Chicago.

*September 20, Friday.*—A. M. Chicago. Noon Conference. P. M. Survey, continued.

Chicago Conferences Chairmen: Mrs. William Bruckner, 307 S. Lincoln, Hinsdale, Illinois; Mrs. Willis Grant Murray, Kenwood Hotel, Chicago; Miss Lavinia Schwartz, Station WBBM, Chicago.

*September 21, Saturday.*—Chicago Survey, continued.

*September 23, Monday.*—Chicago Survey, continued.

*September 24, Tuesday.*—A. M. Chicago Survey, continued—Survey Joliet Representatives from Aurora.

*September 25, Wednesday.*—Peoria. Noon Conference. Representatives from Bloomington, etc.

Peoria Conference Chairman, Mrs. MacFarland, Station WMBD, Peoria.

*September 26, Thursday.*—Springfield. 11 A. M. Conference. Representatives Stations, Champaign, Decatur, Quincy, Tuscola and Danville.

*September 27, Friday.*—A. M. Survey St. Louis. Noon Conference. Representatives from East St. Louis, Illinois; Poplar Bluff; Cape Girandeau.

St. Louis Conference Chairman, Mrs. G. Brandt Leitch, 6113-A Pershing Ave., St. Louis.

*September 28, Saturday.*—Columbia. P. M. Survey.

*September 30, Monday.*—Noon Conference. Representatives from Kansas City, Kansas; Sedalia, Missouri; Pittsburgh, Pennsylvania, and Lawrence, Kansas.

Kansas City Conference Chairman, Miss Helen Smith, c/o Mrs. Truitt (see above address) and Mrs. J. H. States, 3308 E. 60th St., Kansas City.

*October 1, Tuesday.*—Topeka. 10 A. M. Conference and Survey Topeka. Representatives from Salina. Noon Emporia. P. M. to Wichita.

*October 2, Wednesday.*—A. M. Survey Wichita. Noon Conference. Representatives from Great Bend. P. M. to Dodge City.

*October 3, Thursday.*—A. M. Dodge City to Lamar, La Junta and Pueblo, Colorado.

*October 4, Friday.*—A. M. Pueblo to Denver. Noon Conference, Denver.

*October 5, Saturday.*—A. M. Denver. P. M. Boulder.

*October 7, Monday.*—Cheyenne, Wyoming. Noon Conference. Representatives from Scottsbluff and North Platte, Nebraska, and Casper, Wyoming.

Cheyenne Conference Chairman, Mrs. J. L. Jordon, Cheyenne, Wyoming.

*October 8, Tuesday.*—Evening Conference, Rock Springs.

Rock Springs Conference Chairman, Mrs. Herbert Webster, Rock Springs.

*October 10, Thursday.*—A. M. Salt Lake City survey. Noon Conference, Representatives from Provo and other nearby stations, Ogden.

Salt Lake City Chairman, Mrs. Walter Hassler, Provo, Utah, and Mrs. H. A. Dittman, 608 Harrison Ave., Salt Lake City; Mr. Earl Glade, KSL, Salt Lake City.

*October 11, Friday.*—Ogden. Noon Conference with Mrs. J. H. Pecenbaugh, 2827 Van Buren Ave., Ogden, Utah. P. M. to Logan and Pocatello, Idaho.

*October 12, Saturday.*—P. M. to Idaho Falls.

Conference Chairman, Mrs. B. S. Arrington, Pocatello, Idaho.

*October 15, Tuesday.*—A. M. Butte Survey. P. M. to Helena, Montana.

*October 16, Wednesday.*—A. M. Helena, Representatives from Great Falls. Noon to Missoula.

Helena Conference Chairman, Mrs. Dolly D. Burgess, Helena, Montana.

*October 17, Thursday.*—A. M. Wallace. At 11 o'cock to Spokane, Washington. P. M. Dinner Conference and survey.

Spokane Conference Chairmen, Mrs. P. H. Brady, 1725 W. Pacific Ave., Spokane, and Mrs. H. E. Doelle, Vista Court Apartments, Spokane.

*October 18, Friday.*—A. M. to Seattle, Wenatchee survey en-route.

*October 19, Saturday.*—A. M. Seattle survey. Noon Conference.

Seattle Conference Chairman, Mrs. Ruth Haller Ottaway, Gainsborough Apartments, Seattle, Washington.

*October 21, Monday.*—A. M. Seattle to Tacoma. Noon Conference. Representatives from Olympia.

Tacoma Conference Chairman, Mrs. Walter M. Snell, 810 South G Terrace, Tacoma, Washington.

*October 22, Tuesday.*—A. M. Tacoma to Portland, Oregon.

*October 23, Wednesday.*—A. M. Survey Portland. Noon Conference. Representatives from Vancouver, Washington.

Portland Conference Chairmen, Mrs. Sue K. Woodward, 1831 N. E. Hancock; Mrs. Kletzer, PTA, National President; Mrs. Sadie O. Dunbar, President, General Federation of Women's Clubs.

*October 24, Thursday.*—A. M. Portland to Medford. Survey stations in Salem, Eugene, Roseberg and Grants Pass.

*October 25, Friday.*—A. M. Survey Medford; Chico, California.

*October 26, Saturday.*—Sacramento. Noon Conference. P. M. survey Sacramento 2 stations.

Sacramento Conference Chairman, Mrs. Ralph Parker, 2100 Marshall Way, Sacramento, California.

*October 28, Monday.*—Berkeley. Noon survey Oakland. Luncheon Conference with Mrs. Kathleen D. Thompson, 2140 27th Ave., Oakland. P. M. to San Francisco.

*October 29, Tuesday.*—A. M.-P. M. Survey.

*October 30, Wednesday.*—Noon Conference. Representatives from San Jose, Monterey and Santa Rosa.

San Francisco Conference Chairman, Mrs. Alice May Baker, 285 Oak Street, San Francisco, California.

*October 31, Thursday.*—Merced survey. P. M. to Yosemite.

*November 2, Saturday.*—A. M. to Fresno survey. Noon to Sequoia.

*November 3, Sunday.*—A. M. to Los Angeles via Visalia and Bakersfield.

*November 4, Monday.*—A. M. Optional from Sequoia to Los Angeles as scheduled on November 3 or Los Angeles.

*November 6, Wednesday.*—Southern California Conference Chairmen, Mrs. W. H. Boyd, 1255 E. 2nd Street, Long Beach, Calif.;

Director of Radio, Mrs. Elizabeth Goudy, L. A. County; New England Colony, Radio Chairman, S. California.

*November 9, Saturday; 10, Sunday; 11, Monday.*—Conferences to be set up by different groups.

*November 12, Tuesday.*—Mail Address: Mr. Don Gilman, National Broadcasting Company, Hollywood, Calif.

*November 14, Thursday.*—Mr. Calvin J. Smith, Station KFAC, Los Angeles, Calif.

*November 15, Friday.*—Dr. Henry A. Hoit, 1244 N. Michigan Ave., Pasadena, Calif.

*November 16, Saturday.*—A. M. Pasadena to San Diego. P. M. Tea Conference and survey.

Tea Conference Chairmen, Dr. Vera George, 1530 Fort Stockton Dr.; Mrs. R. A. Potter, 822 Santa Clara Pl., Mission Beach; Mrs. Cool, President, N. E. Women.

*November 18, Monday.*—A. M. El Centro. P. M. to Yuma.

*November 19, Tuesday.*—Phoenix.

Phoenix Conference Chairmen, Mrs. Walter Johannessen, 917 W. Moreland; Mrs. W. H. Timmerhoff, 116 S. Mt. Vernon, Prescott.

*November 20, Wednesday.*—A. M. Phoenix. Noon Conference. Representatives from Prescott and Globe. P. M. Safford.

*November 21, Thursday.*—El Paso, Texas.

El Paso Dinner Conference Chairman, Mr. Karl O. Wyler, Station KTSM.

*November 22, Friday.*—El Paso to Albuquerque, N. Mex.

*November 23, Saturday.*—Albuquerque. Noon Conference. P. M. to Santa Fe survey.

*November 25, Monday.*—Santa Fe to Amarillo. Dinner Conference.

Conference Chairman, Mrs. J. E. Griggs, 1417 Harrison Street, Amarillo.

*November 26, Tuesday.*—Oklahoma City. Dinner Conference.

Dinner Conference Chairmen, Mrs. Winnie Sanger, Key Building, Oklahoma City; Mrs. I. L. Huff.

*November 27, Wednesday.*—Wichita Falls, Texas. Noon Conference. P. M. to Fort Worth.

Conference Chairman, Mrs. Grace C. Johnson, Iowa Park Road, Wichita Falls.

*November 28,* Thursday.—Fort Worth and Dallas.

*November 29, Friday.*—Fort Worth and Dallas.

Conference Chairmen, Mrs. James E. Gardiner, 1917 Ashland Ave., Fort Worth; Mrs. Joseph Perkins, Eastland, Texas; and Dr. Minnie L. Maffett, Dallas, Texas.

*December 1, Sunday.*—A. M. Fort Worth to Austin, Waco en route. P. M. Tea Conference, Austin.

Tea Conference Chairman, Mrs. George Cox, 2200 Parkway, Austin, Texas.

*December 2, Monday.*—Austin Survey. P. M. to San Antonio Survey.

Noon Conference Chairman, Mrs. W. H. Barker.

*December 3, Tuesday.*—Houston.

*December 4, Wednesday.*—P. M. to Beaumont.

*December 5, Thursday.*—Beaumont to New Orleans, La. Survey en route Lake Charles.

*December 6, Friday.*—A. M. Survey New Orleans. Noon Conference. Representatives from Alexandria and Baton Rouge.

Noon Conference Chairman, Mrs. J. E. P. Wilkinson, 1224 St. Charles Ave.

*December 9, Monday.*—A. M. Jackson. Conference 10 A. M. Representatives from Vicksburg, Laurel and McComb. 11 A. M. to Tuscaloosa, Ala. Dinner Conference and Survey.

Chairman P. M. Conference, Mr. John Carlile, University of Alabama, Tuscaloosa.

*December 10, Tuesday.*—A. M. Tuscaloosa to Birmingham. Noon Conference. Representatives from Montgomery. P. M. Survey, continued.

Conference Chairmen, Mrs. M. E. Moreland, 3410 Norwood Blvd., Birmingham; Mrs. Woolsey Jones, 3525 S. 8th Ave., Birmingham; and Mrs. H. G. Tew, 914 S. Lawrence St., Montgomery, Ala.

*December 11, Wednesday.*—Birmingham to Decatur. P. M. to Nashville, Tennessee.

*December 12, Thursday.*—Nashville. Noon Conference. P. M. Survey, continued.

Conference Chairman, Mrs. Arch Trawick, 2501 Ashwood Ave., Nashville, Tenn.

*December 13, Friday.*—A. M. Nashville to Louisville, Ky., Bowling Green en route.

*December 14, Saturday.*—Louisville. Noon Conference. Representatives from Lexington, Ky.

Conference Chairmen, Mrs. John Heil, 1623 S. 3rd St., Louisville; Mrs. A. R. MacEldowney, 1309 Richmond Road, Louisville.

*December 15, Sunday.*—Lexington and Ashland Survey.

*December 16, Monday.*—A. M. Ashland to Huntington, W. Va. Noon to Charleston.

*December 17, Tuesday.*—Charleston. Noon Conference. Representatives from Huntington.

Conference Chairmen, Mrs. Nelson Webster Turner, 615 Dixie St.; Mrs. George McAlpin, 1584 Virginia St., Charleston; and Mr. John A. Kennedy, Station WCHS.

*December 18, Wednesday.*—A. M. Charleston to Clarksburg, Parkersburg en route.

*December 19, Thursday.*—A. M. Clarksburg Survey, 1 station. Noon Informal Conference. Representatives from Wheeling and Fairmount.

Conference Chairman, Mrs. George M. West, 315 Washington Ave., Clarksburg.

*December 20, Friday.*—Clarksburg to Washington.

*December 21, Saturday.*—Washington.—NAB Headquarters.

## ADVERTISING PROBLEM

The Code Committee last week was asked by stations WSMB and WWL, New Orleans, for an opinion regarding a type of advertising claim made by a local furniture store in its radio continuity. The letter from the stations outlining the case was as follows:

"Gentlemen:

The Better Business Bureau and ourselves are having an honest difference of opinion regarding certain radio continuity now being used by a furniture store here. The continuity reads:

> '. . . is neither a finance company nor a corporation, but an individually owned store that does its own financing. When you buy from . . ., you pay no exorbitant interest rates or hidden charges.'

The BBB admits that all this is true, but say that other furniture stores object to that type of advertising, and that by inference it is derogatory to competitors; therefore they have ruled that it is contrary to the advertising code.

We contend that it is hard to refuse truthful copy, that it borders on censorship, and that it would be inconsistent for us to allow advertising on network programs and refuse substantially the same type of copy to our local advertisers. The networks regularly broadcast "contains no harmful ingredients" and a certain cigarette "contains no harsh irritants". Also that "They are toasted" and are "Kind to your throat", which infers that some others are not.

The ruling we would like to get from you is:

1. Whether the advertising given above by . . . is a violation of the present Broadcasters' Code.
2. If not, does our Code stipulate that we should abide by local rulings on the Advertising Code or Furniture Rules of Ethics, etc.

Hoping to hear from you, and with kind regards, we are

WWL Development Co., Inc.,
W. H. Summerville, Manager.

WSMB, Inc.,
H. Wheelahan, Manager"

The Code Committee's reply:

"Gentlemen:

In considering the application of the Code to the radio continuity of this advertiser, the Code Committee has based its opinion upon the copy submitted in your letter of August 15:

> '. . . is neither a finance company nor a corporation, but an individually owned store that does its own financing. When you buy from . . ., you pay no exorbitant interest rates or hidden charges.'

The Committee finds that there is nothing in the NAB Code to prevent a statement of fact or truth in advertising copy. The burden of deciding what the facts are rests clearly on the broadcaster. The Committee feels that a statement of fact cannot be construed as constituting an unfair attack upon competitors, competing products or upon other industries, professions or institution" as provided for in the Code.

There is nothing in the Code that stipulates that radio stations should or should not abide by local rulings on the Advertising Code or Furniture Rules of Ethics, etc. Their opinion might well be taken into account in resolving questions of judgment and in developing wholesome trade practices. However, in any difference of opinion the broadcaster must be the final judge because as the licensee, he and he alone is held accountable for what is broadcast over his station.

Sincerely,
Ed Kirby, *Secretary,*
Code Compliance Committee".

## Foreign Language Broadcasts

Headquarters has received a copy of the following letter addressed to Commander T. A. M. Craven, FCC, by Quincy Howe, of the American Civil Liberties Union:

"August 22, 1940.

Mr. T. A. M. Craven
Federal Communications Commission
New Post Office Building,
Washington, D. C.

Dear Mr. Craven:

We understand that Station WHIP has banned the German Hour Program of the Einheits Front. In cancelling the commercial broadcast, the Station stated that such action was taken "because the German Hour as now being presented is of such controversial nature as to make it unacceptable to many Americans."

The Council disapproves of the discussion of controversial matters on commercial programs. Such programs, as under the NAB Code, should be handled on sustaining time with opportunity of discussion for other views.

The difficulty in dealing with foreign language broadcasts, however, is that it is often impossible to ascertain or prove what in fact has been said. Thus in the case of Station WHIP it is alleged that the German Hour, in advising the audience of the Chicago "Keep America Out of War" meeting twice broadcast:

> "I bring a pressing summons to all members and to all listeners to the United Front Radio Hour to do their duty by attending the great mass meeting in Soldiers Field. Entrance is free and the speakers are Col. Lindbergh and Senator Bennett Champ Clark. None dare or should fail."

Whether the above quotation is an accurate report or translation cannot, as a practical matter, be conclusively proved even if scripts are supplied, since there is always the possibility of interpolation. It would seem to us that one way to meet the problem of foreign language broadcasts is by a regulation requiring stations to have recordings made of all such programs. Such a requirement would very likely, in our opinion, provide all interested persons and government agencies with a record of what was in fact broadcast.

Because we deem this a vital matter, we sincerely request that hearings be held by the Commission to ascertain both the advisability and practicability of requiring recordings of foreign language broadcasts.

Sincerely yours,
(Signed) Quincy Howe,
*Chairman.*

## Promotion

### RMA COOPERATION

Following the recent Radio Manufacturers Association bulletin to members urging that distributors and dealers be supplied with broadcast copy, Bond Geddes, executive vice president, reports that the request has already been complied with by a number of companies.

This voluntary action by the Radio Manufacturers Association automatically places broadcast salesmen on an equal competitve basis with newspaper salesmen for the dealers' 50-50 cooperative advertising allotment.

### NATIONAL DEFENSE

Three broadcasting stations which have been using man-power announcements from the beginning, not previously reported, are:

**DISTRICT 3**

Pennsylvania
WPIC—Sharon

**DISTRICT 5**

Alabama
WHBB—Selma

**DISTRICT 10**

Missouri
KSD—St. Louis

This brings to 612 the number of stations that are banded together to locate skilled workers for national defense.

The United States Civil Service Commission last week distributed 10,000 "Men Wanted" posters. Five thousand were sent to police stations to enlist the aid of patrolmen, who, in a great many instances, know heads of families out of work who may be competent to handle some of the jobs that are open. The second 5,000 will be displayed in the 5,000 first and second class post offices throughout the United States.

### SERVICEMEN'S QUALIFICATIONS

Suggested qualifications for Radio Servicemen's organizations, formulated by the NAB engineering committee, were approved by the NAB Executive Committee at the 18th annual convention in San Francisco.

The committee's findings, forwarded by John V. L. Hogan, chairman, were adopted without change.

The qualifications were prepared only as a guide to stations for use in determining whether a radio servicemen's organization is reliable enough to warrant the station entering into a cooperative plan for encouraging the public to keep sets in proper repair.

The suggestions cover five general subjects:

1—Code of ethics and by-laws.
2—Standards of admission.
3—Standards of conduct.
4—Guaranteed service plan.
5—Method of self-policing.

The recommended requirements for each are discussed in the complete document which will be mailed direct to member stations.

## NEW BUSINESS POSSIBILITIES

Two "free offers" and four cost-per-inquiry proposals have been reported to the NAB Bureau of Radio Advertising by members during the past month. Surprisingly enough, several well-known advertising agencies are included among the concerns seeking free time for commercial purposes, or asking for guaranteed advertising, and the Bureau has written them pointing out that such requests hardly serve to further the mutual interests of agencies and media.

The Bureau has invited the following concerns to use radio advertising on a regular basis:

M. Barrows & Company, Inc., 286 Fifth Avenue, New York (Toll House Cook Book)
Hays, MacFarland & Company, 333 N. Michigan Ave., Chicago (United Wall Paper Factories, Inc.)
H. C. Morris & Company, Graybar Bldg., New York (The Book-a-Week Club)
National Classified Advertising Agency, Youngstown, Ohio, (Air Conditioning Training Corp.)
Arthur Rosenberg Company, 570 Seventh Ave., New York
Weinberg-Weinberg-Alpern, 1400 Broadway, New York (Sensibly Young Fashions)

Member stations may wish to have their representatives follow up all these companies for possible new business, since they have shown themselves interested in the power and influence of radio advertising.

## NOTICE TO MANAGERS

The Burns Detective Agency and two Seattle radio stations are looking for a young man who appeared in Seattle several months ago, and obtained temporary radio work, leaving town with many unpaid bills, and some of the station's property. The young man gave his name as Jack MacDonald and gave WLW as a reference. He is unknown at WLW.

His description: five feet ten inches tall, dark brown straight hair, dark eyes, dark complexion, suave appearance and manner, wears English tweeds, has good knowledge of radio and fine announcing voice.

Any station knowing of this person is asked to communicate with NAB headquarters.

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Any station approached by a person who represents himself as Graham Grigg, President of the Grigg Brothers Company, a packing house near Salisbury, Md., will be interested to know the following: There is no such company in Salisbury, Md. A Washington, D. C., bank given as reference never heard of him. In Philadelphia recently this gentleman secured dental service in the amount of $50.00 on his representation that he was a client of a radio station there.

## MILLER TO GEORGIA

Neville Miller will attend a meeting of the Georgia Association of Broadcasters scheduled for September 10 in Macon.

# FEDERAL COMMUNICATIONS COMMISSION

## FLY TALKS ON TELEVISION AND DEFENSE COMMITTEE

James Lawrence Fly, FCC chairman, at a press conference on Monday discussing the communications defense committee which has been on the fire for a long time expressed the opinion that this committee might materialize within "a week or so."

Mr. Fly too told the newsmen that he had been looking into the defense committee since his return from the NAB convention and has the impression that no serious question has developed. He said that in the early days of the talk of this committee some of the broadcasters of the country were alarmed but they have now been reassured that this is not primarily a broadcast matter but largely a communications matter involving relationship of all services to national defense. The matter is now before the President, Mr. Fly said, for his action.

Chairman Fly told the correspondents that he had been much impressed by his visit to motion picture producing lots when he was on the West Coast recently, particularly with the possible coordinated relationship between motion pictures and television. Mr. Fly said that he now thinks that conceivably too little emphasis may have been laid on the production of television and he said that he had not appreciated all the motion pictures offer from that point of view.

Mr. Fly's thought is apparently that there is a tremendous lot of equipment, personnel and materials in the hands of motion picture producers which can and should be drawn into television production. He said that he feels sorry that there are not more applications for television stations from the motion picture industry on file at the FCC.

Mr. Fly said that he was impressed most of all on the motion picture lots with the manner in which the movies are prepared to move in and do a job as compared with the lack of facilities at television studios. In some way, the chairman said, television could and should utilize some of the things that the movies have to offer.

## FCC LABOR RELATIONS ADVISER

Sidney D. Spear, assistant to the legal adviser of the State Department, has been appointed to the Law Department of the FCC to advise on matters involving employment and labor problems in relation to the regulation of communications.

Mr. Spear's background is labor economics and research, and he is completing a chapter on international communications for the Digest of International Law.

Born in Seattle March 16, 1909, Mr. Spear was graduated from the University of Washington, magna cum laude, with A.B. degree in 1931. He had graduate work in psychology and sociology and was Assistant Dean of Men at the University of Washington until 1934. He received his LL.B from Harvard in 1937.

In his service with the State Department, since 1937, Mr. Spear has specialized in the legal aspects of electrical communications.

## TELEVISION STATION FOR CROSLEY

The Crosley Corporation, Cincinnati, Ohio, has been granted a construction permit by the FCC for a new television broadcast station in that city. The proposed station, at Vine and Fifth Streets, will operate experimentally on television channel No. 1 (50,000 to 56,000 kilocycles) with 1 kilowatt aural and visual power, A3 and A5 emission.

It was among the applications tentatively approved in June subject to proper showing of programs of research and development, including engineering experimentation tending to develop uniform transmission standards of acceptable technical quality. The Crosley station intends to work with a transmitting system in which the picture is composed of 30 frames per second interlaced. Tests will be conducted with 441 and 507 lines as well as an intermediate number of lines. It also contemplates research on wave forms, and experimentation on various types of antennas and the effect of vertical and horizontal polarization.

The initial cost of the station is estimated to exceed $100,000.

## FCC ASSIGNMENTS

The FCC announces that the work, business and functions of the Commission for the month of September have been assigned as follows:

Commissioner Payne: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Craven: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, September 2. They are subject to change.

### Wednesday, September 4

NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—C. P., **1150 kc.,** 250 watts, daytime.

NEW—Helen J. Walton and Walter Bellatti, Jacksonville, Ill.—C. P., **1150 kc.,** 250 watts, daytime.

### FUTURE HEARINGS

Following future hearings and oral arguments in broadcast cases have been scheduled by the Commission during the past week. They are subject to change.

### September 19

Oral Argument Before the Commission

Report No. B-110:

KGKB—East Texas Broadcasting Co., Tyler, Tex.—In re: Revocation of Station License of KGKB.

Report No. B-108:

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.

Report No. B-99:

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—C. P., **1220 kc.,** 1 KW night, 5 KW LS, shares time with KFKU.

### September 26

Reargument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, **1410 kc.,** 1 KW, unlimited time; and auxiliary, **1410 kc.,** 500 watts, 1 KW LS. Time: Auxiliary purposes only.

Oral Argument Before the Commission

Report No. B-99:

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—C. P., **1220 kc.,** 1 KW night, 5 KW LS, shares time with KFKU.

### September 30

NEW—George F. Meyer, Medford, Wis.—C. P., **1500 kc.,** 100 watts night, 100 watts LS, unlimited time.

WAPI—Alabama Polytehnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.,** 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

### October 7

KDKA & Auxiliary—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Renewal of license, and auxiliary, **980 kc.,** 50 KW night, 50 KW LS, unlimited time.

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Renewal of license, **990 kc.,** 50 KW night, 50 KW LS, unlimited when synchronized with station WBZA.

WBZA—Westinghouse Electric & Mfg. Co., Boston, Mass.—Renewal of license, **990 kc.**, 1 KW night, 1 KW LS, unlimited when synchronized with station WBZ.

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Renewal of license, **1020 kc.**, 10 KW night, 10 KW LS, unlimited time.

### October 15

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, **1310 kc.**, 100 KW night, 250 KW LS, unlimited time.

### October 21

WGY & Auxiliary—General Electric Company, Schenectady, N. Y.—Renewal of license, and auxiliary, **790 kc.**, 50 KW night, 50 KW LS, unlimited time.

### October 23

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.**, 1 KW night, 1 KW LS, unlimited time (DA night).

### October 28

WHCU—Cornell University, Elmira, N. Y.—Renewal of license, **850 kc.**, 1 KW, daytime.

### November 12

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.**, 50 KW night, 50 KW LS, specified hours.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

Crosley Corp., Cincinnati, Ohio.—Granted construction permit for new television broadcast station to operate on the frequencies **50,000** to **56,000 kc.** (television Channel No. 1), on an experimental basis only, conditionally, with power of 1 KW aural and visual, A3 and A5 emission (B2-PVB-23).

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Granted construction permit to install new tarnsmitter, change frequency from **1420 kc.** to **590 kc.**, increase power from 250 watts unlimited to 1 KW unlimited, and install directional antenna for night use (B2-P-2711).

The Tribune Company, Tampa, Fla.—Granted construction permit for new broadcast station to operate on **940 kc.**, 1 KW night, 5 KW day unlimited time, using directional antenna at night; granted with conditions (B3-P-2866).

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit to change hours of operation to unlimited and reduce night power from 5 KW to 1 KW with directional antenna; **1050 kc.**, 5 KW power day (B4-MP-896).

WLOK—The Fort Industry Co., Lima, Ohio.—Granted construction permit to increase power from 100 watts to 250 watts, unlimited as a Class IV station; frequency **1210 kc.** (B2-P-2506).

Midwestern Broadcasting Co., Traverse City, Mich.—Granted construction permit for new broadcast station to operate on **1370 kc.**, 250 watts power, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval (B2-P-2565).

W. Montgomery Harison, Augusta, Ga.—Granted construction permit for new broadcast station at Augusta, Ga., to operate on frequency **1420 kc.**, 250 watts power, unlimited time (B3-P-2872).

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to CKLW and other Canadian stations owned and operated by the Canadian Broadcasting Corp., and to stations named in the application licensed by the Canadian Minister of Transport as the Canadian Broadcasting Corp., deems advisable, to be transmitted through the facilities of the American Telephone and Telegraph Co., for the period from September 1, 1940, to September 1, 1941 (B4-FP-81).

Columbia Broadcasting System, Inc., New York, N. Y.—Granted extension of authority to transmit programs to Canadian Stations CFRB and CKAC, and to stations under supervision of the Canadian Broadcasting Corp., by means of wire line facilities furnished by the American Telephone and Telegraph Co., for the period from September 15, 1940, to September 15, 1941 (B1-FP-82).

## DESIGNATED FOR HEARING

WCSC—South Carolina Broadcasting Co., Charleston, S. Car.—Designated for further hearing the application to install vertical antenna, and increase power from 500 watts night, 1 KW LS to 1 KW night, 1 KW LS, unlimited time. (Docket No. 5492.)

WLAK—J. P. Marchant, D. J. Carey, and Melvin Meyer, transferors, Florida West Coast Broadcasting Co., Inc., transferee, Lakeland, Fla.—Application for transfer of control of station WLAK from J. P. Marchant, D. J. Carey, and Melvin Meyer to Florida West Coast Broadcasting Co., Inc.; **1310 kc.**, 250 watts, unlimited time (B3-TC-216).

WGST—Georgia School of Technology, Atlanta, Ga.—Application for renewal of license for main and auxiliary transmitters (B3-R-441).

## RENEWAL OF LICENSES

KTW—First Presbyterian Church of Seattle, Seattle, Wash.—Granted renewal of license of broadcast station KTW for the period ending October 1, 1940; **1220 kc.**, power 1 KW, sharing time with KWSC (B5-R-64).

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted extension of present license to October 1, 1940, upon temporary basis only, subject to the terms and conditions of the order of revocation entered March 22, 1940, and subject further to the final determination of the Commission on said order (B3-S-401).

KTBC—State Capital Broadcasting Association, Inc., Austin, Tex.—Granted extension of present license to October 1, 1940, upon a temporary basis only, subject to the terms and conditions of the order of revocation entered February 7, 1940, and subject further to the final determination of the Commission on said order (B3-S-1007).

W2XOY—General Electric Co., Albany, N. Y.—Granted further extension upon a temporary basis only, of station license, pending receipt and/or determination upon application for renewal of license, to not longer than October 1, 1940 (B1-SHB-32).

## MISCELLANEOUS

WWJ—The Evening News Association, Detroit, Mich.—Granted special temporary authority to operate from 10:15 p. m. to 11:15 p. m. EST, with power of 5 KW on August 20, 1940, in order to permit more coverage for the 20th Anniversary Program only.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:15 p. m. EST, to the conclusion of American Legion programs only, August 23, 1940.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate with amplitude modulation in addition to frequency modulation on **42600 kc.** on August 20 and 21, 1940, in order to demonstrate amplitude versus frequency modulation at the meeting of the NBC engineers.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted motion to postpone oral argument in re revocation of station license to September 19, 1940. (Docket No. 5838.)

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Scheduled for oral argument the Proposed Findings of Fact (B-99) in re application of the Wren Broadcasting Co. (WREN), for a construction permit to move the station transmitter, install directional antenna for day and nighttime use, and establish the main studio in Kansas City, Mo.

The Huntsville Times Co., Inc., Huntsville, Ala.—Granted petition to accept amendment to application for construction permit to operate on **1200 kc.**, 250 watts night, 250 watts LS, unlimited time, requesting facilities of station WBHP (B3-P-2784).

The Huntsville Times Co., Inc., Huntsville, Ala.—Dismissed petition to vacate order of intervention in re above application (B3-P-2784).

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Continued from September 19 to September 26, the oral argument on Proposed Findings (B-99) in re application for construction permit to move the station's transmitter, install directional antenna for day and nighttime use, and establish the main studio in Kansas City, Mo.

WAKR—Summit Radio Corp., Akron, Ohio.—Granted modification of construction permit for move of transmitter, approval of studio site, changes in transmitting equipment and in directional antenna system; towers to be painted and lighted in accordance with Specifications "B" (B2-MP-1044).

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted modification of construction permit which authorized installation of new transmitter and directional antenna for night use, change in frequency, increase in power, move of transmitter, and change in hours of operation for change in type of transmitter, and slight change in location of transmitter (same designation); **1250 kc.,** 1 KW, 5 KW LS, unlimited time, directional antenna night (B4-MP-1031).

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted modification of construction permit which authorized new station, for approval of antenna and transmitter site; **1500 kc.,** 250 watts, unlimited time (B2-MP-1041).

WPAB—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Granted license to cover construction permit as modified for new station; frequency **1340 kc.,** 1 KW power, unlimited time (B-L-1211). Also granted authority to determine operating power by direct measurement of antenna input (B-Z-464).

WDRC—WDRC, Inc., Hartford, Conn.—Granted license to cover construction permit as modified which authorized installation of directional antenna for day and night use, and increase in power; **1330 kc.,** 5 KW, unlimited time (B1-L-1213). Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-465).

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-456).

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit via RCA Communications, Inc., programs originating in NBC's studio at 30 Rockefeller Plaza, New York City, or any points in the United States where network programs may originate, to station CMX, Havana, Cuba, for the period beginning August 20, 1940, and ending August 20, 1941.

W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency experimental transmitter at 444 Madison Ave., New York City, for the period August 29, 1940, to not later than September 27, 1940, pending action on formal application for such authority.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from local sunset (Aug. 7:15 p. m., EST) to 9:30 p. m., EST, on August 28, 1940, in order to broadcast the 100th Anniversary of Ira David Sankey program only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 8 p. m. to midnight, CST, on August 26, 1940, in order to broadcast baseball game only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast baseball game only.

WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate from 7:15 p. m., EST, August 26, 1940, to the conclusion of election information and civic programs, in order to broadcast said programs only; to operate unlimited time August 27, 1940, in order to broadcast election returns only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7 p. m. to midnight, PST, August 26, 1940, in order to broadcast a local political program only, and to operate from 7 p. m. to midnight, PST, August 27, 1940, in order to broadcast election returns only.

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (Aug. 7 p. m., PST), August 27, 1940, to 2 a. m., PST, August 28, 1940, in order to broadcast election returns only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m., EST, for the period August 20, 1940, to not later than September 8, 1940, in order to broadcast sustaining musical programs as described in letter dated August 14, 1940, only (provided WSVS remains silent).

WAUJ—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate the equipment of relay broadcast station WAUJ on the frequency **44.1 mc.** at the transmitter site of standard broadcast station WHAS, for a period not to exceed 30 days, in order to conduct tests to determine antenna requirements for a forthcoming application for a high frequency FM station.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted special temporary authority to rebroadcast Forest Service fire messages to be received from forestry stations serving Siskiyou National Forest, for a period not to exceed 30 days.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 6:30 p. m., EST, to the conclusion of a religious program by the Holy Name Society on September 8, 1940, in order to broadcast said programs only.

KEHS—WDAY, Inc., Fargo, N. Dak.—Granted special temporary authority to operate equipment described in construction permit (File No. B4-PRE-345) with larger tubes and power of 5 watts, on **133030 kc.,** on August 24, 1940, in order to conduct tests, and from 3 p. m. to 4 p. m., CST, August 25, 1940, in order to relay broadcast programs entitled "American Way of Broadcasting" to radio station WDAY.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 9 p. m. to approximately 11 p. m., CST, on September 4, 1940, and from 8 p. m. to approximately 11 p. m., CST, on September 20, 1940, in order to broadcast baseball games only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast special night baseball games only.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted special temporary authority to operate from local sunset (Sept. 6:45 p. m., EST) to 9 p. m., EST, September 6, 1940, in order to broadcast speech by Senator Josh Lee at Roosevelt Neely Democratic Dinner only.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, on September 3, 5, 10, 12, 17, and 19, 1940, and from 8:15 p. m. to 9:15 p. m., CST, on September 4, 11, and 18, 1940, in order to permit WNAD to remain silent during the summer vacation (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during above periods in order to observe the summer vacation.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 11:30 p. m., MST, on August 30, 1940, in order to broadcast a special Musical Festival only.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:15 p. m. to 12 p. m., CST, on August 29, 30, and 31, 1940, in order to broadcast Barron County Fair Event only.

WPIT—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted extension of special temporary authority to operate the equipment of international broadcast station WPIT, authorized in construction permit, File No. B1-PIB-23, with a power of 35 KW, using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit, for a period beginning August 31, 1940, and ending not later than September 28, 1940.

Broadcasting Corp. of America.—Dismissed petition for rehearing directed to Commission's action of July 16, 1940, granting application of Riverside Broadcasting Co., Riverside, Calif., for construction permit for new broadcast station, inasmuch as the Commission, on July 26, 1940, on its own motion, reconsidered its action of July 16 granting without hearing the application of Riverside Broadcasting Co. and designated same for hearing.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit to move transmitter from northeast corner 12th and Olive Sts., St. Louis, Mo., to approximately 3 miles west of Columbia, Ill., install new transmitter and new directional antenna for night use, and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 590 Kilocycles

NEW—West Publishers, Inc., Corpus Christi, Tex.—Construction permit for a new broadcast station to be operated on **590 kc.**, 500 watts night, 1 KW day, unlimited time. Class III-B station. Amended to give transmitter site as north of Corpus Christi, Texas, and change requested power from 500 watts night, 1 KW day, to 1 KW day and night.

### 610 Kilocycles

NEW—West Publishers, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on **610 kc.**, 250 watts night, 1 KW day, unlimited time, Class III-B. Amended to change requested power from 250 watts night, 1 KW day, to 1 KW day and night, install directional antenna for night use, and give transmitter site as 3.2 miles northeast city limits, U. S. Highway 90, Houston, Tex.

### 620 Kilocycles

KGW—Oregonian Publishing Co., Portland Ore.—Construction permit to install directional antenna for day and night use, and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 630 Kilocycles

KOH—The Bee, Inc., Reno, Nev.—Authority to determine operating power by direct measurement of antenna power.

KOH—The Bee, Inc., Reno, Nev.—License to cover construction permit (B5-P-2279) as modified for change of frequency and power, install directional antenna for night use, and move transmitter and studio.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Modification of construction permit (B4-P-2323) for new equipment, changes in antenna, change of frequency, increase in power, employing directional antenna day and night, and move of transmitter, requesting change of type of transmitting equipment.

### 700 Kilocycles

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-P-2460) as modified for changes in equipment, requesting extension of completion date from 10-22-40 to 4-22-41.

### 810 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Authority to determine operating power by direct measurement of antenna power (main transmitter).

### 970 Kilocycles

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction permit to install new transmitter and directional antenna for day and night use, increase power from 5 KW to 10 KW, and change hours of operation from unlimited time experimentally to unlimited time.

### 1000 Kilocycles

NEW—Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.—Construction permit for a new broadcast station to be operated on **1000 kc.**, 1 KW, daytime. Amended: To change transmitter site from Carter Hotel, 1020 Prospect Avenue, Cleveland, Ohio, to East 49th Street at NYC RR, Cleveland, Ohio, and make changes in vertical antenna.

### 1010 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Construction permit to install new transmitter and directional antenna for day and night use, change frequency from **1010** to **1050 kc.**, increase power from 1 KW night, 5 KW day to 50 KW, and move transmitter from 20th Ave. and 31st St., Astoria, Long Island, N. Y., to Rural, East Rutherford, N. J. Amended: re directional antenna system.

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Construction permit to install directional antenna for night use, increase power from 1 KW, 5 KW LS to 5 KW day and night. Amended: To make antenna changes and request **990 kc.**, 10 KW power under N. A. agreement.

### 1120 Kilocycles

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Modification of license to change power from 1 KW night, 2½ KW day to 2½ KW day and night.

### 1190 Kilocycles

WSAZ—WSAZ, Incorporated, Huntington, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use, change in frequency from **1190** to **900 kc.**, change hours of operation from limited to unlimited time, and move transmitter from Pleasant Heights, West Virginia, to near Burlington, Ohio. Amended: To move transmitter 1 mile west, near Burlington, Ohio.

### 1200 Kilocycles

NEW—Worcester Broadcasting Inc., Worcester, Mass.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time. (Class IV station.) To construct two 100 watt Booster Stations, one at S. W. corner of Main & Florence Sts., Marlborough, Mass., and the other at S. W. corner of Main & Douglas, Whitinsville, Mass. Amended: To change location of Booster Station from S. W. corner of Main & Douglas, Whitinsville, Mass., to 11 Main St., Whitinsville, Mass., and make changes in vertical antenna.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time. Transmitter and studio at Worcester, Mass. (Class IV station). To operate three amplifier stations at sites to be determined, Auburn, Whitinsville and Marlboro, Massachusetts, using 100 watts power.

WLOG—Clarence H. Frey & Robert O. Greever, Logan, W. Va.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power day and night.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Modification of construction permit (B2-P-2871) for a new station, requesting approval of transmitter site near Charleston Ave., and Summers St., Morgantown, W. Va., and approval of vertical antenna.

WAYX—Jack Williams, Waycross, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—License to use old main transmitter for auxiliary purposes only, using 100 watts power.

WSIX—WSIX, Inc., Nashville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time (Class IV station).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license to request change in hours of operation from shares with WGBB and WBRB to shares with WGBB and simultaneous operation with WBRB.

### 1250 Kilocycles

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Authority to install automatic frequency control equipment.

### 1260 Kilocycles

WNBX—Twin State Broadcasting Corporation, Keene, N. H.—Modification of construction permit (B1-P-2415) as modified for changes in directional antenna for day and night use, move of studio and transmitter, requesting extension of completion date from 9-10-40 to 12-10-40.

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Modification of construction permit (B1-P-2415) for changes in directional antenna for day and night use; move of transmitter and studio; install new transmitter; increase power from 1 KW to 1 KW night, 5 KW day; and extend commencement and completion dates 30 and 180 days respectively. Requests Class III-B station. Amended to request 5 KW day and night.

### 1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to change frequency from **1280** to **1230 kc.**; increase power from 500 watts to 1 KW; change hours of operation from share WCAM and WCAP to unlimited time; install directional antenna for day and night use; and move transmitter from Falls Twp., one mile south of Morrisville, Pa. (U. S. Route 1) to Edgewood-Yardley Road, Yardley, Pa., Class III-B.

### 1370 Kilocycles

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to change frequency from **1370 kc.** to **1050 kc.**

### 1420 Kilocycles

KNET—John Calvin Welch, Wm. J. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Tex.—Voluntary assignment of license from John Calvin Welch, Wm. J. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Association, to Bonner Frizzell.

WGOV—E. D. Rivers, Valdosta, Ga.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

NEW—Central Carolina Broadcasting Corp., Burlington, N. C.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Amended re corporate structure, equipment changes, and requesting 100 watts power only.

### 1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license to move studio from 846 Flatbush Ave., Brooklyn, N. Y., to 101 Park Ave., New York, N. Y.

### FM APPLICATIONS

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 6,944 square miles; population, 2,604,104.

NEW—The A. S. Abell Co., Baltimore, Md.—Construction permit for a new high frequency broadcast station to be operated on **44300 kc.**; coverage, 15,489 square miles; population, 3,308,983.

### MISCELLANEOUS

NEW—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Construction permit for a new relay broadcast station to be operated on **156750, 158400, 159300, 161100 kc.**, 50 watts, special emission for frequency modulation, to be located at 408 State St., Schenectady, N. Y.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations in Canada, licensed to operate by the Canadian Government, which may be heard consistently in the United States, for the period beginning 9-15-40.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to station CFCF and CBL (formerly CRCT) and the Canadian Broadcasting Corp., for the period beginning 9-15-40.

WDAC—State of Wisconsin, University of Wisconsin (area of Madison, Wis.)—Construction permit to increase power from 10 watts to 30 watts and make changes in equipment.

NEW—Racine Broadcasting Corp., Racine, Wis.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, 10 watts, A-3 emission, transmitter to be located at corner Kentucky Ave. and Victory St., Racine, Wis.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Allred Brothers Candy Company**—See Consumers Mercantile Service.

**Lee Boyer's Candy**—Complaints have been issued charging Lee Boyer's Candy, a Portland, Oreg., corporation, and Hugh C. Mitchum and Carl B. Tucker, trading as Southern Candy Company, Charlotte, N. C., with the sale of assortments of candy so packed and assembled as to involve the use of a lottery when sold and distributed to the consuming public.

Use of the respondents' sales methods, the complaints charge, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair practice under the Federal Trade Commission Act. (4265-4266)

**J. T. Carlton Candy Company**—See Dixie Candy Company.

**Central Buying Service, Inc.**—See Jack Herzog & Company.

**Clito Company**—Rene P. Balditt, trading as Clito Company, 325 North Frio St., San Antonio, Tex., allegedly misrepresents that his preparation designated as "Clito" and as "Clito Emmenagogue Capsules" is a competent treatment for delayed menstruation and that it is harmless. The complaint further alleges that the respondent misleadingly represents that his preparation known as "Rayo de Sol" is a competent and effective cure for cataracts, cloudiness of vision, ulcers and inflammation of the eyes. It is further charged that the respondent has disseminated false advertisements in that his advertisements of "Clito Emmenagogue Capsules" fail to reveal that use of this preparation, under the conditions prescribed in such advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health. (4262)

**Colonial Drug Company**—See Colonial Sales Company.

**Colonial Sales Company**—M. A. Younkman and Alice Younkman, trading as Colonial Sales Company and as Colonial Drug Co., 21 E. First St., Tulsa, Okla., are charged in a complaint with the dissemination of misleading representations in the sale of a medicinal product known as "Natural Mineral Extract."

The complaint alleges that while this preparation has no therapeutic value other than that of a mild laxative and mild diuretic, the respondent advertises and recommends it for use both internally and externally as a cure, remedy and competent treatment of a large number of diseases and ailments for which it has no therapeutic value.

The complaint further charges that the respondent falsely represents that the preparation supplies minerals essential to health, that it has therapeutic value in the treatment of female diseases, and is an effective treatment for ill-nourished, backward or defective children. (4260)

**Consumers Mercantile Service**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against John J. Schocket, trading as Consumers Mercantile Service, 64 West Randolph St., Chicago, dealer in cameras, silverware, broilers, fishing tackle, clocks, pens and pencils; Candymasters, Inc., 3-5 North Fifteenth St., Minneapolis, dealer in candy and confectionery products, and Jesse W. Allred and Robert A. Allred, trading as Allred Brothers Candy Co., 515 West Palmer St., Charlotte, N. C., dealers in candy.

According to the complaints, the respondents use push cards to sell their merchandise wholly by lot or chance. (4242-4243-4244)

**Dixie Candy Company**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against Dixie Candy Company, Inc., 732 East Seventh St., Charlotte, N. C., dealer in candy; J. T. Tarlton, trading as J. T. Tarlton Candy Company, Marshville, N. C., dealer in candy, and L. & H. Stern, Inc., 56-64 Pearl St., Brooklyn, N. Y., dealer in pipes.

According to the complaints, the respondents sell certain assortments of merchandise so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when such merchandise is sold and distributed to consumers thereof (4255-4256-4258)

**Hamilton, Harris & Company**—See Trinidad Creamery Company.

**Jack Herzog & Company**—Two New York firms acting as commission resident buyers of fur garments and of millinery, respectively, are charged in complaints with violation of the brokerage section of the Robinson-Patman Act. The respondents are Jack, Michael, George and Louis Herzog, trading as Jack Herzog and Company, 337 7th Ave., New York, and Central Buying Service, Inc., 101 West 37th St., New York.

According to the complaints, the respondents receive and accept from sellers commissions on purchases made in behalf of the respondents' buyer clients, in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act (4257-4259)

**Jacks Chemical Company**—Lambert Agin, trading as Jacks Chemical Company and as Jacque Chemical Company, pleasant Ridge Station, Cincinnati, allegedly represents that his medicinal preparation called "JACKS" and "JACQUE" constitute a cure or remedy for gall, kidney and bladder stones, diabetes, rheumatism, swollen limbs, hives, excess acid and excess uric acid, when in truth it is wholly incapable of effecting any of the results claimed by the respondent. (4247)

**Lessing Hat Company, Inc.,** and Joseph Loring, trading as Loring Hat Company, Third and Mercer Sts., New York, are charged in a complaint with the dissemination of misleading representations in the sale of caps and hats.

The complaint alleges that the respondents buy second-hand, old, worn and previously used felt hats, and recondition them for sale to retailers and wholesale dealers without any adequate designation to indicate to the purchasing public that they are manufactured from old, worn and previously used hat bodies. It is further charged that on some part of the sweat band or size labels are stamped the words "Made of castaway hats" but that jobbers, wholesale dealers and retailers can readily and easily remove this designation, and such designation does not adequately inform the purchasing public that such hats are made of old, worn and previously used hat bodies.

Such practices by the respondents, the complaint continues, tend to create the mistaken belief that their hats are made from new and unused materials. (4245)

**Loring Hat Company**—See Lessing Hat Company.

**Helena Rubinstein, Inc.,** 715 Fifth Ave., New York, is charged in a complaint with the dissemination of misleading representations in the sale of certain cosmetic preparations.

The respondent allegedly misrepresents that ordinary powder particles swell within the pores and cause enlarged pores, blackheads and blemishes; that its "Town and Country Face Powder" because of a pre-expanded quality or balsamizing process is moisture-proof, prevents and removes enlarged pores, blackheads and blemishes; that its "Eye Lash Grower Cream" has special properties which will be effective in causing eye lashes to grow, and that its "Eye Lash Cream and Darkener" makes the lashes dark, silky and luxuriant looking and has special properties which will be effective in preventing eye lashes from breaking.

It is also charged in the complaint that the respondent misrepresents that its "Egg Complexion Soap" will benefit the complexion through the presence of eggs therein and that such products purifies the skin. (4254)

**Kuhn Remedy Company,** 1855 North Milwaukee Ave., Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of a medicinal preparation formerly described as "Kuhn's Rheumatic Fever Remedy," and now known as "Kuhn's Remedy."

According to the complaint, the respondent misleadingly represents that its preparation is a cure or remedy for rheumatism, rheumatic fever, gout, neuralgia and lumbago, and for muscular and joint aches and pains generally, and that it possesses substantial therapeutic value in the treatment of such ailments and conditions.

The complaint points out, however, that the preparation possesses no therapeutic value in the treatment of rheumatism, rheumatic fever, gout, neuralgia or lumbago in excess of affording, in some instances, temporary symptomatic relief from aches and pains associated with such disorders.

The respondent further is alleged to misrepresent that its preparation is entirely safe and harmless and may be used without danger of ill effects.

It is also charged that the respondent's advertisements are false because they fail to reveal that use of its preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual may result in injury to health, in that such advertisements do not contain any cautionary statement to the effect that its preparation should be used only as directed on its label. (4264)

**Progressive Laboratories**—See Progressive Medical Company.

**Progressive Medical Company**—Blanche Kaplan, trading as Progressive Medical Company, Progressive Laboratories, Ladies Aid Company, Ladies Aid, and as Ladies Aid Products, 330 South Wells St., Chicago, allegedly misrepresents that "Ladies Aid No. 1 H.Y.G. Tablets" is a competent antiseptic and reliable germ destroyer; that it is an effective prophylactic and dependable contraceptive; that "Ladies Aid No. 4" is an effective treatment for certain conditions peculiar to women; that "Promeco Cod Liver Oil Compound Tablets" is an effective remedy for every condition for which physicians might prescribe cod liver oil, and that "Ladies Aid Reducing Tablets" is a safe and effective treatment for obesity. The complaint declares that the respondent also has disseminated false advertisements in that they fail to reveal that use of "Ladies Aid Reducing Tablets," under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health. (4261)

**Scholl Manufacturing Company, Inc.,** 211 West Shiller St., Chicago, allegedly misrepresents that the use of "Dr. Scholl's Zino-Pads" stops pain instantly; constitutes a cure or remedy for corns, callouses and bunions; has healing properties, and abolishes shoe pressure and friction. The respondent further allegedly misleadingly represents that the use of "Dr. Scholl's Kurotex Foot Plasters" instantly relieves the pain caused by corns, sore toes, callouses, bunions, and tender spots on the feet and toes caused by new or tight shoes. (4241)

**Shaw's Jewelry Company**—Complaint has been issued against Shaw's Jewelry Company and Shaw's, 1618 Main St., Dallas, Tex., alleging misleading representations in the sale of jewelry and silverware.

According to the complaint, the respondents misrepresent that their silverware is of genuine Rogers Brothers silverplate; is guaranteed for a lifetime by the International Silver Company, manufacturer of Rogers Brothers silverware; that the diamonds in their "Miss Centennial" and "His Majesty" rings are certified perfect diamonds, and that their watches are made wholly of gold or solid gold. (4250)

**Southern Candy Company**—See Lee Boyers' Candy.

**Spors Company**—Frank Spors, trading as The Spors Company, Le Center, Minn., is charged in a complaint with the dissemination of misleading representations in the sale of various drugs, cosmetics, fountain pens, mending tissue, and household accessories.

It is charged in the complaint that the respondent misleadingly represents that his "Electro-Heat-Kwik" water heater is capable of heating substantial quantities of water; that it may be used with entire safety; that it heats substantial quantities of water more quickly than gas, coal or wood, and that it has been approved by the Underwriters' Laboratories.

The respondent further allegedly misrepresents that the product "Savarip" is of substantial value in the prevention of runs, snags and breaks in silk and rayon hosiery and lingerie; that it renders such garments rainspot proof; prevents shrinking and fading, and prolongs the life of such garments.

The complaint further alleges that the respondent represents that his "Super-Pure Laxative Bromide Quinine Tablets" constitute a cure or remedy for colds, when, in truth, they may afford only partial and temporary relief for the symptoms of colds.

The respondent also allegedly misrepresents that his fountain pens are comparable to those retailing for sums up to $5 each; that the flow of ink from such pens is unusually even and steady, and that agents and salesmen reselling his pens are enabled to make a profit of 300 per cent. (4246)

**L & H Stern, Inc.**—See Dixie Candy Company.

**Style & Merit Buying Service**—Violation of the brokerage section of the Robinson-Patman Act is charged in a complaint issued against the Style & Merit Buying Service, a buying agent in the purchase of ladies' and children's ready-to-wear, leather goods, furs and fur coats. Lewis Block, Frank Block, Mac Goldberg, Otto Langer, Morris Block and Dora Block are co-partners trading as Style & Merit Buying Service, 225 West 34th St., New York.

According to the complaint, the co-partnership has charged and received from various sellers and manufacturers commissions on purchases made in behalf of the respondents' buyer clients.

It is charged in the complaint that the payment of the brokerage fees and commissions by the various sellers and manufacturers to, and the receipt and acceptance thereof by, the respondents is in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4249)

**Terpezone Incorporated,** 738 Washington Boulevard, Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of a device called "Terpezone Generator," which produces a vapor designated as "Terpezone" for use in the treatment of various bodily conditions.

According to the complaint, the respondent misleadingly represents that its device generates a vapor known at "Terpezone," the inhalation of which will increase vitality, and constitutes a remedy for anemia, hardening of the arteries and heart disease.

The respondent further allegedly misrepresents that the inhalation of "Terpezone" will kill disease germs; constitutes a remedy for colds, hay fever, tonsilitis, pneumonia and tuberculosis; neutralizes toxins, and is a competent treatment for all diseases having a toxic origin.

The complaint declares that under the conditions of use, "Terpezone" is of no therapeutic value in the treatment of such ailments in excess of possibly loosening the congestion of mucous in some cases of respiratory disorders. (4248)

**Trinidad Creamery Company**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against Trinidad Creamery Company, 328 Commercial St., Trinidad, Colo., dealer in butter; H. M. Williams, trading as Williams Candy Company, 2819 Monroe Road, Charlotte, N. C., dealer in candy, and Hamilton, Harris & Co., 302 W. South St., Indianapolis, Ind., dealer in fishing tackle, pipes, robes and cameras.

According to the complaints, the respondents employ various games of chance, gift enterprises or lottery schemes to sell their merchandise to consumers thereof. (4251-4252-4253)

**Union Concession Company,** 456 South State St., Chicago, engaged in the manufacture and distribution of candy, is charged in a complaint with the sale to dealers of assortments of candy and other merchandise to be sold and distributed to the consuming public by means of a game of chance, gift enterprise or lottery scheme.

Use by the respondent of these sales plans or methods, the complaint charges, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair practice under the Federal Trade Commission Act. (4263)

**David M. Weiss**—A New York buying agent in the purchase of garments in behalf of approximately sixty retail fur outlets, is charged in a complaint with violation of the brokerage paragraph of the Robinson-Patman Act. The respondent is David M. Weiss, 370 Seventh Ave., New York.

The complaint alleges that the respondent receives from various retail fur stores, for whom he acts as agent, requests to purchase fur garments. He contacts various fur garment manufacturers and places the orders at the most advantageous prices from the standpoint of the buyer. The manufacturers are located in New York, and the client buyers are located in Detroit, South Bend, Memphis and Atlanta, and elsewhere.

In the course of the purchasing transactions by the respondent, the complaint continues, sellers have, since June 19, 1936, paid to the respondent commissions based on a certain percentage of the sales price agreed upon, and the respondent has received and accepted such commissions on purchases of merchandise by retail buyers in whose behalf he has been and is in fact acting. These acts and practices, the complaint declares, are in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4240)

**William Candy Company**—See Trinidad Creamery Company.

## STIPULATIONS

During the week the Commission has entered the following stipulations:

**Farmington Shoe Manufacturing Company**, Dover, N. H., agrees to cease and desist from the use of words "J. W. Stetson Quality Shoes" or word "Stetson" in conjunction with other words, or arranged within a triangle so as to simulate the brand or label or name heretofore used by the Stetson Shoe Company, Inc., the effect of which may tend to convey the belief that its shoes are products made by or in accordance with the standards and specifications of the Stetson Shoe Company, Inc. The respondent further agrees to desist from the use of the name or private brand of well-known advertised products of shoe manufacturers or dealers so as to convey the belief to purchasers that the respondent's shoes are in fact such well-known advertised products. It was also agreed by the respondent that it will cease representing a fictitious or excessive price to be the price customarily asked for shoes in the usual course of retail trade. (2911)

**Federal Raw Fur Exchange**—See Leo M. Goldberg Fur & Wool House, Inc.

**Leo M. Goldberg Fur and Wool House, Inc.,** and Leo M. Goldberg, trading as The Federal Raw Fur Exchange, 1040 Helena St., Helena, Mont., in connection with their buying and selling of furs, agree to cease and desist from quoting any fictitious or exorbitant prices which trappers or fur dealers may expect to receive from them for their furs; representing that they pay a higher price for furs than do any other fur buyers; conveying the impression or belief that they are in a position to control the resale prices of furs; using the word "Guaranteed" in connection with prices offered for furs, or representing that such prices are guaranteed unless they actually pay the prices quoted during the period of time for which such price lists are effective or in force. (2909)

**Mechanix Universal Aviation Service Company**—J. A. Vaughan, trading as Mechanix Universal Aviation Service Company, Wayne County Airport, Detroit, entered into a stipulation in which he agrees to discontinue certain representations in the sale of correspondence school courses for home study intended to assist students to obtain employment in the aviation industry and to qualify for airplane mechanic's licenses.

The respondent agrees to cease and desist from representing that persons answering his advertisements or applying for registration will or may receive employment; that his courses of instruction include apprenticeship work or practical training either with or without compensation; that students completing his home study courses will or may be qualified for aviation mechanic's licenses issued by the former United States Bureau of Air Commerce, or that his courses have the endorsement of such agency or any other agency of the Federal Government.

The respondent also agrees to desist from using on his stationery or in his advertising, illustrations of the Wayne County Airport buildings in conjunction with the letters "M U A S" or the phrase "Home of M.U.A.S." so as to convey the belief to students that the school conducted by him is situated in such buildings or that they are occupied in their entirety by him. (2908)

**Tyson & Company, Inc.,** Paris, Tenn., has entered into a stipulation in which it agrees to discontinue certain representations in the sale of medications and cosmetics.

The respondent agrees to cease and desist from representing that J & T Tried and True Vegetable Compound is a dependable or competent remedy for ailments peculiar to women; is a competent remedy for nervousness, malnutrition or dysmenorrhoea, or is scientifically compounded.

The respondent further agrees to desist from representing that La Dainty Hair Dressing & Grower, La Dainty Special Hair Grower, La Dainty Temple Grower, La Dainty Pressing Compound, La Dainty Quinine Pomade, or La Dainty Sheik Cream makes hair natural; restores natural color to the hair; prevents baldness; overcomes deficiencies of the skin and scalp, and eliminates the cause of dandruff.

It is further agreed that the respondent will cease using the words "Hair Grower," "Special Hair Grower" or "Temple Grower" so as to imply that its products will cause hair to grow or will restore a growth of hair.

Further representations which the respondent agrees to discontinue are that La Dainty Cold Cream, Mme. Carue Tissue Cream, Mme. Carue Cleansing Creme, La Dainty Lucky Lovin' Cream, Tyson's Ideal Bleaching Creme, La Dainty Vanishing Cream or any similar preparation, is a skin food or skin invigorator; makes skin beautiful or makes the skin lighter.

The respondent also agrees to cease representing that La Dainty Bleaching Ointment gives youthful beauty and glow to the skin; that La Dainty Beauty Bar nourishes and stimulates the skin; that La Dainty Special Face Soap will cause skin to become young looking; that its products are compounded by skilled and experienced cosmeticians, beauty experts or chemists, or that its products are "Guaranteed" unless clear and unequivocal disclosure is made of exactly what is offered by way of security, as for example, refund of purchase price. (2910)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Air Conditioning Textiles, Inc.,** 1441 Broadway, New York, is ordered to cease and desist from certain misleading representations in the sale and distribution of a soap designated as "Air Conditioning the Human Body" soap and as "Air Conditioning" soap.

The respondent is ordered to cease and desist from using the term "Air Conditioning" or "Air Conditioning the Human Body," or any other similar term, to describe its soap, or otherwise representing that its soap possesses air-conditioning properties; representing that its soap reduces body temperature, reduces humidity or eliminates perspiration objections, or representing that the human body breathes through the pores of the skin. (3974)

**L. Hoffman**—Louis Hoffman, trading as L. Hoffman, 459 Broadway, New York, is ordered to cease and desist from the dissemination of misleading representations in the sale and distribution of desk pads and other office accessories.

The respondent is ordered to cease and desist from using the phrase "Grecian Gold Tooled Border" or "Genuine Gold Tooled Border" or any other phrase containing the word "gold," or the word "gold" alone to refer to borders of desk pads which borders are not in fact manufactured from gold leaf, or using pictorial representations of desk pads not offered for sale and sold by respondent as representative of the desk pads offered for sale and sold by him.

The order to cease and desist further directs the respondent to cease representing, through the use of the words "Flexhide," "Top Grain," "Leather," or in any other manner, that desk pads manufactured in whole or in part from the under layer or flesh side of hides, known as split leather, are made from the outside or surface layer of the hide.

The respondent is also ordered to cease and desist from representing that his business was established at any date prior to the time that it was in fact established, or through the use of statements, pictures, or otherwise, that his desk pads or other office accessories are of a grade, quality and value greater than that which actually exists. (4165)

**Imogene Shepherd, Ltd.,** 100 East Ohio St., Chicago, has been ordered to discontinue certain misleading representations in the sale of its "Baby Skin Oil" and "Baby Skin Oil Soap."

The respondent is directed to cease and desist from representing that its preparations are remedies or effective treatments for dryness, roughness of the skin, eczema and acne; will prevent and correct skin disfigurements; will rejuvenate the texture of the skin, or restore to adults the soft and silken texture of baby skin.

The order further directs the respondent to cease representations that its products will nourish or cause permanent benefit to the skin on account of their Vitamin E and so-called "Vitamin F" content; that they will restore essential lipids to the skin, or that they are amazing discoveries and the outstanding development in beauty culture of the present day. (3625)

Reports
The National Association of Broadcasters
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 36, September 6, 1940

## THE WEEK IN WASHINGTON

*Practice Makes Perfect,* BMI tune, stands at the head of the list of numbers most played on the air and also has climbed into the list of best sheet music sellers. Four more stations join BMI. Only two sections of Florida's 1939 Copyright Law are unconstitutional. (p. 4560.)

CBS demonstrates television in color to James Lawrence Fly, FCC Chairman and the press. Mr. Fly says he is much impressed. (p. 4558.)

Samuel J. Henry, Jr., NAB director of the Bureau of Radio Advertising, will address the Associated Chain Druggists on the "Why and How of Radio for Chain Drug Stores." (p. 4562.)

The "Listen Before You Vote" promotion campaign is proving highly successful. (p. 4563.)

Westinghouse licenses for four stations formerly programmed by NBC are renewed, but the FCC says that "its action must not be interpreted as a precedent for subsequent approval of broadcast station licensees disposing of their rights and privileges through contract. (p. 4563.)

# Miscellaneous

## STAR-SPANGLED BANNER

The NAB has received the following letter from John J. Gillin, Jr., manager of Station WOW, and asks all members to cooperate:

> I believe it is true that a great many stations—perhaps a majority of them—are opening and closing each broadcast day with our national anthem "The Star-Spangled Banner."
>
> Because it is playing such an important role in Americanization work, the Americanization Committee of the United States Junior Chamber of Commerce would like to have a full report on just how many stations are doing this.
>
> They have come to me, as Chairman of the Radio Committee of the US JCC, and if we may clear the matter through the NAB I shall appreciate it very much.
>
> Will all stations that are signing on and off with "The Star-Spangled Banner," and those that plan to do so, please be so kind as to advise NAB headquarters to that effect?

## EDDIE CARTER

Station managers contemplating hiring Mr. Eddie Carter, marathon piano player, should write W. W. Behrman, radio Station WBOW, Terre Haute, Indiana.

## ANALYSIS OF CONVENTION ATTENDANCE

Members will be interested in the following facts relative to attendance at the Eighteenth Annual Convention at San Francisco, August 4 to 7. The total attendance was 661.

A breakdown of this total figure discloses the following:

The 15th District, embracing northern California, Navada and Hawaii, had a 100 per cent record of NAB attendance—20 NAB members, 20 convention attendants.

From a sectional standpoint, NAB member stations were represented as follows:

Pacific Coast stations (California, Oregon, Washington, Nevada, New Mexico, Arizona and the territories of Hawaii and Alaska) had over 90 per cent.

Rocky Mountain states (Idaho, Montana, Utah, Wyoming and Colorado), over 65 per cent.

Mid-west (Ohio, Kentucky, Missouri, Oklahoma, Wisconsin, Kansas, Nebraska, Iowa, Minnesota, Michigan, North Dakota, South Dakota, Illinois and Indiana) had over 47½ per cent.

Northeast and New England (Pennsylvania, New York, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont and Maine) over 45 per cent.

East Central and South Atlantic (Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia) 48 per cent.

South (Georgia, Florida, Alabama, Louisiana, Tennessee, Arkansas, and Mississippi) had 25 per cent.

Texas, 66 per cent.

In addition to these NAB member stations attending, 64 non-member stations had representatives on hand. This is almost 20 per cent of the non-member stations.

These figures reflect what we believe to be the universal opinion that the Eighteenth Annual Convention marks a high point in the radio industry. It can be truly said that the radio broadcasters now present a united front in both numbers and in spirit.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## NAB SEAL

Arrangements are now being made through which the Association hopes to fulfill the requests for cuts of the NAB seal. It will be helpful if member stations desiring cuts will so advise headquarters.

# Engineering

## COLORED TELEVISION

On Wednesday, September 4, Columbia Broadcasting System demonstrated its new television in color to a group of about 50 representatives of the press. A prelude to this demonstration was the private showing tendered James L. Fly, Chairman of the FCC, on Thursday, August 29.

Colored motion pictures were used for the demonstration and Columbia announced that it hoped to have live pick-up equipment by the first of the year. CBS explained the operation of the color system as follows:

"An attempt to detail the technical phenomena in not too technical language follows:

1. A color motion picture is run through a film scanner. Between the film and an electronic pickup tube there is a rotating disc containing red, green, and blue filters in that order. When the red filter is in front of the tube only those parts of the picture which contain red register in the picture tube. When the green filter is in front of the tube only those parts of the picture which contain green (and this includes yellow) register in the tube. Similarly with the blue filter.

2. The three filters (red, green and blue) are balanced to give the effect of pure white when the picture is white.

3. Synchronized with the disc in front of the pickup tube is a similar disc in front of the receiver tube. In other words, at the instant when the red filter is in front of the pickup tube, a red filter is in front of the receiver tube. The same holds for the green and blue.

4. The scanning method differs somewhat from that used in most black and white systems. The picture is *completely* scanned every sixtieth of a second instead of every thirtieth of a second. However, at the end of the first sixtieth of a second only two colors have been used. The third color requires an additional one one-hundred-twentieth of a second, bringing the total to one-fortieth of a second for a single picture in full color.

The following sequence may help to make this clear:

The odd number lines are scanned in red in $\frac{1}{120}$ of a second.

The even number lines are scanned in green in $\frac{1}{120}$ of a second.

At this point the whole picture has been scanned, but there is yet no blue in the picture. Time thus far: $\frac{1}{60}$ of a second.

Now the red on the odd number lines has faded and these same lines are scanned in blue in $\frac{1}{120}$ of a second.

At this point the whole picture has been scanned one and one-half times, but in full color only once. Time thus far: $\frac{1}{40}$ of a second.

Now the green on the even number lines has faded and these same lines are scanned in red in $\frac{1}{120}$ of a second.

At this point the picture has been scanned twice but in full color only once and a third. Time thus far: $\frac{1}{30}$ of a second.

Now the blue on the odd number lines has faded and these same lines are scanned in green in $\frac{1}{120}$ of a second. Time thus far: $\frac{5}{120}$ of a second.

Now the red on the even number lines has faded and these same lines are scanned in blue in $\frac{1}{120}$ of a second.

At this point the whole picture has been scanned three times and in full color twice. Elapsed time thus far: $\frac{1}{20}$ of a second.

And now the whole progressive cycle begins again with the even number lines being scanned in red.

5. When there is no color disc in front of the receiver tube the picture appears as a black and white image."

The color television was invented by Peter C. Goldmark, Chief Engineer for CBS, after making an exhaustive study of the retentive qualities of the human eye. It was Dr. Goldmark's conclusion that if he would transmit each of three colors in sucession that the human eye would remember long enough for the colors to properly mix in the eye, thus giving the appearance of the true colors. By successive transmission of the three colors Dr. Goldmark has been able to transmit good colored pictures and still stay within the standard 6 megacycle channel assigned to television. Another interesting point about the color system is that it can be picked up on a receiver designed for black and white and the picture will then appear in black and white.

---

James Lawrence Fly, Chairman of the FCC, said at a press conference this week that he was very much impressed by the color television demonstration which was given to him last week when he visited the New York studios of Columbia Broadcasting Company.

Mr. Fly said that of course color television is in its early stages and there is considerable development work to do and while he doesn't want to pass on the feasibility of it, he expressed the opinion that it is a tremendous improvement in television.

The Chairman told the newsmen that what he had seen indicated to him a very substantial beginning and he expressed the hope that the various good engineers of the industry will get together and bring it to a practical state of efficiency. Mr. Fly said that while he does not in any way pose as an expert, he was very favorably impressed by the demonstration, and in his opinion there is no comparison between black and white and color television. Color television gives, he said, more satisfactory realism, definition and clarity.

Perspective in itself is a remarkable improvement Mr. Fly said. He explained transmitter has nothing to do with the colors as same are due to a device on the camera and a rapidly rotating disc between the spectator and the tube which reflects different type rays. The result of the picture he said is even and not jumpy. Color television, Mr. Fly told the newsmen, is more satisfactory than technicolor in the movies. Mr. Fly expressed the opinion that the use of one camera and one frequency band in itself is appealing and contrasted to other methods of using three cameras and three channels comprising an 18 megacycle band which at the present time is impracticable.

## OPERATORS CITIZENSHIP PROOF

FCC adopted Order No. 75-B, further extending the effective date of Order No. 75, as amended by Order No. 75-A, from September 15 to October 15, allowing an additional month's extension of time within which to file proof of citizenship of all radio operators.

## RADIO INTERFERENCE

*Extracts from address by E. K. Jett, Chief Engineer of the Federal Communications Commission, at the 19th Annual Session of the American Congress of Physical Therapy, Cleveland, Ohio, September 2, 1940.*

Interference is the problem child of radio. If it were not for interference, one of the principal reasons for Government regulation of radio would be lacking.

Radio interference is of three kinds. Except under special conditions, radio stations can interfere with one another unless they are assigned separate frequencies—that is, separate highways in the ether. This kind of interference is taken care of through Government regulation and international agreement. Every station is assigned a specific frequency or channel and is required to operate within this channel.

The second type of interference is caused by nature—thunder storms or electric discharges, which listeners call "static" or atmospheric noise. There is always a varying amount of atmospheric noise present in radio reception. This type of interference is overcome in large measure by assigning sufficient power to radio stations to override the noise.

The third type of interference is industrial—electrical or man-made. It is caused by electric machines used in the industry or the home, such as oil burners, electric razors, automatic sign flashers, and the like. Automobile ignition and electric railways are other producers of interference. Fortunately, this third type of interference travels a very short distance from the source. It has been possible to control it to a large extent through cooperation between manufacturers, radio operating companies, and the user of the equipment.

The interference caused by diathermy equipment appears in a class of its own. It is not only capable of interfering with radio reception but in many cases is actually now doing so.

The Federal Communications Commission recognizes the importance of electro-medical apparatus to the medical profession in the treatment of human ills. As a matter of fact, the Inter-American Radio Communications Arrangement, signed at Santiago in 1940, specifically states that the use of diathermy apparatus has an important place in therapeutics, surgery, and industry. The immediate problem, therefore, is how may the public enjoy the benefits of radiocommunication as well as those resulting from the use of electro-medical apparatus without conflict between these services.

The Commission has been studying this problem for several years and has received excellent cooperation from the Council on Physical Therapy and other interested parties. A number of States and municipalities have enacted statutes and ordinances to deal with the subject. However, the general problem of interference has been approached by the Commission from the point of view that the public as a whole will be best served through cooperation in the industry. The Commission believes that through further cooperation it will be able to adopt standards of good engineering practice to guide manufacturers and users of electrical equipment and thus prevent radio interference.

However, local interference in the broadcast services is not the greatest cause for concern in this problem. Transmissions from diathermy machines are capable of being received across the continent and even across the ocean. The frequencies upon which they operate are used by the national defense and safety services. Interruptions of these services may jeopardize life or property, or seriously affect the nation's interests. Communication companies appeal repeatedly to the Commission as being their only source of relief from these interruptions. Municipalities, as many as thirty at a time, have also petitioned the Commission for assistance in the protection of their police services.

Any curtailment of diathermy apparatus would cause great hardship to many sufferers and would prevent the saving of many lives. No one would suggest such a step. Diathermy, like radio, is a safety service. It is used by physicians and surgeons in many ways to combat disease and for surgical purposes. In the hospital it has become an indispensable tool. There are thousands of therapeutic departments in hospitals in the United States, all of which possess one or more diathermy machines, and there are thousands of privately owned machines being operated by physicians in this and other countries. The Commission would no more want to prevent the use of these machines than it would seek to curtail the activities of the doctors themselves. But it is confronted with a very serious problem. It must find a way in which diathermy and radio can get along together.

The reason operation of diathermy apparatus affects radio reception is that the machines are essentially radio transmitters. The radiation which results in interference is not essential for therapeutic purposes and may be regarded as a by-product of the means used to attain the objective. It can, however, be eliminated or minimized if reasonable methods are employed.

From an engineering standpoint, the solution of the problem is simple. While economic factors are important, they are not of such great importance as to be regarded as being unreasonable from the standpoint of cost to the users of therapy apparatus.

In those cases where it is necessary to take the apparatus to the patient, in circumstances where screening the room is not practicable or advisable economically, or, if for any other reason entire screening of the patient and the apparatus is not possible, it would appear that the only solution would be to use apparatus with a restricted frequency band of emission which does not extend over more than one communication channel. Great care should be exercised in the selection of the channel to make certain that no interference will result to radio reception.

This problem was considered in detail at the Inter-American Radio Conference held in Havana in 1937, and again at Santiago in 1940. It is significant that the question was an important topic for discussion at these meetings. There are international aspects. For example, the diathermy machines in Mexico or in Canada cause interference with reception in the United States, and vice versa.

A report prepared by the Canadian delegation and adopted at Havana gives the results of a very comprehensive study of diathermy interference and of the most effective and economic methods of suppressing it. Details as to the different kinds of shielding, their costs, and the manner in which they may be applied to rooms, walls, doors, etc., in hospitals and offices are given.

Representatives at Santiago agreed that their respective countries should adopt measures to suppress or alleviate, insofar as possible, interference caused by apparatus or equipment which may generate or radiate radio frequency currents capable of interfering with, or adversely affecting, the reception of radio transmissions. In this connection, the following is quoted from the annex to the Inter-American Radiocommunications Arrangement:

> "All diathermy machines designed for the same service can operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. Operation on a specific frequency with a very close frequency tolerance is practicable, with little added cost. It is understood that the present design of diathermy equipment has to a great extent gravitated to frequencies above approximately 12 megacycles, hence it is recommended that the subscribing countries consider requiring all diathermy machines to use not more than two frequencies in harmonic relation above 12 megacycles which will not interfere with existing radio assignments. The harmonic relationship between the two frequencies provides a further guarantee against interference to radio communication.
>
> "Standards of good engineering practice are believed to be practicable at the present time and consideration of the adoption by the governments of such standards at the earliest practicable date is recommended. The standards should include the following subjects:
>
> (a) Frequencies to be used.
> (b) Automatic frequency control.
> (c) Frequency stability.
> (d) Type of emission.
> (e) Maximum power output.
> (f) Harmonic radiation to be effectively suppressed.
> (g) Internal circuits to be effectively shielded.
> (h) Radiation from power supply connection to be eliminated.
>
> "Where diathermy apparatus does not comply with the standards which may be adopted by the subscribing countries they should consider the desirability of requiring such apparatus to be operated in a properly shielded room."

There has been splendid cooperation among all concerned—the manufacturers of the apparatus, the medical profession, the Government, and commercial agencies whose radio services are affected, and the general public. When the medical profession has agreed on the most effective region of the radio spectrum for diathermy treatments, it will be the first task of the Commission to find a suitable frequency for diathermy operation. The provisions which must then be met insofar as the apparatus is concerned, should be arrived at by cooperative efforts on the part of the Government and other interested parties. The Federal Communications Commission stands ready to assist, and is planning to call a conference for this purpose in the near future.

## BMI DEVELOPMENTS

### BMI FEATURE TUNES

### September 9-16

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. MADAME WILL DROP HER SHAWL
5. SWINGIN' AT THE SEANCE
6. WE COULD MAKE SUCH BEAUTIFUL MUSIC

*Practice Makes Perfect* this week stands at the head of the list of numbers most played on the air and has also climbed into the list of the 15 best sheet music sellers. It has now been heard for two weeks on the Lucky Strike Hit Parade and the first phonograph records of the song are just being released this week and next.

*There I Go, The Same Old Story,* and *We Could Make Such Beautiful Music* hold their places on the "sheet," the latter for the ninth week.

*Variety* (September 4) says:

> "What has been suspected is now gaining credence, that sundry ASCAP songsmiths have been authoring pop tunes for BMI under nom-de-plumes. It recalls that BMI made frank offers to ASCAP writers and the Society is supported to have tacitly told any and all that if they wanted to 'knock off some easy money' it was all right to write songs under phoney names.
>
> "The manner in which a couple of BMI tunes have been asserting themselves belies one premise that 'you can't find songwriters under rockpiles'—but then again these tunesmiths may be better than the casual variety."

BMI has, of course, made no "frank offers" to ASCAP writers unless the writers could free themselves of ASCAP.

To contradict *Variety's* implication that BMI hits may have been written by ASCAP writers in disguise it is worth while identifying the composers and authors concerned.

The writers of *Practice Makes Perfect,* who are all members of the BMI staff, were discussed in this column last week.

*There I Go* was composed by Irving Weiser, a thoroughly real young man, using his own name, which is the same under which he won an honorable mention in a Paul Whiteman contest a few years ago. Hy Zaret, who wrote the words, is a young New York lawyer, author of the lyrics of half a dozen successful songs. He is far from being somebody else's "phoney name." It is not many years since he was playing football for New York's High School of Commerce and wrestling for the University of West Virginia.

*The Same Old Story* is the result of collaboration in both words and music of Michael Field and Newt Oliphant. "Michael Field" is a pseudonym for Milton Schwartz, one which he has used as pianist as well as composer. He was for seven years a student in the Juilliard Graduate School of Music, where he held a fellowship under the famous piano teacher, Carl Friedberg. He was accompanist for Charles Hackett, of the Metropolitan Opera Company, has appeared as a recitalist at Steinway Hall, and has this past year presented the first recital by his piano pupils in Carnegie Hall. *The Same Old Story* is his first published composition.

Newt Oliphant is Newt Oliphant, a nephew of the late Herman Oliphant, who was General Counsel of the United States Treasury and a close adviser of President Roosevelt. Newt, who has previously published one song, is a pupil of Joseph Piastro, brother and teacher of Michael Piastro, one of the most famous of living violinists.

*We Could Make Such Beuatiful Music* was written by Robert Sour, of the BMI staff, one of the co-authors of *Practice Makes Perfect,* and "Henry Manners," who in private life is Henry Katzman, also a member of BMI staff.

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Four more new stations join the BMI parade:
KOB, Albuquerque, New Mexico,
WGAN, Portland, Maine,
WKBN, Youngstown, Ohio,
WOPI, Bristol, Tennessee.

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Sunday, September 8, the day appointed by President Roosevelt for special prayers for peace, is to be marked by widespread use of a new hymn, *Hail, Prince of Peace,* written by Thomas Patton Mock and published by Broadcast Music, Inc. The last stanza contains words almost identical with those used by Winston Churchill in a radio address when he asked for prayers that

"Right should conquer might
On land and sea."

It will be heard on at least four network broadcasts during the day, one of them originating in the Temple of Religion at the World's Fair, where it is to be sung at two services.

The hymn, composed early this year, was first sung last Easter in a radio broadcast by the Byzantine choir of the Holy Trinity Cathedral in New York. On May 3rd it was presented at the annual spring concert of the General Motors Glee Club, of which the composer is a member. Two days later it was sung by audience as well as choir at the General Conference of the Methodist Church in Atlantic City.

On Peace Sunday it is to be sung at the World's Fair by a choir under the direction of Rhys Morgan in an arrangement made by Dana Merriman, assistant editor of Broadcast Music, Inc. This performance will occur during the noon service at the Temple of Religion and will be carried by the Mutual Broadcasting System over a coast-to-coast hookup from WOR. The new hymn will be sung also at the five o'clock service in the Temple of Religion by the Churchmen's Glee Club and Chorus Choir.

It is also scheduled for Tone Pictures, NBC Blue, 8:30 to 9:00 a. m., Sunday Vespers, NBC Blue, 4:00 to 4:30 p. m., and Richard Maxwell's Songs of Comfort and Cheer, CBS, at 9:30 a. m.

Specially bound copies of *Hail, Prince of Peace* are being prepared for presentation to President Roosevelt, to Archbishop Spellman, and to Pope Pius XII, for whom the lyrics have been translated into Latin.

Inspired by Christmas broadcasts in a world at war, the song has stirred the enthusiasm of musicians and churchmen alike and has been accepted by different denominations as a profoundly moving expression of the common prayer for peace. Among those praising it have been Bishop Edwin E. Hughes of the Methodist Church, Dr. Ralph Sockman, National Chairman of the Methodist Peace Commission, Archbishop Athenagoras of the Greek Orthodox Church, and numerous others.

The League of Nations Assembly has requested the hymn for use at its opening services in the Cathedral at Geneva. The first stanza of the hymn contains the slogan of the League—

"May peace on earth now reign,
Good will toward men."

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A radio sales executive is the latest recruit to join the ranks of popular composers under the banner of Broadcast Music, Inc. He is Paul Mills, young accountant executive at Westinghouse stations WOWO-WCL, Fort Wayne, Indiana.

Mills' tune, *Little Star,* recently accepted for publication by BMI, will be a familiar one to radio audiences in many sections of the country, for it is the theme song of "Friendly Neighbors," the popular Alka-Seltzer radio serial, now featured on 41 stations including the complete Don Lee Network and KGMB, Honolulu.

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The three judge federal court did not hold Florida's music monopoly law unconstitutional in its entirety. *The court sustained the constitutionality of Florida's 1939 law with the exception of Sections 4 (a) and 4 (c).* (NAB Reports, p. 4526.) It merely held unconstitutional the 1937 Florida law, which was a duplicate of the statute enacted in Nebraska, and based this part of its decision rendered in Nebraska last fall. It held that the state had the right to enact monopoly legislation but that the monopoly provisions of the 1937 statute could not be separated from the unconstitutional provisions and therefore that the entire statute must fall.

Laws similar to the Florida 1939 law which were sustained as constitutional also have been enacted in Kansas, North Dakota, Montana and, in part, in Vermont and are in force in those states. New Mexico likewise enacted a similar statute, but it was subjected to a pocket veto by the Governor.

The temporary injunction entered last October against the enforcement of the 1939 act was "vacated and dissolved as to the whole act and all of its sections except Sections 4 (a) and 4 (c)." The principal features of this statute now are in full force and effect in Florida. These require that copyright owners selling performing rights in the state must make full disclosure of all copyrighted music which they intend to sell by filing under oath with the State Comptroller full information concerning each music copyright. This information includes the name of the composition, the names of the composer, author and publisher, the date and Copyright Office number of the copyright, the present owner of the performing rights and a statement that the owner of the performing rights has a legal right to license. This sworn information must be filed with the Comptroller as a condition precedent to doing business in the state, and no suits may be brought in the state by the copyright owner until it is shown affirmatively that the disclosure provisions of the statute have been complied with. Certified copies of all data filed with the Comptroller must be submitted to a prospective licensee at the time of negotiations for a license if the prospective licensee so requests, in order that he may know what rights he is acquiring. A 3 per cent privilege tax based on gross income is provided for, and the law also requires that the Secretary of State be appointed agent by the copyright owners for the service of process in any action brought against the copyright owners. In the past, it has been impossible to obtain jurisdiction in local courts in suits against licensing combinations such as ASCAP, SESAC, AMP and others, with the result that music users were compelled to abandon the enforcement in court of any legal rights which they might have, or attempt to enforce those rights by bringing suit in New York. Violation of the statute subjects the offender to fine or imprisonment, or both.

The Florida Attorney General now is considering the taking of an appeal to the United States Supreme Court from the decision of the lower court with regard to the monopoly provisions of the 1937 statute and Sections 4 (a) and 4 (c) of the 1939 statute.

This is the first final decision rendered by an authoritative court in which the power of the state legislature to regulate the licensing of public performance rights in copyrighted music has been sustained as constitutional. It is believed substantial progress has been made and that ASCAP came out second best in the litigation.

Attorneys representing the State of Florida were Assistant Attorney General Thomas J. Ellis of Tallahassee, Special Assistant Attorney General Lucien H. Boggs of Jacksonville and Andrew W. Bennett, Counsel, of Washington, D. C. ASCAP was represented by Frank J. Wideman, Manley P. Caldwell, Louis D. Frohlich and Herman Finklestein.

## Advertising

### ADVERTISING DIRECTOR TO SPEAK BEFORE CHAIN DRUGGISTS

The Bureau of Radio Advertising has been invited to address the annual convention of the Associated Chain Druggists, scheduled for the Hotel Biltmore, New York, September 16-18. The subject of the talk, to be delivered by Samuel J. Henry, Jr., is "Why and How Radio for Chain Drug Stores." The date has been set for September 17.

Roy Goldheim, advertising manager of the Read Drug Chain, Baltimore, is chairman of the program committee, and arranged for the radio session through Purnell Gould, commercial manager, WFBR.

### MGM PICTURE PLAYS

Some member stations have recently been offered an "Electrical Transcription" series by Metro-Goldwyn-Mayer Studios, to start on or about September 15, to continue for a period of 13 weeks.

In the offering blank sent stations to fill out, the station is asked to agree "to play each transcription delivered to us at least once on the best time available either *before or during the run of the picture which the transcription exploits.*"

In addition, the transcriptions are "not to be played on a sponsored program (other than a program sponsored by the theater in which M-G-M pictures appear). . . ."

The majority of radio stations agree with the Bureau of Radio Advertising that the only manner in which these transcriptions should be broadcast is "on a program sponsored by the theater in which M-G-M pictures appear" and at regular card rates.

In addition, stations may well consider the desirability of airing these transcriptions which doubtless will plug ASCAP tunes exclusively, to the detriment of BMI and other non-ASCAP music.

# Promotion

## LISTEN BEFORE YOU VOTE

Orders for a substantial number of "Listen before You Vote" posters were received at headquarters this week with more anticipated next week.

It is suggested that as many stations as possible tie-in with the "Listen before You Vote" theme. As one manager expressed it, listening to both sides of the question is the spirit of democracy. The American way of life must continue, he said, or the American system of broadcasting will fade out of the picture.

Despite increased demands for time by various agencies, state and national, many station managers are continuing their individual campaigns to keep the virtues and benefits of the American system of radio constantly before listeners. One of them is Ellis Atteberry, manager, KCKN, Kansas City, Kansas. He recently enclosed a letter of approval of the practice, representative of hundreds of similar letters the station had received, "since we began to follow your NAB suggestions to sell the American system of broadcasting to listeners."

Into such planning the "Listen before You Vote" theme fits hand-in-glove; it is the very essence of democracy.

Several suggestions for tying-in with the "Listen before You Vote" theme were made in a bulletin of July 18. From September 16 to election day "Listen before You Vote" is a natural for all member stations.

Many unique uses of the posters by individual stations are indicated by letters from managers. Because of their use in competitive markets the listing of purchasers of additional quantities is omitted.

## NATIONAL DEFENSE

The week ends with the thirteen district managers of the United States Civil Service Commission meeting in Washington for protracted conferences with commission headquarters personnel.

While the field executives are in session they will be asked a number of questions, at NAB's request, the answers to which may contribute to the efficiency of man power procurement by the broadcasting industry.

As of Thursday, September 5, 619 stations have notified NAB that they are broadcasting man power announcements. Previously unpublished cooperating stations are:

DISTRICT 1
VERMONT
WCAX—Burlington
DISTRICT 4
NORTH CAROLINA
WFNC—Fayetteville
DISTRICT 5
GEORGIA
WDAK—West Point
PUERTO RICO
WPAB—Ponce
DISTRICT 9
WISCONSIN
WATW—Ashland
DISTRICT 10
IOWA
KWLC—Decorah
DISTRICT 13
TEXAS
KMAC—San Antonio

Cooperating stations whose call letters have not been listed in NAB REPORTS and bulletins are requested to notify Arthur Stringer, NAB Headquarters, 1626 K St., N. W., Washington, D. C.

## ALIEN REGISTRATION

Earl G. Harrison, Director of Alien Registration, recently paid a tribute to the press and radio for their cooperation in the work of educating the alien population in regard to registration.

"The press, both American and foreign language newspapers," said Mr. Harrison, "have been most cooperative and persevering in their efforts to help us tell the story of alien registration to all to whom it applies. Radio stations have been very generous with their valuable air time. I hope that both media will continue their fine service in this cause."

# FEDERAL COMMUNICATIONS COMMISSION

## WESTINGHOUSE LICENSES RENEWED

Cautioning that its action must not be interpreted as a precedent for subsequent approval of broadcast station licensees disposing of their rights and privileges through contract, the FCC has granted applications of Westinghouse Electric and Manufacturing Co. for renewal of licenses of stations WBZ and WBZA, at Boston, KYW at Philadelphia, and KDKA at Pittsburgh.

These stations were among those which the Commission, on January 29, designated for hearing in the matter of contractual relations. Hearing on the Westinghouse stations, set for October 7, is now cancelled.

In its petition for reconsideration and grant of the renewal applications without hearing, Westinghouse alleged that it has held operating licenses for these stations for more than 18 years, and as "the pioneer" in the development of broadcasting has continued its interest and research therein; that prior to Commission's decision to hold hearing the company considered the desirability of terminating its agreement with the National Broadcasting Co., and did so as of July 1; that Westinghouse now supplies its own programs for local broadcasting and has a new arrangement with National on the usual station affiliation basis for network programs.

Declares the Commission in its opinion and order:

> "We are of the opinion that in entering into the agreement of November 21, 1932, and in permitting National to operate the stations, Westinghouse disposed of rights and privileges granted to it by the terms of its licenses and to all intents and purposes transferred control of the stations here involved to National, without obtaining the written consent of the Commission as required by Section 310(b) of the Communications Act. But the agreement has been abrogated and Westinghouse represents that it will hence-

forth exercise control over the stations. To deny the renewal applications because of this earlier violation of law would result in depriving the public of the broadcast service now available from the stations.

"The contracts now in existence between Westinghouse and National appear to be of the usual character extensively employed by the several networks in relation to licensed broadcast stations. The Commission, by a special committee, has held lengthy hearings and has obtained much information upon the subject of such contracts in its investigation of chain broadcasting, and now has this general subject under consideration. Pending final action by the Commission on this subject, we do not deem it desirable either to approve or disapprove the new contracts between Westinghouse and National, and therefore expressly reserve any decision or opinion with respect to these contracts until our consideration of the entire subject of chain broadcasting agreements is completed and action taken thereon.

"Upon all of the facts we are of the opinion that public interest will be served by granting the renewal applications here involved. This action, however, must not be interpreted as a precedent which in the future will permit licensees of broadcast stations to dispose by contract or agreement, oral or written, of the rights and privileges conferred upon them under licenses issued by this Commission or to transfer control of stations to non-licensees without first obtaining the written consent of the Commission and thereafter abrogate such agreements, contracts or understandings and urge the Commission to overlook such actions and grant renewals of licenses by the Commission."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled before the Commission during the week beginning September 9. It is subject to change.

### September 9

WPAY—Chester A. Thompson (Transferor), The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corporation; **1370 kc.**, 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted modification of license to change frequency from **1500 kc.** to **1200 kc.**; power 250 watts, unlimited time (B3-ML-1013).

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted modification of license to increase power from 100 watts to 250 watts on frequency **1500 kc.**, unlimited time (B1-ML-994).

Burns Avenue Baptist Church, Detroit, Mich.—Granted authority to transmit religious programs from applicant's church auditorium in Detroit, by lines of the Michigan Bell Telephone Co., to Station CKLW, Windsor, Ontario, Canada (B2-FP-80).

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted construction permit to change frequency from **1190 kc.** to **930 kc.**; increase hours from limited-WOAI to unlimited; move transmitter; install new transmitter and directional antenna for day and night use; power 1 KW; granted pending conference (B2-P-2856).

WCLS—Robert W. Thomas, Administrator, Joliet, Ill.—Granted consent to the involuntary transfer of control of WCLS, Inc., licensee of WCLS, upon the death of L. W. Wood, to Robert W. Thomas, Administrator; **1310 kc.**, 100 watts, specified hours (B4-TC-243).

KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit as modified to increase power from 500 watts to 1 KW; change hours of operation from daytime to unlimited; install directional antenna for night use; and give location of studio, and extend commencement date to 60 days after grant and completion date to 180 days thereafter; granted conditionally upon approval of transmitter site and antenna system by the Commission (B4-MP-1028).

WING—WSMK, Inc., Dayton, Ohio.—Granted construction permit to increase power from 250 watts night, 500 watts LS, to 5 KW; move transmitter location; install new transmitter; and change directional antenna for night use; **1380 kc.** (B2-P-2761).

### RELAY BROADCAST STATION RENEWALS

The Commission granted the following applications for renewal of relay broadcast station licenses for the period beginning 3 a. m., Eastern Standard Time, October 1, 1940, and ending 3 a. m., Eastern Standard Time, October 1, 1941.

| *Applicant and Location* | *Call Letters* |
|---|---|
| Columbia Broadcasting System, Inc., Los Angeles, California. | KAAC |
| Don Lee Broadcasting System, San Francisco, California. | KABB |
| Tri-State Broadcasting System, Incorporated, Shreveport, Louisiana. | KABH |
| Woodmen of the World Life Insurance Society, Omaha, Nebraska. | KAID |
| Don Lee Broadcasting System, Los Angeles, California. | KAPT |
| Don Lee Broadcasting System, Los Angeles, California. | KAPU |
| Radio Service Corporation of Utah, Salt Lake City, Utah. | KBID |
| Red River Broadcasting Company, Inc., Duluth, Minnesota. | KBTA |
| Red River Broadcasting Company, Inc., Duluth, Minnesota. | KBTB |
| Maxwell H. White and Hermann R. Wiecking, d/b as Winona Radio Service, Winona, Minnesota. | KBQA |
| National Broadcasting Company, Inc., Denver, Colorado. | KDRA |
| National Broadcasting Company, Inc., San Francisco, California. | KHCM |
| Seattle Broadcasting Company, Seattle, Washington. | KIEF |
| Seattle Broadcasting Company, Seattle, Washington. | KIEG |
| National Broadcasting Company, Inc., San Francisco, California. | KNBC |
| Radio Service Corporation of Utah, Salt Lake City, Utah. | KNEF |
| National Broadcasting Company, Inc., San Francisco, California. | KSFM |
| WHB Broadcasting Company, Kansas City, Missouri. | KWHB |
| W. A. Patterson, Chattanooga, Tennessee. | WAEA |
| WTAR Radio Corporation, Norfolk, Virginia. | WAHE |
| WTAR Radio Corporation, Norfolk, Virginia. | WAHF |
| WIBX, Incorporated, Utica, New York. | WAIJ |
| WAVE, Incorporated, Louisville, Kentucky. | WAIQ |
| National Broadcasting Company, Inc., New York, New York. | WAOB |
| WAVE, Incorporated, Louisville, Kentucky. | WATC |
| University of Illinois, Urbana, Illinois. | WAUI |

| *Applicant and Location* | *Call Letters* |
|---|---|
| Savannah Broadcasting Company,<br>Savannah, Georgia. | WAXH |
| Jonas Weiland,<br>Kinston, North Carolina. | WAXL |
| New Jersey Broadcasting Corporation,<br>Jersey City, New Jersey. | WBAC |
| Westinghouse Radio Stations, Inc.,<br>Fort Wayne, Indiana. | WBGM |
| Radio Service Corporation of Utah,<br>Salt Lake City, Utah. | KBIC |
| WBNS, Incorporated,<br>Columbus, Ohio. | WBNT |
| Tampa Times Company,<br>Tampa, Florida. | WDAJ |
| WJR, The Goodwill Station,<br>Detroit, Michigan. | WENH |
| Columbia Broadcasting System, Inc.,<br>New York, New York. | WFYB |
| WGTM, Incorporated,<br>Wilson, North Carolina. | WGTO |
| WHP, Incorporated,<br>Harrisburg, Pennsylvania. | WHPA |
| National Broadcasting Company, Inc.,<br>New York, New York. | WIEO |
| National Broadcasting Company, Inc.,<br>New York, New York. | WIEW |
| National Broadcasting Company, Inc.,<br>Chicago, Illinois. | WIEX |
| WFBM, Inc.,<br>Indianapolis, Indiana. | WIPM |
| Stromberg-Carlson Telephone Manufacturing Company,<br>Rochester, New York. | WJEN |
| Stromberg-Carlson Telephone Manufacturing Company,<br>Rochester, New York. | WJEP |
| WJR, The Goodwill Station,<br>Detroit, Michigan. | WJRA |
| National Broadcasting Company, Inc.,<br>New York, New York. | WMEF |
| National Broadcasting Company, Inc.,<br>New York, New York. | WMFL |
| National Broadcasting Company, Inc.,<br>Chicago, Illinois. | WMFS |
| National Broadcasting Company, Inc.,<br>Chicago, Illinois. | WNBE |
| National Broadcasting Company, Inc.,<br>Cleveland, Ohio. | WNBJ |
| National Broadcasting Company, Inc.,<br>New York, New York. | WNBM |
| National Broadcasting Company, Inc.,<br>Cleveland, Ohio. | WNBT |
| National Broadcasting Company, Inc.,<br>New York, New York. | WNBV |
| WFBM, Inc.,<br>Indianapolis, Indiana. | WNEI |
| Northwestern Publishing Company,<br>Danville, Illinois. | WRDI |
| KLZ Broadcasting Company,<br>Denver, Colorado. | KAAO |
| Columbia Broadcasting System, Inc.,<br>Los Angeles, California. | KAAZ |
| Don Lee Broadcasting System,<br>Los Angeles, California. | KABD |
| Oscar C. Hirsch, trading as Hirsch Battery and Radio Co.,<br>Cape Girardeau, Missouri. | KAGM |
| Earle C. Anthony, Inc.,<br>Los Angeles, California. | KAIH |
| Don Lee Broadcasting System,<br>Los Angeles, California. | KAOG |
| KRIC, Incorporated,<br>Beaumont, Texas. | KAOV |
| Don Lee Broadcasting System,<br>Los Angeles, California. | KAPS |

| *Applicant and Location* | *Call Letters* |
|---|---|
| Earle C. Anthony, Inc.,<br>Los Angeles, California. | KAXA |
| KGKO Broadcasting Company,<br>Fort Worth, Texas. | KAXY |
| The KANS Broadcasting Company,<br>Wichita, Kansas. | KBIB |
| Columbia Broadcasting System, Inc.,<br>Los Angeles, California. | KBKC |
| Gilbert H. Jertberg,<br>Executor of the Estate of George Harm (Deceased),<br>Fresno, California. | KDAC |
| A. H. Belo Corporation,<br>Dallas, Texas. | KFAA |
| Fisher's Blend Station, Inc.,<br>Seattle, Washington. | KIEL |
| International Broadcasting Corporation,<br>Shreveport, Louisiana. | KILB |
| Carter Publications, Incorporated,<br>Fort Worth, Texas. | KNED |
| The Associated Broadcasters, Inc.,<br>San Francisco, California. | KSFQ |
| Columbia Broadcasting System, Inc.,<br>New York, New York. | WAAU |
| Central New York Broadcasting Corporation,<br>Syracuse, New York. | WABE |
| Columbia Broadcasting System, Inc.,<br>Washington, D. C. | WAEW |
| Minnesota Broadcasting Corporation,<br>Minneapolis, Minnesota. | WAFY |
| The Journal Company (The Milwaukee Journal),<br>Milwaukee, Wisconsin. | WAHB |
| Courier-Journal and Louisville Times Company,<br>Louisville, Kentucky. | WAIC |
| Ashland Broadcasting Company,<br>Ashland, Kentucky. | WATA |
| Matheson Radio Company, Inc.,<br>Boston, Massachusetts. | WAUC |
| Evansville on the Air, Inc.,<br>Evansville, Indiana. | WAUT |
| Havens & Martin, Inc.,<br>Richmond, Virginia. | WAXE |
| Bamberger Broadcasting Service, Inc.,<br>Newark, New Jersey. | WBAM |
| Bamberger Broadcasting Service, Inc.,<br>Newark, New Jersey. | WBAN |
| Bamberger Broadcasting Service, Inc.,<br>Newark, New Jersey. | WBAO |
| Bamberger Broadcasting Service, Inc.,<br>Newark, New Jersey. | WBAQ |
| Head of the Lakes Broadcasting Company,<br>Duluth, Minnesota. | WBGL |
| Columbia Broadcasting System, Inc.,<br>Charlotte, North Carolina. | WCBE |
| Columbia Broadcasting System, Inc.,<br>New York, New York. | WCBF |
| Columbia Broadcasting System, Inc.,<br>Chicago, Illinois. | WCBG |
| Columbia Broadcasting System, Inc.,<br>New York, New York. | WCBN |
| Central New York Broadcasting Corporation,<br>Syracuse, New York. | WFYA |
| Minnesota Broadcasting Corporation,<br>Minneapolis, Minnesota. | WAFZ |
| Larus & Brother Company, Incorporated,<br>Richmond, Virginia. | WCLA |
| Miami Broadcasting Company,<br>Miami, Florida. | WIEF |
| Knickerbocker Broadcasting Company, Inc.,<br>New York, New York. | WIEH |
| Columbia Broadcasting System, Inc.,<br>New York, New York. | WIEK |

| *Applicant and Location* | *Call Letters* |
|---|---|
| Isle of Dreams Broadcasting Corporation, Miami, Florida. | WIOE |
| Isle of Dreams Broadcasting Corporation, Miami, Florida. | WIOF |
| The Journal Company (The Milwaukee Journal), Milwaukee, Wisconsin. | WJER |
| Isle of Dreams Broadcasting Corporation, Miami, Florida. | WIOG |
| National Broadcasting Company, Inc., Washington, D. C. | WNBU |
| Agricultural Broadcasting Company, Chicago, Illinois. | WOEB |
| Georgia School of Technology, Atlanta, Georgia. | WQER |
| Georgia School of Technology, Atlanta, Georgia. | WQET |

## RENEWAL OF LICENSES

Westinghouse Electric & Manufacturing Co.: WBZ, Boston, Mass.; WBZA, Boston, Mass.; KYW, Philadelphia, Pa.; KDKA, Pittsburgh, Pa.—Granted petition for reconsideration, cancelling hearings previously scheduled, and granted renewal of licenses of broadcast stations WBZ, WBZA, KYW, and KDKA.

## MISCELLANEOUS

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast material to be received from police transmitter KGPE between 7:30 p. m. and 9 p. m., CST, on September 11, 1940, in connection with educational broadcast concerning the police department, subject to the condition that only routine police communications are rebroadcast.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m. to 10 p. m., EST, on September 10, 1940, in order to broadcast the political speeches of Abit Nix, A. M. Anderson, and others.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m., EST, September 11, 1940, to 1 a. m., EST, September 12, 1940, in order to broadcast returns of the Georgia Primary Election.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:45 p. m. to 10:15 p. m., EST, on August 29, 1940, in order to broadcast the annual Ritchie Day Dinner only.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period August 16, 1940, to not later than September 14, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

WPAY—Chester A. Thompson, Transferor, and Brush-Moore Newspapers, Transferee, Portsmouth, Ohio.—Denied petition for reconsideration and grant without hearing of application for consent of transfer of control of Vee Bee Corp., licensee of Station WPAY.

Broadcasting Corp. of America, Riverside, Calif.—Granted petition for intervention in re hearing on application of Mollin Investment Co., Riverside, Calif., for construction permit for new station to operate on **1390 kc.**, 500 watts, daytime (B5-P-2464).

WRR—City of Dallas, Tex.—Granted motion for leave to amend application so as to request 5 KW, move transmitter, install new equipment and directional antenna system; frequency **1280 kc.** and unlimited hours to remain same (B3-P-2229).

Trent Broadcasting Corp., Trenton, N. J.—Granted petition for leave to amend application for new station, with reference to proposed transmitter site and directional antenna system.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Granted license to cover construction permit as modified for new broadcast station, **1310 kc.**, 250 watts, unlimited time (B3-L-1214). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-466).

WFME—Monocacy Broadcasting Co. (area of Frederick, Md.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 40 watts (B1-LRY-202).

KMYR—F. W. Meyer, Denver, Colo.—Granted modification of construction permit for new station, for approval of antenna and transmitter site, and change type of transmitter; **1310 kc.**, power 100 watts, 250 watts LS, unlimited time (B5-MP-962).

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted modification of construction permit as modified for construction of new station, for change in type of transmitter; **1500 kc.**, 100 watts, 250 watts LS, unlimited time (B3-MP-1026).

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Granted modification of construction permit for changes in directional antenna for both day and night, and move of transmitter and studio, for extension of completion date from September 10, 1940, to December 10, 1940 (B1-MP-1049).

WSPD—The Fort Industry Co., Toledo, Ohio.—Granted license to cover construction permit to increase power from 1 to 5 KW night, installation of directional antenna for night use (B2-L-1216). Also granted authority to determine operating power by direct measurement of antenna power (B2-L-467).

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special temporary authority to operate from local sunset (Aug. 7:30 p. m., EST) to 11 p. m., EST, on August 30 and 31, 1940, and from local sunset (Sept. 6:45 p. m., EST) to 11 p. m., EST, on September 1, 2, 3, 4, 5, 6, 7, and 8, 1940, in order to broadcast Michigan State Fair programs only.

WEAU—Central Broadcasting Co. Eau Claire. Wis.—Granted special temporary authority to operate from 7:30 p. m. to 9 p. m., CST, August 29, 1940, in order to broadcast the acceptance speech of Henry A. Wallace, Democratic Vice Presidential candidate.

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—Denied petition for reconsideration of Commission action of August 14, 1940, which ratified the action taken July 29, 1940, by a Board of Commissioners granting the application of Watertown Broadcasting Corp., Watertown, N. Y., for a construction permit for new broadcast station to operate on frequency **1210 kc.**, 250 watts power, unlimited time.

WJHP—The Metropolis Co., Jacksonville. Fla.—Granted extension of time to September 25, 1940, within which to file answer to petition of Florida Broadcasting Co. (WMBR) for rehearing to Commission's grant of a license to cover construction permit to The Metropolis Co. on July 23, 1940, for new broadcast station to operate on **1290 kc.**, 250 watts power, unlimited time.

KYSM—F. B. Clements & Co., d/b as Southern Minnesota Supply Co., Mankato, Minn.—Denied petition for immediate grant of application for construction permit to install new equipment, directional antenna, and to operate on **940 kc.** contingent on the shifting of station frequencies pursuant to the North American Regional Broadcasting Agreement.

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—Granted modification of construction permit for new broadcast station for approval of antenna, approval of transmitter and studio sites; **1500 kc.**, 250 watts, unlimited time (B1-MP-1047).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted license to use old main transmitter for auxiliary purposes only (B1-L-1217).

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted license to cover construction permit for changes in equipment and increase in power; **1310 kc.**, 250 watts, unlimited time (B2-L-1215).

KOH—The Bee, Inc., Reno, Nev.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-472). Also granted license to cover construction permit, as modified, for change in frequency and power, installation of directional antenna for night use and move of transmitter and studio; **630 kc.**, 1 KW, unlimited time, directional antenna at night (B5-L-1218).

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit for equipment changes, for extension of completion date from October 22, 1940, to April 22, 1941.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate from 6:15

p. m. to 7 p. m. EST, September 2, 9, 16, 23, and 30, 1940, in order to broadcast a religious program, a Novena, conducted by Monsignor Connelly.

WAIA—Press Union Publishing Co. (area of Atlantic City, N. J.).—Granted special temporary authority to operate a relay broadcast station for a period of 15 days, commencing on or about September 1, 1940, the portable relay transmitter to be operated on **30820, 33740, 35820** and **37980 kc.,** with power of 2 watts and A3 emission, in order to broadcast a description of the Atlantic City Beauty Pageant and Annual Boardwalk Festival.

W9XA—Everett L. Dillard, tr/as Commercial Radio Equip. Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26300 kc.,** using maximum power of 1000 watts, special emission (FM) in cooperation with the licensee of high frequency broadcast station W2XJI, for the period beginning August 31, 1940, and ending not later than September 29, 1940, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.,** employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

## APPLICATIONS FILED AT FCC

### 900 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit to install new transmitter, install directional antenna for night use, change frequency from **1210** to **900 kc.,** and increase power from 250 watts to 1 KW. Amended: To make minor changes in directional antenna.

### 1320 Kilocycles

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—License to cover construction permit (B2-P-2495) as modified, for new equipment, installation of directional antenna, increase in power and move of transmitter.

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Authority to determine operating power by direct measurement.

### 1340 Kilocycles

WFNC—W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Voluntary assignment of license from W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., to W. C. Ewing & T. K. Weyher, tr. as Cumberland Broadcasting Co.

### 1420 Kilocycles

NEW—The Huntsville Times, Co., Inc., Huntsville, Ala.—Construction permit for a new station to be operated on **1200 kc.,** 250 watts, unlimited time. Amended: To change requested frequency from **1200 kc.** to **1420 kc.,** make changes in vertical antenna and omit request for facilities of WBHP.

### 1450 Kilocycles

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Authority to determine operating power by direct measurement of antenna power.

## FM APPLICATIONS

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.;** coverage, 6,564 square miles; population, 1,531,182.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43300 kc.;** coverage, 12,520 square miles; population, 5,241,300.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.;** coverage, 1427.97 square miles; population 1,901,124.

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit for a new high frequency broadcast station to be operated on **43100 kc.;** coverage, 20,437 square miles; population, 6,606,882.

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **43700 kc.;** coverage, 14,144 square miles; population, 3,636,615.

## MISCELLANEOUS

WEMB—Westinghouse Electric and Manufacturing Co., Mobile-Chicopee Falls, Mass.—Construction permit to install new transmitter and decrease operating power from 50 watts to 2 watts.

WEMB—Westinghouse Electric and Manufacturing Co., Mobile-Chicopee Falls, Mass.—License to cover construction permit (B1-PRE-365) for new equipment and decrease in operating power.

KEGN—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—License to cover construction permit (B5-PRE-289) as modified for installation of new transmitter.

KQCB—Queen City Broadcasting Co., Inc., vicinity of Northwest Washington State.—License to cover construction permit (B5-PRY-223) for installation of new transmitter and increase in power.

WBAE—L. B. Wilson, Inc., Cincinnati, Ohio.—License to cover construction permit (B2-PRY-217) for new relay station.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Belle Blouse Corporation,** New York, is alleged to misrepresent the constituent fiber or material of which its blouses and other wearing apparel for women are made. A typical representation, the complaint continues, is its use of the terms "Pure Dye Silk" and "Pure Crepe Silk," and other terms indicative of silk, on tags, labels, price lists and other advertising matter. By these means and by failing to disclose the rayon content of certain of its products, the complaint alleges, the respondent represents that its fabrics so described are composed of silk, when in fact they consist in whole or in part of rayon. (4273)

**Federal Sales Company**—See Jordan Stevens Company.

**Parker T. Frey Company**—Parker T. Frey, trading under the names of Parker T. Frey Company and Nearby Sales Company, 135 South Second St., Philadelphia, a broker in the sale of food products, particularly canned sea food and vegetables, is charged with violation of the brokerage provision of the Robinson-Patman Act in a complaint.

The complaint alleges that the respondent has carried on his brokerage business principally under the firm name of Parker T. Frey Company and that he is also in the business of buying and selling food products for his own account principally under the firm name of Nearby Sales Company but also under the name Parker T. Frey Company.

According to the complaint, the respondent, in the purchase of food products for his own account, and trading under the two firm names, receives and accepts from numerous sellers of such products so purchased, brokerage fees or allowances or discounts in lieu thereof, on many of the purchases made for his own account. (4290)

**S. Friedman & Sons**—Abraham and Samuel Friedman, trading as S. Friedman & Sons, and as Sunray Yarn House, New York, are alleged to advertise one of their knitting yarns as "Sunray Cashmere Sport Yarn" and as "Sunray Cashmere Sport" and "Cashmere Sport," and another yarn as "Sunray Cashmere De Laine," representing that they are made entirely from the hair of the Cashmere goat. The complaint points out that in fact neither of the yarns is made entirely from such hair, the "Sunray Cashmere Sport Yarn" containing no hair of the Cashmere goat and "Sunray Cashmere De Laine" being a mixture of hair of the Cashmere goat and Australian wool, with the Australian wool predominating. (4274)

**Jack Frost Yarn Company**—See Gottlieb Brothers.

**Gardner & Company**—Everett J. Granger, Mame Partin, Frances Martin, Hattie G. Gardner, Thekla Maas, Bernice Feitler and Erwin Feitler, individually and trading as Gardner & Company, 2309 Archer Ave., Chicago, are charged, in a complaint, with the distribution of lottery devices.

The complaint alleges that the respondents are engaged in the manufacture and distribution of push cards and punch boards involving lottery features when used in connection with the sale or distribution of other merchandise to ultimate consumers.

Through the sale and distribution of their devices the respondents are alleged to furnish others with the means of conducting lotteries. (4278)

**Gottlieb Brothers**—Charging misrepresentation in the sale of knitting yarns, a complaint has been issued against Samuel and Peter Gottlieb, trading as Gottlieb Brothers and as Jack Frost Yarn Company, 207 Avenue C, New York.

The complaint alleges that the respondents represent the constituent fiber or material of which their products are made by means of misleading designations on labels, sample cards and other advertising matter and by failure to disclose the rayon content of certain of their products.

Typical instances of the respondents' misrepresentation of the constituent fiber or material of their products, the complaint continues, are their use of the wool-denoting terms "Sport Angora", "Cashmere Sport", "Imported Cashmere", "Zephyr Tweed", "Persian Curl" and other similar words for products made from fibers other than those so indicated.

Some of the terms employed by the respondents, the complaint continues, do not disclose or indicate the kind or type of material from which the products are made, and are used on materials having the appearance and feel of either silk or wool; for example, use of the terms "Heatherstone", "Pompadour", "Paradise", "Duveen", "Magic Duveen", "Willow Down", "Supersheen", "Germantown" and "Persian Curl", when in fact the products are composed in whole or in part of rayon.

Typical also of the respondents' representations of their products as being of a finer grade, higher quality or different fiber than is actually a fact, the complaint continues, has been their use of terms indicative to the public of certain fiber, grade or quality; for example, use of the words and phrases "Cashmere Sport" and "Imported Cashmere" in advertising matter to describe certain of their products which do not contain the hair of the Kashmir goat but instead are composed of other fibers.

A further typical practice of the respondents, the complaint continues, has been their use of words associated in the public mind as descriptive of wool exclusively, to describe yarn products consisting partly of wool and partly of other materials; for example, use of the words "Tweed", "Worsted", "Angora" and 'Cashmere" and other words of similar meaning indicative of wool to designate yarn products actually composed of rayon and wool. (4268)

**Minetree Brokerage Company**—Alleging violation of the brokerage provision of the Robinson-Patman Act, a complaint has been issued against T. A. Ward, Carr Ward and Wilma Ward, trading as Minetree Brokerage Company, Poplar Bluff Mo.

The complaint points out that the Poplar Bluff Wholesale Grocery Company, Poplar Bluff, Mo., in which the respondents T. A. and Wilma Ward own 88 per cent of the outstanding capital stock and of which they are officers, place orders for a substantial portion of its merchandise requirements, particularly foodstuffs, with various sellers through the respondent brokerage firm of T. A. Ward, Wilma Ward and Carr Ward, trading as Minetree Brokerage Company.

Sellers delivering the goods ordered by Poplar Bluff Wholesale Grocery Company, the complaint alleges, transmit and pay to the respondent brokerage firm substantial brokerage fees or commissions amounting to a certain percentage, usually from 2½ to 5 per cent of the sales price of the grocery company's purchases. In all of these transactions, the complaint continues, the respondents have acted for and on behalf of the Poplar Bluff Wholesale Grocery Company. (4285)

**National Proprietaries, Inc.**—Misrepresentation of a drug product is alleged in a complaint issued against National Proprietaries, Inc., 767 North Milwaukee Ave., Chicago.

Advertising a preparation known as "Nuga-Tone," the respondent is alleged to represent that it has substantial value in treating nervous disorders when in fact it does not possess such value.

The complaint alleges that in addition the respondent has disseminated false advertisements in that such advertisements fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary and usual may result in serious and irreparable injury to health.

The complaint points out that the respondent's preparation is not safe and harmless in that it contains the drugs corrosive sublimate, strychnine sulphate, arsenic trioxide, reduced iron, extract gentian, extract cascara sagrada, extract taraxacum and zinc phosphide. The complaint alleges that these drugs are present in quantities sufficient to produce serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary and usual. (4271)

**Nearby Sales Company**—See Parker T. Frey Company.

**Thomas Page Mill Company, Inc.**—A complaint has been issued against The Thomas Page Mill Company, Inc., Topeka, Kans., a miller and distributor of flour, and Piedmont Wholesale Grocery Company, Piedmont, Mo., alleging violation of the brokerage provision of the Robinson-Patman Act.

The complaint charges that The Thomas Page Mill Company, Inc., has paid brokerage fees and granted allowances or discounts in lieu of brokerage upon purchases by buyers for their own account, including the Piedmont Wholesale Grocery Company, and that the latter company has received and accepted allowances or discounts in lieu of brokerage upon its purchases from The Thomas Page Mill Company, Inc. (4286)

**Piedmont Wholesale Grocery Company**—See Thomas Page Mill Company, Inc.

**Poplar Bluff Wholesale Grocery Co.**—See Minetree Brokerage Company.

**Thomas Roberts & Company**—Charging violation of the brokerage provision of the Robinson-Patman Act in the sale and purchase of food products, a complaint has been issued against Walter W. Thrasher, Willoughby J. Rothrock, Linton A. Thrasher and Wainwright Churchill, trading as Thomas Roberts & Co., 135 South Second St., Philadelphia, who purchase canned fruits and vegetables for their own account and resell them to jobbers, wholesalers, retail chain stores and other purchasers.

Substantial brokerage fees and commissions or allowances and discounts in lieu thereof have been received and accepted by the respondents from sellers in connection with the purchase of commodities for their own account in interstate commerce, according to the complaint, and have been granted by them to purchasers in connection with the respondents' resale of such commodities.

Usually, the complaint continues, the receipt and acceptance of these brokerage fees, discounts or allowances by the respondents is accomplished by purchasing commodities at prices lower than the prices at which such articles are sold to other purchasers thereof. The prices paid by the respondents, the complaint continues, are lower by an amount which reflects all or a portion of the brokerage currently being paid by the sellers of such commodities to their respective brokers for effecting sales of such products to other purchasers.

The complaint alleges that the respondents' receipt and acceptance from the sellers, and their granting and allowing to the purchasers upon resale, of brokerage fees and commissions or allowances and discounts in lieu thereof, are in violation of section 2 (c) of the Clayton Act, as amended by the Robinson-Patman Act. (4282)

**Albert W. Sisk & Son**—Six firms engaged as brokers in the purchase and sale of food products are charged with violation of the brokerage provision of the Robinson-Patman Act in complaints.

The respondents are A. Fletcher Sisk, Theodore E. Fletcher and Harold E. Stark, trading as Albert W. Sisk & Son, Preston, Md.; Charles F. Unruh and Robert A. Harris, Jr., trading as C. F. Unruh Brokerage Company, Kinsdale, Va., and Cecil G. Reaburn, trading as C. G. Reaburn & Co., Roanoke, Va.; H. Weldon Ruff, trading as H. M. Ruff & Son, York, Pa.; W. E. Robinson & Co., Inc., Bel Air, Md., and American Brokerage Company, Inc., Roanoke, Va.

The respondents, according to the complaints, are field brokers acting as agents of sellers in transactions of sale and purchase of canned vegetables between sellers and jobbers, wholesalers, retail chain stores and other purchasers. The C. F. Unruh Brokerage Company, H. M. Ruff & Son, and W. E. Robinson Co., Inc., also handle canned fruits.

The complaints allege that the respondents effect sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondents; that for their services to the sellers the respondents receive from the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where the respondents effect sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the respondents, such allowance and discount usually being the equivalent of the brokerage paid by the respondents to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the complaint, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondents.

The complaints point out that the respondents also purchase canned products for their own account for resale to jobbers, wholesalers, retail chain stores and other purchasers and that in connection with such purchases and the resale of such commodities they have received and accepted from the sellers and have granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The complaints charge that the respondents have violated section 2(c) of the Clayton Act, as amended by the Robinson-Patman Act, by receiving and accepting and by granting and allowing the brokerage fees and commissions or allowances and discounts in lieu thereof, as alleged. (4275, 4283, 4284, 4292, 4294 and 4298)

**Jordan Stevens Company**—A Minneapolis seller of coffee and a Flushing, N. Y., candy dealer have been served with complaints alleging the sale of products so packed and assembled as to involve the use of lottery methods when sold and distributed to the consuming public. The respondents are Jordan Stevens Company, 200 Third Ave., North, Minneapolis, and John Shapiro, trading as Federal Sales Company, 150-35 Thirty-fourth Ave., Flushing, Long Island, N. Y.

Use of the respondents' sales methods, the complaints charge, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair method of competition and an unfair act or practice under the Federal Trade Commission Act. (4269-4270)

**Stomar Manufacturing Company**—Alleging misrepresentation in the sale of graters and shredders for use in preparing foods, a complaint has been issued against Joseph H. and Joseph D. Kevorkian, and Louis Stone, trading as Stomar Manufacturing Company, 1027 Ridge Ave., Philadelphia.

Advertisements of the respondents allegedly referred to the "Stomar Stainless Safety Grater" and "Stomar Stainless Safety Grater and Shredder" and contained the expressions "Won't Rust", "Won't Tarnish" and "Won't Corrode".

Through use of the word "Stainless" the respondents, according to the complaint, represent that their grater is stainless steel when in fact it is made from ordinary carbon steel wire with a retinned finish. The respondents, through their use of the expressions "Stainless", "Won't Rust", "Won't Tarnish" and "Won't Corrode", are alleged to create the impression that their grater successfully resists rust, stain and corrosion, when in fact, according to the complaint, it is not stainless and will rust and stain when brought into contact with agencies which do not rust or blemish stainless steel. (4272)

**Sunray Yarn House**—See S. Friedman & Sons.

**Uco Food Corporation**—Violation of the brokerage provision of the Robinson-Patman Act in the purchase of food products is alleged in complaints issued against Giant Tiger Corporation, Philadelphia, operating a chain of retail food stores commonly known as "Super Markets"; Uco Food Corporation, Newark, N. J., food wholesaler; R. C. Williams & Co., Inc., New York, food importer and exporter; A. Krasne, New York, food wholesaler, and General Grocer Company, St. Louis, food wholesaler.

The respective complaints allege that each respondent, in connection with the purchase of its requirements in interstate commerce, has received and accepted allowances and discounts in lieu of brokerage in substantial amounts.

Usually, the complaints continue, the receipt and acceptance of the allowances and discounts in lieu of brokerage is accomplished by the respondents through the purchase of commodities at prices lower than the prices at which such articles are sold to other purchasers. The prices paid by the respondents, according to the complaints, are lower by an amount which reflects all or a portion of the brokerage currently being paid by the sellers of such commodities to their respective brokers for effecting sales of similar products to other purchasers. (4276-4277-4279-4280-4281)

**Wool Trading Company, Inc.**—A complaint has been issued charging the Wool Trading Company, Inc., 361 Grand St., New York, with misrepresentation in the sale of knitting yarns.

In its catalogs, sample books and other printed matter the respondent, according to the complaint, makes misleading representations concerning the composition of its products and their place of origin, the status of its business, and persons purported to be connected with it.

The complaint alleges, among other things, that the respondent employs the term "Cashmere Sport" for yarn containing none of the wool of the cashmere goat; "Ascot Tweed," "Zephyr Tweed" and "Shag Tweed" for yarns composed not wholly of wool but of part wool and part rayon; "Sparkle Crepe" for yarn not made wholly of silk but entirely of wool and rayon; "Angora" for yarn not composed wholly of the wool of the Angora goat but consisting in part of other wool; and "Frazee" and "Gimp" for yarns having the appearance of being part silk products but in fact consisting of wool and rayon or cotton and rayon.

Yarns not imported from the Shetland Islands or Scotland have been designated by the respondent as "Shetland Floss," "Scotch Heather" and "Scotch Tweed," according to the complaint, and yarn of domestic origin has been described as "Imported Cashmere (Feather Tone)."

Typical of the respondent's misrepresentation of persons allegedly connected with its business, the complaint continues, has been its use of the name "Elsie Janice," represented to be its "chief instructress," such fictitious name so closely resembling that of Elsie Janis, the actress, as to be misleading.

Letterheads of the respondents, it is alleged, bear the wording "Wool Trading Co., Inc., Manufacturers of Peter Pan Yarns," when in fact this company does not manufacture yarns but purchases them from others. (4267)

## STIPULATIONS

No stipulations were entered into by the Commission during the past week.

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**National Converters Institute**—Nine members of the transparent materials converting industry and their trade association have been ordered to cease and desist from agreeing to maintain uniform prices of transparent cellulose sheets and rolls such as cellophane, sylphrap, kodapak and protectoid. The manufacturer-members are dominant factors in their industry, controlling more than 90 per cent of the country's output and sale of such products.

The respondents are National Converters Institute, 111 West Washington St., Chicago, the trade association; Shellmar Products Company, Mount Vernon, Ohio; Milprint Products Corporation (now Milprint, Inc.), 431 West Florida St., Milwaukee, with branch factories in Philadelphia and Los Angeles; Traver Paper Corporation, 358 West Ontario St., Chicago; Dobeckmun Company, 3301 Monroe Ave., Cleveland; Dennison Manufacturing Company, Framingham, Mass.; Caton Printing Company, 422 West 8th St., Kansas City, Mo.; Thomas M. Royal & Company, 5800 North Seventh St., Philadelphia; Nashua Gummed and Coated Paper Company, Nashua, N. H., and Pioneer Wrapper and Printing Company, 837 East 4th Place, Los Angeles. The last three mentioned respondents resigned their memberships in the trade association shortly prior to the service of the Commission's complaint on September 19, 1939.

Also named as respondent is Richard M. McClure, secretary-treasurer and manager of the National Converters Institute.

Commission findings are that the member respondents entered into agreements with each other to maintain uniform prices for the sale of their products, including the discounts to be allowed purchasers; exchanged through the medium of the trade association and of McClure, current price lists and confidential detailed information as to the conduct of their businesses.

The respondents are ordered to cease and desist from filing uniform prices and discounts at which their products are to be sold either directly or through the medium of the National Converters Institute and Richard M. McClure, or any other agency; exchanging through the medium of the Institute and its manager, or any other agency, price lists containing proposed or future prices and discounts of their products in order to establish net prices at which they will sell such products, or filing with the Institute and its manager, or any other agency, deviations in current price lists of their products in order to establish and maintain uniform net selling prices.

The respondents were also ordered to desist from agreeing among themselves that they will maintain proposed future prices and discounts published by them and filed with the Institute and Richard M. McClure, or any other agency, or collecting or disseminating information as to instances where respondent corporations have sold their products at prices and discounts other than those set forth in their respective price lists, in order to maintain the net prices and discounts which the respondent manufacturers agreed to maintain. (3897)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 37, September 13, 1940

# REALLOCATION—MARCH 29, 1941

In conformity with provisions of the North American Regional Broadcasting Agreement, the Federal Communications Commission yesterday filed with the State Department its proposed reallocation of frequencies in the standard broadcast band, to go into effect simultaneously with the pact March 29, 1941. The signatory governments are exchanging their respective tentative assignments for final check before making them operative.

Changes necessitated by the Havana agreement will affect 777 of the 862 radio stations now operating in the standard broadcast band (550 to 1600 kilocycles) in the United States. These are published below in the REPORTS. In shifting the United States frequencies the Commission plans but minimum alteration in the present broadcast service.

Here, in general, is how the domestic shift will be accomplished:

Stations now operating on channels of from 550 to 720 kilocycles will retain their present assignments.
Stations operating between 740 and 780 kilocycles will move up 10 kilocycles (which is the engineering equivalent to one channel).
Stations using from 790 to 870 kilocycles will move up 20 kilocycles (two channels).
Stations between 880 and 1450 kilocycles will generally advance 30 kilocycles (three channels).
Clear channel stations will shift from 1460-1490 kilocycles to 1500-1530 kilocycles.
Local stations now on 1500 kilocycles will move down one channel—to 1490 kilocycles.

The chief noticeable difference to the average listener will be that his favorite station above 730 kilocycles will occupy a slightly different place on his receiver dial—usually higher. *The NAB is immediately preparing plans for an educational campaign to inform listeners of these changes. Plans will seek to bring about a simultaneous switch-over by all stations so that reallocations can be made in an orderly manner with minimum disturbance to program service and listener following.*

The correlated shifting of the frequencies of some 100 broadcast stations in Canada, and of numerous stations in Mexico and Cuba will serve to eliminate in considerable measure the long-complained of interference from these sources, and thereby improve broadcast reception in the North American continent generally. Interference from Mexican and Cuban stations has been particularly objectionable to the rural listeners.

Certain obnoxious broadcast stations on the Mexican border are to be eliminated. These stations are largely run by persons denied the use of frequencies in the United States. They have featured the types of programs which caused them to be eliminated from the United States scene. The Havana pact contains no provision for the continued operation of these high-powered stations just across the border.

The United States broadcaster, on his part, does not have to replace present transmis-

*(Continued on page 4572)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

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## REALLOCATION—MARCH 29, 1941

*(Continued from page 4571)*

sion and other expensive equipment. His chief concern will be to change the quartz crystals which control a station's operating frequency. Through this is a small item, it will take some time to obtain the 2000 or more needed crystals from the comparatively few manufacturers who grind and calibrate them to order.

In carrying out the agreement, the Commission states it has made every effort "to preserve the broadcast structure in the United States so that minimum interference in frequency assignments would be required. Of course, blanket shifts were not possible in every instance, and certain stations had to be considered individually in their relation to the new set-up as a whole. When a considerable change in frequency was found imperative, the Commission's engineers have striven to provide a new assignment with less potential interference than exists on the present frequency, or the licensee is afforded opportunity to increase his power to maintain substantially his present service area. In making such general reallocations, however, it is necessary for the Commission to amend its rules governing standard broadcast stations in some technical particulars."

By far the largest portion of the 777 stations which have to shift will be those stations which will move up 30 kilocycles. A breakdown of the effect of the change on the 862 standard broadcast stations follows:

| *Change* | *Number of Stations Affected* |
|---|---|
| No change | 85 |
| Move up 10 kilocycles | 20 |
| Move up 20 kilocycles | 26 |
| Move up 30 kilocycles | 614 |
| Move up 40 kilocycles | 25 |
| Move down 10 kilocycles | 64 |
| Irregular shifts | 28 |

Any broadcaster has until October 15th to register his views if he takes exception to his individual assignment.

The practical effect of the agreement is to establish principles paralleling the allocation and engineering standards put into effect by the Commission in 1939. In fact, the existing plan was drafted to meet the changes proposed in the then impending agreement. In preparation for reallocation, the Commission set all outstanding standard broadcast authorizations to expire October 1. This date is now extended to be coincident with the effective date of the Havana pact—March 29th next.

The treaty itself does not specify the changes which must be made in the operating frequencies of broadcast stations in the United States. Nor does it designate the operating assignment of individual stations. However, the assignment of certain classes of stations in Canada, Cuba, and Mexico very nearly controls the assignments in the United States.

It was particularly necessary to provide five clear channels for Mexico which, prior to the agreement, had no frequencies reserved for high power stations in the standard broadcast band. So, some changes in the allocation structure previously set up by the Commission was necessary.

Two clear channels were obtained by taking United States stations on the present 1010 kilocycle regional channel and the present 1180 kilocycle clear channel and reassigning these stations to different frequencies. Three additional channels were secured by shifting the frequencies of stations commencing with the 740 kilocycle clear channel to other channels—10, 20 and 30, and in some cases 40, kilocycles above the channel now occupied. In this manner a clear channel is provided at 740 kilocycles, another at 800 kilocycles, and still another at 900 kilocycles. Thus, five channels are made available for use by Mexican stations. Canada provided an additional clear channel for Cuba.

Under the reassignments, the United States still retains six local channels. Its number of regional channels has been reduced from 42 to 41. On the other hand, its number of clear channels has increased from 44 to 59, and it can use 15 additional clear channels under certain restrictions set out in the treaty.

The compact is a mutual arrangement to allocate frequencies for the best public service in the countries involved and typifies the high spirit of cooperation among

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# Assignments of United States Standard Broadcast Stations to be Made Effective on the Effective Date of the North American Regional Broadcasting Agreement

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## Including Changes in Station Assignments, as Noted, to be Made Effective on or Before the Effective Date of this Agreement

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## Listed by Frequency

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*Abbreviations*

| | |
|---|---|
| T | where transmitter location differs from main studio, same is shown below main studio location. |
| w | watts |
| kw | kilowatts |
| LS | power until local sunset |
| kc | kilocycles |
| U | unlimited time |
| L | limited time with dominant station |
| D | daytime |
| N | nighttime |
| S | shares time |
| S.H. | specified hours |
| DA | directional antenna |

### 550 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KOY | Phoenix, Ariz | 1kw | 175 mv/m | U | III–A |
| KSD | St. Louis, Mo | 1kw, 5kw–LS | 200, DA–N | U | III–B |
| WGR | Buffalo, N. Y. (T-Tonawanda) | 1kw, 5kw–LS | 175 | U | III–B |
| KFYR | Bismarck, N. Dak. (T-nr. Menoken) | 1kw, 5kw–LS | 210 | U | III–A |
| WKRC | Cincinnati, Ohio | 1kw, 5kw–LS | DA | U | III–B |
| KOAC | Corvallis, Oreg. (T-Granger) | 1kw, 5kw–LS | DA | U | III–A |
| KTSA | San Antonio, Texas | 1kw, 5kw–LS | 175 | U | III–A |
| WDEV | Waterbury, Vt | 1kw | 180 | D | III |
| WSVA | Harrisonburg, Va | 1kw | 175 | D | III |

### 560 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KSFO | San Francisco, Calif | 1kw, 5kw–LS | 175 | U | III–A |
| KLZ | Denver, Colo | 5kw | DA | U | III–A |
| WQAM | Miami, Fla | 1kw | 175 | U | III–A |
| WIND | Gary, Ind | 1kw, 5kw–LS | DA | U | III–A |
| WGAN | Portland, Me | 5kw | 175, DA–N | U | III–A |
| KWTO | Springfield, Mo | 5kw, 1kw (5 am to 6 am) | 190 | D(5 am to local sunset) | III |
| WFIL | Philadelphia, Pa | 1kw | 175 | U | III–A |
| WIS | Columbia, S. C. | 1kw, 5kw–LS | 175, DA–N | U | III–A |
| KFDM | Beaumont, Texas | 1kw | 175 | U | III–A |

### 570 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KMTR | Los Angeles, Calif | 1kw | 175 | U | III–A |
| WMCA | New York, N. Y. (T-Kearney, N. J.) | 1kw, 5kw–LS | DA | U | III–A |
| WSYR | Syracuse, N. Y. | 1kw | DA | U | III–A |
| WWNC | Asheville, N. C. | 1kw | 175 | U | III–A |
| WOSU | Columbus, Ohio | 1kw | 175 | S.H.(WKBN) | III–A |
| WKBN | Youngstown, Ohio | 500w, 1kw–LS | 175 mv/m | S.H.(WOSU) | III–B |
| WNAX | Yankton, S. Dak | 1kw, 5kw–LS | 190 | U | III–A |
| KGKO | Fort Worth, Texas (T-Arlington) | 1kw, 5kw–LS | 180, DA–N | U | III–A |
| KVI | Tacoma, Wis. | 5kw | 190 | U | III–A |
| WMAM | Marinette, Wash | 250w | 175 | D | IV |

## 580 kilocycles

| Call Letters | Location | Power | Radiation | Time Designation | Class |
|---|---|---|---|---|---|
| KMJ | Fresno, Calif. | 5kw | 175 | U | III–A |
| WDBO | Orlando, Fla. | 5kw | 175, DA–N | U | III–A |
| WILL | Urbana, Ill. (T-S. of Champaign) | 5kw | DA | D | III |
| KSAC | Manhattan, Kans. | 500w, 1kw–LS | 175 | S–WIBW | III–B |
| WIBW | Topeka, Kans. | 5kw | 190, DA-N | S-KSAC | III–A |
| WTAG | Worcester, Mass. (T-Holden) | 1kw, 5kw–LS | DA | U | III–A |
| WCHS | Charleston, W. Va. | 5kw | 175, DA–N | U | III–A |

## 590 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KGMB | Honolulu, Hawaii | 5kw | 175 | U | III–A |
| WEEI | Boston, Mass. (T-Medford) | 5kw | DA | U | III–A |
| WKZO | Kalamazoo, Mich. (T-nr. Parchment) | 1kw | 189, DA–N | U | III–B |
| WOW | Omaha, Nebr. | 5kw | 180 | U | III–A |
| WMBS | Uniontown, Pa. | 1kw | 175, DA–N | U | III–B |
| KHQ | Spokane, Wash. | 5kw | 235 | U | III–A |

## 600 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KFSD | San Diego, Calif. | 5kw | 175 | U | III–A |
| WICC | Bridgeport, Conn. | 500w, 1kw–LS | DA | U | III–B |
| WMT | Cedar Rapids, Iowa (T-nr. Marion) | 1kw, 5kw–LS | 180, DA–N | U | III–A |
| WCAO | Baltimore, Md. | 500w, 1kw–LS | 175 | U | III–B |
| WREC | Memphis, Tenn. (T-nr. Rugby Park) | 1kw, 5kw–LS | DA | U | III–A |

## 610 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KFAR | Fairbanks, Alaska | 1kw | 175 | U | III–A |
| KFRC | San Francisco, Calif. | 5kw | 175 | U | III–A |
| WIOD | Miami, Fla. | 5kw | DA | U | III–A |
| WDAF | Kansas City, Mo. (T-Johnson County, Kans.) | 5kw | 185 | U | III–A |
| WCLE | Cleveland, Ohio (T-Village of Seven Hills) | 500w | 175 | D | III |
| WIP | Philadelphia, Pa. (T-Bellmawr, N. J.) | 5kw | DA | U | III–A |

## 620 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KTAR | Phoenix, Ariz. | 5kw | DA | U | III–A |
| WFLA | Tampa, Fla. (T-Clearwater) | 5kw | 183, DA–N | S.H.(WSUN) | III–A |
| WSUN | St. Petersburg, Fla. (T-Clearwater) | 5kw | 183, DA–N | S.H.(WFLA) | III–A |
| WLBZ | Bangor, Maine | 500w, 1kw–LS | 180 | U | III–B |
| WLAF | Salina, N. Y. (near Syracuse) | 1kw | 175, DA–N | U | III–B |
| KGW | Portland, Oreg. (T-N. Portland) | 1kw, 5kw–LS | 210 | U | III–A |
| WHJB | Greensburg, Pa. | 250w | 150 | D | IV |
| WKAQ | San Juan, Puerto Rico | 5kw | 195 | U | III–A |
| WROL | Knoxville, Tenn. | 500w, 1kw–LS | 175, DA–N | U | III–B |
| KWFT | Wichita Falls, Texas | 1kw, 5kw–LS | DA | U | III–B |
| WTMJ | Milwaukee, Wis. (T-Brookfield) | 5kw | 190, DA–N | U | III–A |

## 630 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KVOD | Denver, Colo. | 1kw | 205, DA–N | U | III–A |
| WMAL | Washington, D. C. (T-Bethesda, Md.) | 5kw | DA | U | III–A |
| KXOK | St. Louis, Mo. (T-nr. Granite City, Ill.) | 5kw | DA | U | III–A |
| KOH | Reno, Nev. | 1kw | 175, DA–N | U | III–A |
| WPRO | Providence, R. I. (T-E. Providence) | 5kw | 210, DA–N | U | III–A |
| KGFX | Pierre, S. D. | 200w | 150 | S.H.(D) | IV |

### 640 kilocycles

| Call Letters | Location | Power | Radiation | Time Designation | Class |
|---|---|---|---|---|---|
| KFI | Los Angeles, Calif. (T-Buena Park) | 50kw | 225 | U | I–A |
| WOI | Ames, Iowa | 5kw | 180 | D | II |
| WHKC | Columbus, Ohio | 500w | 175 | L–KFI | II |
| | **650 kilocycles** | | | | |
| WSM | Nashville, Tenn. (T-Franklin) | 50kw | 225 | U | I–A |
| | **660 kilocycles** | | | | |
| KOWH | Omaha, Neb. | 500w | 175 | D | II |
| WEAF | New York, N. Y. (T-Port Washington). | 50kw | DA | U | I–A |
| | **670 kilocycles** | | | | |
| WMAQ | Chicago, Ill. (T-Addison) | 50kw | 225 | U | I–A |
| | **680 kilocycles** | | | | |
| KPO | San Francisco, Calif. (T-nr. Belmont) | 50kw | 225 | U | I–B |
| WLAW | Lawrence, Mass. (T-Andover) | 5kw | 175, DA–N | U | II |
| KFEQ | St. Joseph, Mo | 500w, 2½kw–LS | 175 | L–KPO | II |
| WPTF | Raleigh, N. C. (T-Cary) | 50kw | 187, DA–N | U | II |
| | **690 kilocycles** | | | | |
| KGGF | Coffeyville, Kans. (T-S. Coffeyville, Kans.) | 1kw | DA | S.H.(WNAD) | II |
| WNAD | Norman, Okla. | 1kw | DA | S.H.(KGGF) | II |
| | **700 kilocycles** | | | | |
| WLW | Cincinnati, Ohio (T-Mason) | 50kw | 260 | U | I–A |
| | **710 kilocycles** | | | | |
| KMPC | Beverly Hills, Calif. (T-Van Nuys) | 5kw | DA | U | II |
| WOR | Newark, N. J. (T-Carteret) | 50kw | DA | U | I–B |
| KIRO | Seattle, Wash. (T-Maury Is.) | 10kw | DA | U | I–B |
| | **720 kilocycles** | | | | |
| WGN | Chicago, Ill. (T-S.E. of Schaumberg) | 50kw | 250 | U | I–A |
| | **740 kilocycles** | | | | |
| KQW | San Jose, Calif. (T-Alviso) | 5kw | DA | U | II |
| | **750 kilocycles** | | | | |
| WSB | Atlanta, Ga | 50kw | 225 | U | I–A |
| KMMJ | Grand Island, Nebr. (T-E. of Phillips) | 1kw | 180 | L–WSB | II |
| WHEB | So. of Portsmouth, N. H | 1kw | 175 | L–WSB | II |
| | **760 kilocycles** | | | | |
| KGU | Honolulu, Hawaii | 2½kw | 175 | L–WJR | II |
| WJR | Detroit, Mich. (T-Wyandotte) | 50kw | 225 | U | I–A |
| | **770 kilocycles** | | | | |
| WLB | Minneapolis, Minn. (T-St. Paul) | 5kw | 175 | S–WCAL (2/3 daytime) | II |
| WCAL | Northfield, Minn | 5kw | 180 | S–WLB (1/3 daytime) | II |
| WEW | St. Louis, Mo | 1kw | 175 | D | II |
| WJZ | New York, N. Y. (T-Bound Brook, N. J.) | 50kw | 235 | U | I–A |
| KXA | Seattle, Wash | 1kw | 175 | L–WJZ | II |

| Call Letters | Location | Power | Radiation | Time Designation | Class |
|---|---|---|---|---|---|
| | | **780 kilocycles** | | | |
| WBBM | Chicago, Ill. (T-Glenview) | 50kw | 225 | U | I–A |
| WJAG | Norfolk, Nebr | 1kw | 175 | L–WBBM | II |
| | | **790 kilocycles** | | | |
| KFQD | Achorage, Alaska | 250w | 150 | S.H. | IV |
| KECA | Los Angeles, Calif | 1kw, 5kw–LS | 200 | U | III–A |
| KGHL | Billings, Mont | 1kw, 5kw–LS | 205 | U | III–A |
| WPIC | Sharon, Pa | 1kw | 175 | D | III |
| WPRA | Mayaguez, Puerto Rico | 1kw | 175, 2½kw–LS | U | III–A |
| WEAN | Providence, R. I. (T-E. Providence) | 1kw, 5kw–LS | DA | U | III–A |
| KFDY | Brookings, S. Dak | 1kw | 175 | S.H.(D) | III |
| WMC | Memphis, Tenn | 1kw, 5kw–LS | 235, DA–N | U | III–A |
| WTAR | Norfolk, Va | 1kw, 5kw–LS | 181, DA–N | U | III–A |
| | | **810 kilocycles** | | | |
| KGO | San Francisco, Calif. (T-Oakland) | 7½kw | 225 | U | II |
| | Proposed | 10kw | | | I–B |
| KOAM | Pittsburgh, Kans | 1kw | 185 | D | II |
| WGY | Schenectady, N. Y. (T-S. Schenectady) | 50kw | 235 | U | I–B |
| | | **820 kilocycles** | | | |
| WTBO | Cumberland, Md | 250w | 175 | L–WFAA, WBAP | II |
| WFAA | Dallas, Texas (T-Grapevine) | 50kw | 245 | S–WBAP | I–A |
| WBAP | Fort Worth, Texas (T-Grapevine) | 50kw | 245 | S-WFAA | I–A |
| | | **830 kilocycles** | | | |
| WCCO | Minneapolis, Minn. (T-Anoka) | 50kw | 245 | U | I–A |
| WNYC | New York, N. Y. (T-Brooklyn) | 1kw | DA | L–WCCO | II |
| | | **840 kilocycles** | | | |
| WHAS | Louisville, Ky. (T-N.E. of New Eastwood) | 50kw | 250 | U | I–A |
| | | **850 kilocycles** | | | |
| KOA | Denver, Colo | 50kw | 225 | U | I–A |
| WRUF | Gainesville, Fla | 5kw | 175 | L–KOA | II |
| WHDH | Boston, Mass. (T-Saugus) | 1kw | 175 | L–KOA | II |
| KFUO | Clayton, Mo | 1kw | 175 | L–KOA | II |
| WEEU | Reading, Pa. (T-Spring Twp.) | 1kw | 175 | D | II |
| | | **860 kilocycles** | | | |
| KTRB | Modesto, Calif | 250w | 175 | D | II |
| | | **870 kilocycles** | | | |
| KIEV | Glendale, Calif | 250w | 175 | D | II |
| WWL | New Orleans, La. (T-N. of Kennerville) | 50w | DA | U | I–A |
| WKAR | East Lansing, Mich | 5kw | 175 | D | II |
| WHCU | Ithaca, N. Y | 1kw | 175 | L–WWL | II |
| | | **880 kilocycles** | | | |
| WHB | Kansas City, Mo. (T-N. Kansas City) | 1kw | 175 | D | II |
| WABC | New York, N. Y. (T-New Rochelle, N. Y.) | 50kw | 225 | U | I–A |

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| **890 kilocycles** | | | | | |
| WENR | Chicago, Ill. (T-Tinley Park) | 50kw | 240 | S–WLS | I–A |
| WLS | Chicago, Ill. (T-Tinley Park) | 50kw | 240 | S–WENR | I–A |
| **910 kilocycles** | | | | | |
| KLX | Oakland, Calif | 1kw | 175 | U | III–A |
| KPOF | nr. Denver, Colo | 1kw | 175 | S–KFKA | III–A |
| KFKA | Greeley, Colo | 500w, 1kw–LS | 175 | S–KPOF | III–B |
| WSUI | Iowa City, Iowa | 1kw, 5kw–LS | DA | U | III–A |
| WFDF | Flint, Mich | 1kw | DA | U | III–B |
| WCOC | Meridian, Miss | 1kw | 190 | U | III–A |
| WGBI | Scranton, Pa | 500w, 1kw–LS | 175 | S–WQAN | III–B |
| WQAN | Scranton, Pa | 500w, 1kw–LS | 175 | S–WGBI | III–B |
| WJHL | Johnson City, Tenn | 1kw | 175, DA–N | U | III–B |
| KRRV | Sherman, Texas | 1kw | DA | U | III–B |
| WRNL | Richmond, Va | 1kw | DA | U | III–B |
| KVAN | Vancouver, Wash | 250w | 175 | D | IV |
| **920 kilocycles** | | | | | |
| KARK | Little Rock, Ark. (T-N. Little Rock) | 1kw, 5kw–LS | 212, DA–N | U | III–A |
| KTKC | Visalia, Calif | 1kw | 180, DA–N | U | III–B |
| WGST | Atlanta, Ga | 1kw, 5kw–LS | 185 | U | III–A |
| WBAA | West Lafayette, Ind | 500w, 1kw–LS | 175 | S.H. | III–B |
| KFNF | Shenandoah, Iowa | 500w, 1kw–LS | 220 | S–KUSD | III–B |
| WJAR | Providence, R. I. (T-E. Providence) | 1kw, 5kw–LS | DA | U | III–A |
| KUSD | Vermillion, S. Dak | 500w | 175 | S–KFNF | III–B |
| KEPY | Spokane, Wash | 5kw | 210 | U | III–A |
| WMMN | Fairmont, W. Va | 1kw, 5kw–LS | 177k DA–N | U | III–A |
| **930 kilocycles** | | | | | |
| KGBU | Ketchikan, Alaska | 500w | 175 | U | III–B |
| KHJ | Los Angeles, Calif | 5kw | DA | U | III–A |
| WJAX | Jacksonville, Fla | 1kw, 5kw–LS | 190 | U | III–A |
| KSEI | Pocatello, Idaho | 250w, 1kw–LS | 175 | U | III–B |
| WTAD | Quincy, Ill | 1kw | 185, DA–N | U | III–B |
| WFMD | Frederick, Md | 500w | 185, DA–N | U | III–B |
| WPAT | Paterson, N. J | 1kw | 175 | D | III |
| WBEN | Buffalo, N. Y. (T-Grand Island) | 5kw | 200, DA–N | U | III–A |
| WKY | Oklahoma City, Okla | 5kw | 190, DA–N | U | III–A |
| WSAZ | Huntington, W. Va. (T-nr. Burlington, Ohio) | 1kw | DA | U | III–B |
| WLBL | Stevens Point, Wis. (T-S.W. of Auburndale) | 5kw | 200 | D | III |
| **940 kilocycles** | | | | | |
| WMAZ | Macon, Ga | 1kw, 5kw–LS | 175, DA–N | D to 9 pm | II |
| **950 kilocycles** | | | | | |
| KFEL | Denver, Colo | 1kw | 180 | U | III–A |
| WAAF | Chicago, Ill | 1kw | 175 | D | III |
| WORL | Boston, Mass. (T-Needham) | 500w | 185 | D | III |
| WWJ | Detroit, Mich. (T-Oak Park) | 1kw, 5kw–LS | 210 | U | III–A |
| WPEN | Philadelphia, Pa | 1kw | 175, DA–N | U | III–A |
| WSPA | Spartanburg, S. C | 1kw | 180 | D | III |
| KPRC | Houston, Texas (T-Deepwater) | 1kw, 5kw–LS | 200 | U | III–A |
| KOMO | Seattle, Wash | 1kw, 5kw–LS | 245 | U | III–A |

### 960 kilocycles

| Call Letters | Location | Power | Radiation | Time Designation | Class |
|---|---|---|---|---|---|
| WBRC | Birmingham, Ala. | 1kw, 5kw–LS | 175 | U | III–A |
| KROW | Oakland, Calif. | 1kw | 175 | U | III–A |
| WELI | New Haven, Conn. (T-Hamden) | 250w, 500w–LS | 184, DA–N | U | III–B |
| KMA | Shenandoah, Iowa | 1kw, 5kw–LS | 225 | U | III–A |
| WDBJ | Roanoke, Va. | 1kw, 5kw–LS | 210 | U | III–A |

### 970 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| | Tampa, Fla. | 1kw, 5kw–LS | 175, DA–N | U | III–B |
| WAVE | Louisville, Ky. (T-N. of Jeffersonville, Ind.) | 5kw | DA | U | III–A |
| WCSH | Portland, Maine (T-Scarboro) | 5kw | DA | U | III–A |
| WAAT | Jersey City, N. J. (T-Kearney) | 1kw | 175, DA–N | U | III–B |
| WDAY | Fargo, N. Dak. (T-West Fargo) | 5kw | 175, DA–N | U | III–A |
| WICA | Ashtabula, Ohio | 1kw | 175 | D | III |
| KOIN | Portland, Oreg. | 5kw | 224, DA–N | U | III–A |
| WHA | Madison, Wis. | 5kw | 175 | D | III |

### 980 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KFWB | Los Angeles, Calif. | 5kw | 220 | U | III–A |
| WRC | Washington, D. C. (T-Chillum Twp., Md.) | 5kw | 185, DA–N | U | III–A |
| WHAL | Saginaw, Mich. | 500w | 175 | D | III |
| KMBC | Kansas City, Mo. (T-Kansas City, Kansas) | 5kw | 224, DA–N | U | III–A |
| WTRY | Troy, N. Y. (T-Boght Corners) | 1kw | 175 | D | III |

### 990 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WIBG | Glenside, Pa. (T-Hill Crest, Cheltenham Twp.) | 1kw | 175 | D | II |
| WNOX | Knoxville, Tenn. | 1kw, 5kw–LS | 235, DA–N | U | II |

### 1000 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WCFL | Chicago, Ill. (T-York Twp.) | 5kw | 225 | U | II |
| | Proposed | 10kw | DA | | I–B |
| WINS | New York, N. Y. (T-Carlstadt, N. J.) | 1kw | 175 | L–WCFL | II |
| KJR | Seattle, Wash. | 5kw | 250 | U | II |
| | Proposed | 10kw | DA–N | | I–B |

### 1020 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KFVD | Los Angeles, Calif. | 1kw | 185 | L–KDKA | II |
| KDKA | Pittsburgh, Pa. (T-Allison Park, Hampton Twp.) | 50kw | 295 | U | I–A |

### 1030 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WBZ | Boston, Mass. (T-Hull) | 50kw | DA | U–Synchronized with WBZA | I–B |
| WBZA | Boston, Mass. (T-East Springfield) | 1kw | 175 | U–Synchronized with WBZ | II |
| KOB | Albuquerque, N. Mex. | 50kw | 225, DA–N | U | II |

### 1040 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WHO | Des Moines, Iowa (T-nr. Mitchellville) | 50kw | 225 | U | I–A |

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| **1050 kilocycles** | | | | | |
| WDZ | Tuscola, Ill | 1kw | 180 | D | II |
| WHN | New York, N. Y. (T-Astoria, Long Island) | 1kw, 5kw–LS | 175, DA–N | U | II |
| **1060 kilocycles** | | | | | |
| KYW | Philadelphia, Pa. (T-Whitemarsh Twp.) | 10kw | DA | U | I–B |
| | Proposed | 50kw | | | |
| **1070 kilocycles** | | | | | |
| WAPI | Birmingham, Ala | 5kw | 225 | U | II |
| | Proposed | 50kw | DA–N | | |
| KNX | Los Angeles, Calif. (T-Torrance) | 50kw | 245 | U | I–B |
| WIBC | Indianapolis, Ind | 1kw | 190 | D | II |
| KFBI | Wichita, Kans | 1kw, 5kw–LS | 175, DA–N | U | II |
| WEAU | Eau Claire, Wis | 1kw, 5kw–LS | 190, DA–N | L–FKBI | II |
| **1080 kilocycles** | | | | | |
| KYOS | Merced, Calif | 250w | 175 | D | II |
| WTIC | Hartford, Conn. (T-Avon) | 50kw | 226, DA–N | U | I–B |
| WCAZ | Carthage, Ill | 100w | 185 | D | II |
| KWJJ | Portland, Oreg | 500w | 190 | L–KRLD, WTIC | II |
| KRLD | Dallas, Texas (T-S. of Garland) | 50kw | 225, DA–N | U | I–B |
| **1090 kilocycles** | | | | | |
| KTHS | Hot Springs National Park, Ark | 10kw | 225, DA–N | U | I–B |
| | Proposed | 50kw | | | |
| WBAL | Baltimore, Md. (T-nr. Reisterstown) | 50kw | 225, DA–N | U | I–B |
| **1100 kilocycles** | | | | | |
| KJBS | San Francisco, Calif | 500w | 175 | L–WTAM | II |
| WTAM | Cleveland, Ohio (T-Brecksville Village) | 50kw | 225 | U | I–A |
| **1110 kilocycles** | | | | | |
| WCBD | Chicago, Ill. (T-Addison Twp.) | 5kw | 225 | L–WBT, KFAB<br>S–WMBI | II |
| WMBI | Chicago, Ill. (T-Addison) | 5kw | 250 | L–WBT, KFAB<br>S–WCBD | II |
| KFAB | Lincoln, Neb. | 10kw | 225, DA–N | U | I–B |
| | Proposed | 50kw | | | |
| WBT | Charlotte, N. C | 50kw | 225, DA–N | U | I–B |
| **1120 kilocycles** | | | | | |
| KMOX | St. Louis, Mo | 50kw | 225 | U | I–A |
| **1130 kilocycles** | | | | | |
| KGDM | Stockton, Calif | 1kw | 175 | D | II |
| KWKH | Shreveport, La. (T-nr. Dixie) | 50kw | 253, DA–N | U | II |
| WCAR | Pontiac, Mich | 1kw | 185 | D | II |
| WDGY | Minneapolis, Minn. (T-Richfield Twp.) | 5kw, 10kw–LS | 175, DA–N | U | II |
| WOV | New York, N. Y. (T-Kearney, N. J.) | 10kw | DA | U | I–B |
| **1140 kilocycles** | | | | | |
| KSOO | Sioux Falls, S. Daka | 5kw | 180, DA–N | L–WRVA | II |
| WRVA | Richmond, Va | 50kw | DA | U | I–B |

## 1150 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KFSG | Los Angeles, Calif | 1kw, 2½kw–LS | 175 | S–KRKD | III–A |
| KRKD | Los Angeles, Calif | 1kw, 2½kw–LS | 175 | S–KFSG | III–A |
| WDEL | Wilmington, Del | 250w, 1kw–LS | 190 | U | III–B |
| KSAL | Salina, Kans | 500w, 1kw–LS | 200, DA–N | U | III–B |
| WJBO | Baton Rouge, La | 1kw | 225 | U | III–A |
| WCOP | Boston, Mass | 500w | 185 | D | III |
| WKPA | New Kensington, Pa | 250w | 150 | D | IV |
| WAPO | Chattanooga, Tenn | 500w, 1kw–LS | 195, DA–N | U | III–B |
| KTBC | Austin, Texas | 1kw | 175 | S.H. (D–WTAW) | III |
| WTAW | College Station, Texas | 500w | 175 | S.H.(D–KTBC) | III |
| KRSC | Seattle, Wash | 1kw | 175 | U | III–A |
| KFIO | Spokane, Wash | 100w | 150 | D | IV |
| WISN | Milwaukee, Wis | 250w, 1kw–LS | 175 | U | III–B |
|  | Proposed | 1kw, 5kw–LS | DA |  | III–A |

## 1160 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WJJD | Chicago, Ill. (T-Des Plaines) | 20kw | 175 | L–KSL | II |
| KSL | Salt Lake City, Utah (T-Saltair) | 50kw | 225 | U | I–A |

## 1170 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KVOO | Tulsa, Okla | 25kw | 175, DA–N | U | I–B |
|  | Proposed | 50kw |  |  |  |
| WWVA | Wheeling, W. Va. (T-W. Liberty) | 5kw | 195, DA | U | II |
|  | Proposed | 50kw |  |  | I–B |

## 1180 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WHAM | Rochester, N. Y. (T-Victor Twp.) | 50kw | 245 | U | I–A |

## 1190 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WOWO | Fort Wayne, Ind | 10kw | 245, DA | U | I–B |
|  | Proposed | 50kw |  |  |  |
| KEX | Portland, Oreg. (T-N. Portland) | 5kw | 225, DA | U | II |
|  | Proposed | 50kw |  |  | I–B |

## 1200 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WCAU | Philadelphia, Pa. (T-Newton Square) | 50kw | 225 | U | I–A |

## 1210 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WSPR | Springfield, Mass. (T-W. Springfield) | 500w | 175 | L–WOAI | II |
| WOAI | San Antonio, Texas (T-Selma) | 50kw | 225 | U | I–A |

## 1230 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WBHP | Huntsville, Ala | 250w | 175 | U | IV |
| WMOB | Mobile, Ala | 250w | 150 | U | IV |
| WJRD | Tuscaloosa, Ala | 250w | 175 | U | IV |
| KSUN | Lowell, Ariz | 250w | 185 | U | IV |
| KPHO | Phoenix, Ariz | 250w | 150 | U | IV |
| KBTM | Jonesboro, Ark | 250w | 180 | U | IV |
| KGHI | Little Rock, Ark | 250w | 150 | U | IV |
| KGFJ | Los Angeles, Calif | 250w | 150 | U | IV |
| KVCV | S. of Redding, Calif | 250w | 150 | U | IV |
| KVEC | San Luis Obispo, Calif | 250w | 185 | U | IV |
| KWG | Stockton, Calif | 250w | 150 | U | IV |

## 1230 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KFXJ | Grand Junction, Colo | 250w | 180 | U | IV |
| KGEK | Sterling, Colo | 250w | 150 | U | IV |
| WTHT | Hartford, Conn | 250w | 150 | U | IV |
| WLOF | Orlando, Fla | 250w | 150 | U | IV |
| WDLP | Panama City, Fla | 250w | 150 | U | IV |
| WJNO | West Palm Beach, Fla | 250w | 175 | U | IV |
| WRBL | Columbus, Ga | 250w | 180 | U | IV |
| WAYX | Waycross, Ga | 250w | 150 | U | IV |
| KHBC | Hilo, Hawaii | 250w | 150 | U | IV |
| KFXD | Nampa, Idaho | 250w | 150 | U | IV |
| WJBC | Bloomington, Ill. (T-Normal) | 250w | 180 | U | IV |
| WJOB | Hammond, Ind | 250w | 150 | U–D<br>S–WFAM–N | IV |
| WFAM | South Bend, Ind | 250w | 150 | U–D<br>S–WJOB–N | IV |
| WBOW | Terre Haute, Ind | 250w | 190 | U | IV |
| KFJB | Marshalltown, Iowa | 250w | 180 | U | IV |
| WHOP | N. W. of Hopkinsville, Ky | 250w | 180 | U | IV |
| KMLB | Monroe, La | 250w | 175 | U | IV |
| WJBW | New Orleans, La | 250w | 185 | U | IV |
| WABI | Bangor, Maine (T-Brewer) | 250w | 195 | U | IV |
| WESX | Salem, Mass. (T-Marblehead) | 250w | 175 | U | IV |
| WGRB | Grand Rapids, Mich | 250w | 150 | U | IV |
| WMPC | Lapeer, Mich | 250w | 150 | S.H. | IV |
| WSAM | Saginaw, Mich | 250w | 150 | S.H. | IV |
| WSOO | Sault Ste. Marie, Mich | 250w | 150 | U | IV |
| KGDE | Fergus Falls, Minn | 250w | 150 | U | IV |
| KYSM | Mankato, Minn | 250w | 200 | U | IV |
| KWNO | Winona, Minn | 250w | 190 | U | IV |
| WSKB | McComb, Miss | 250w | 190 | U | IV |
| WIL | St. Louis, Mo | 250w | 150 | U | IV |
| KHAS | Hastings, Nebr | 250w | 190 | U | IV |
| WBAB | Atlantic City, N. J | 250w | 150 | U | IV |
| WENY | Elmira, N. Y | 250w | 240 | U | IV |
| WIBX | Utica, N. Y. (T-Town of Marcy) | 250w | 150 | U | IV |
| WMFR | High Point, N. C | 250w | 150 | U | IV |
| WFTC | Kinston, N. C | 250w | 175 | U | IV |
| WCBT | Roanoke Rapids, N. C | 250w | 150 | U | IV |
| WHBC | Canton, Ohio | 250w | 265 | U | IV |
| WCPO | Cincinnati, Ohio | 250w | 150 | U | IV |
| WCOL | Columbus, Ohio | 250w | 150 | U | IV |
| WTOL | Toledo, Ohio | 250w | 150 | U | IV |
| KADA | N. of Ada, Okla | 250w | 175 | U | IV |
| WBBZ | Ponca City, Okla | 250w | 150 | U | IV |
| KAST | Astoria, Oreg | 250w | 175 | U | IV |
| KODL | The Dalles, Oreg | 250w | 150 | U | IV |
| KOOS | Marshfield, Oreg | 250w | 150 | U | IV |
| WCED | Du Bois, Pa | 250w | 150 | U | IV |
| WEST | Easton, Pa | 250w | 170 | U | IV |
| WKBO | Harrisburg, Pa | 250w | 150 | U | IV |
| WAIM | Anderson, S. C | 250w | 150 | U | IV |
| WOLS | Florence, S. C | 250w | 165 | U | IV |
| WCAT | Rapid City, S. Dak | 250w | 180 | U | IV |
| KELO | Sioux Falls, S. Dak | 250w | 150 | U | IV |
| KFDA | Amarillo, Texas | 250w | 150 | U | IV |
| KVNU | Logan, Utah | 250w | 150 | U | IV |
| WCAX | Burlington, Vt | 250w | 150 | U | IV |

## 1230 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WLVA | Lynchburg, Va | 250w | 150 | U | IV |
| KVOS | Bellingham, Wash | 250w | 175 | U | IV |
| WLOG | Logan, W. Va | 250w | 150 | U | IV |
| WAJR | Morgantown, W. Va | 250w | 150 | U | IV |
| WHBY | Appleton, Wis | 250w | 150 | U | IV |
| WCLO | Janesville, Wis | 250w | 195 | U | IV |
| WDSM | Superior, Wis | 250w | 175 | U | IV |

## 1240 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WJBY | Gadsden, Ala | 250w | 175 | U | IV |
| WCOV | Montgomery, Ala | 250w | 175 | U | IV |
| KWJB | S. of Globe, Ariz | 250w | 180 | U | IV |
| KYUM | Yuma, Ariz | 250w | 150 | U | IV |
| KDON | Monterey, Calif | 250w | 150 | U | IV |
| KPPC | Pasadena, Calif | 250w | 150 | S–KFXM | IV |
| KROY | Sacramento, Calif | 250w | 175 | U | IV |
| KFXM | San Bernardino, Calif | 250w | 150 | S–KPPC | IV |
| WFTM | Fort Myers, Fla | 250w | 150 | U | IV |
| WFOY | St. Augustine, Fla | 250w | 175 | U | IV |
| WGAC | Augusta, Ga | 250w | 150 | U | IV |
| WGGA | Gainesville, Ga | 250w | 150 | U | IV |
| WBML | Macon, Ga | 250w | 150 | U | IV |
| WPAX | Thomasville, Ga | 250w | 150 | U | IV |
| WCRW | Chicago, Ill | 250w | 150 | S.H. (WEDC, WSBC) | IV |
| WEDC | Chicago, Ill | 250w | 150 | S.H. (WCRW, WSBC) | IV |
| WSBC | Chicago, Ill | 250w | 150 | S.H. (WCRW, WEDC) | IV |
| WEBQ | Harrisburg, Ill | 250w | 150 | U | IV |
| WTAX | Springfield, Ill | 250w | 150 | U | IV |
| WHBU | Anderson, Ind | 250w | 150 | U | IV |
| KGLO | Mason City, Iowa | 250w | 205 | U | IV |
| KIUL | Garden City, Kans | 250w | 150 | U | IV |
| KANS | Wichita, Kans | 250w | 150 | U | IV |
| WINN | Louisville, Ky | 250w | 150 | U | IV |
| KALB | Alexandria, La | 250w | 150 | U | IV |
| WCOU | Lewiston, Maine | 250w | 180 | U | IV |
| WJEJ | Hagerstown, Md | 250w | 150 | U | IV |
| WHAI | Greenfield, Mass | 250w | 175 | U | IV |
| WOCB | nr. Hyannis, Mass | 250w | 150 | U | IV |
| WJIM | Lansing, Mich | 250w | 150 | U | IV |
| WMFG | Hibbing, Minn | 250w | 150 | U | IV |
| WGRM | Greenwood, Miss | 250w | 150 | U | IV |
| WGCM | Gulfport, Miss | 250w | 150 | U | IV |
| KPFA | Helena, Mont | 250w | 150 | U | IV |
| KFOR | Lincoln, Nebr | 250w | 150 | U | IV |
| WSNJ | Nr. Bridgeton, N. J. (Upper Deerfield Twp.) | 250w | 175 | U | IV |
| WBRB | Red Bank, N. J | 250w | 150 | S–WFAS, WGBB | IV |
| KLAH | Carlsbad, N. Mex | 250w | 180 | U | IV |
| WGBB | Freeport, N. Y | 250w | 150 | S–WBRB, WFAS | IV |
| WJTN | Jamestown, N. Y | 250w | 175 | U | IV |
| WSAY | Rochester, N. Y | 250w | 150 | U | IV |
| WGMA | Schenectady, N. Y | 250w | 150 | U | IV |

## 1240 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WATN | Watertown, N. Y. | 250w | 150 | U | IV |
| WFAS | White Plains, N. Y. | 250w | 150 | S–WBRB, WGBB | IV |
| WSOC | Charlotte, N. C. | 250w | 150 | U | IV |
| WRAL | Raleigh, N. C. | 250w | 175 | U | IV |
| KDLR | Devils Lake, N. Dak. | 250w | 180 | U | IV |
| WJW | Akron, Ohio | 250w | 150 | U | IV |
| WLOK | Lima, Ohio | 250w | 150 | U | IV |
| WHIZ | Zanesville, Ohio | 250w | 150 | U | IV |
| KVSO | Ardmore, Okla | 250w | 150 | U | IV |
| KASA | Elk City, Okla | 250w | 150 | U | IV |
| KHBG | Okmulgee, Okla | 250w | 175 | U | IV |
| KFJI | Klamath Falls, Oreg. | 250w | 150 | U | IV |
| WKOK | Sunbury, Pa | 250w | 150 | U | IV |
| WBAX | Wilkes-Barre, Pa. (T-Plains Twp.) | 250w | 175 | U | IV |
| WTMA | Charleston, S. C. | 250w | 175 | U | IV |
| KWAT | Waterton, S. Dak | 250w | 150 | U | IV |
| WBIR | Knoxville, Tenn | 250w | 150 | U | IV |
| WSIX | Nashville, Tenn | 250w | 150 | U | IV |
| KOCA | Kilgore, Texas | 250w | 170 | U | IV |
| KXOX | Sweetwater, Texas | 250w | 180 | U | IV |
| KOVO | Provo, Utah | 250w | 170 | U | IV |
| WPID | Petersburg, Va. (T-Colonial Heights) | 250w | 180 | U–except Sunday when WBBL operates | IV |
| WBBL | Richmond, Va | 250w | 150 | S.H. | IV |
| KGY | Olympia, Wash | 250w | 150 | U–except when KTW is operating | IV |
| WJLS | Beckley, W. Va. | 250w | 180 | U | IV |
| WOMT | Manitowoc, Wis. | 250w | 150 | U | IV |
| WIBU | Poynette, Wis. | 250w | 190 | U | IV |
| WJMC | Rice Lake, Wis. | 250w | 180 | U | IV |

## 1250 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KTMS | Santa Barbara, Calif. (T-nr. Goleta) | 500w | DA | U | III–B |
| WDAE | Tampa, Fla. | 5kw | DA | U | III–A |
| KFKU | Lawrence, Kans. (T-Tonganoxie) | 1kw, 5kw–LS | 175 | S–WREN | III–A |
| WREN | Lawrence, Kans. (T-Tonganoxie) | 1kw, 5kw–LS | 175 | S–KFKU | III–A |
| WCAD | Canton, N. Y. | 500w | 175 | S.H.(D) | III |
| WGNY | Newburgh, N. Y. | 250w | 180 | D | IV |
| WCAE | Pittsburgh, Pa. (T-Baldwin Twp.) | 5kw | 215, DA–N | U | III–A |
| KPAC | Port Arthur, Texas | 500w | 187.5, DA–N | U | III–B |
| KWSC | Pullman, Wash. | 5kw | 180 | S–KTW | III–A |
| KTW | Seattle, Wash. | 1kw | 175 | S–KWSC | III–A |

## 1260 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KYA | San Francisco, Calif. | 1kw, 5kw–LS | 230 | U | III–A |
| WOL | Washington, D.C. (T-nr. Chillum, Md.) | 1kw | DA | U | III–B |
|  | Proposed |  |  |  | III–A |
| WALB | Albany, Ga. | 1kw | 175 | D | III |
| WFBM | Indianapolis, Ind. (T-nr. Millersville) | 5kw | 245, DA–N | U | III–A |
| WNAC | Boston, Mass. (T-Quincy) | 5kw | DA | U | III–A |
| KGBX | Springfield, Mo. | 5kw | 175, DA–N | U | III–A |
| KGGM | Albuquerque, N. Mex. | 1kw | 190 | U | III–A |

## 1270 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KTFI | Twin Falls, Idaho | 1kw | 250 | U | III–A |
| WHBF | Rock Isl., Ill. (T-Rock Isl. County) | 1kw | 243, DA–N | U | III–B |
|  | Proposed |  |  |  | III–A |
| WXYZ | Detroit, Mich | 1kw, 5kw–LS | 175 | U | III–A |
| KGCU | Mandan, N. Dak | 250w | 180 | U | IV |
|  | Proposed | 500w, 1kw–LS |  |  | III–B |
| KFJZ | Fort Worth, Texas (T-Birdville) | 1kw | 190 | U | III–A |

## 1280 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KFOX | Long Beach, Calif | 1kw | 175 | U | III–A |
| WMRO | Aurora, Ill. (T-N. Aurora) | 250w | 175 | D | IV |
| WGBF | Evansville, Ind | 1kw, 5kw–LS | 200, DA–N | U | III–B |
| WDSU | New Orleans, La. (T-Gretna) | 1kw | 175 | U | III–A |
| WTCN | Minneapolis, Minn. (T-Rose Twp.) | 1kw, 5kw–LS | 210 | U | III–A |
| WHBI | Newark, N. J | 1kw, 2½kw–LS | 175 | S–WNEW | III–A |
| WNEW | NewYork,N.Y.(T-nr.Carlstadt,NewJ.) | 1kw, 5kw–LS | 225 | S–WHBI | III–A |
| WAIR | Winston-Salem, N. C | 250w | 175 | D | IV |
| WKST | New Castle, Pa | 1kw | 190 | D | III |
| KIT | Yakima, Wash | 1kw | 185 | U | III–A |

## 1290 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KVOA | Tucson, Ariz | 1kw | 175 | U | III–A |
| KUOA | Siloam Springs, Ark | 5kw | 250 | D | III |
| KHSL | Chico, Calif | 500w, 1kw–LS | 190 | U | III–B |
| WTOC | Savannah, Ga | 1kw, 5kw–LS | 175 | U | III–A |
| KGVO | Missoula, Mont | 1kw, 5kw–LS | 190 | U | III–A |
| KOIL | Omaha, Nebr. (T-nr. Council Bluffs, Iowa) | 1kw, 5kw–LS | 210 | U | III–A |
| WHLD | Niagara Falls, N. Y. (T-Niagara) | 1kw | 190 | D | III |
| WHIO | Dayton, Ohio | 1kw, 5kw–LS | 200, DA–N | U | III–A |
| KRGV | Weslaco, Texas | 1kw | 185 | U | III–A |
| WKNE | Keene, N. H | 1kw | DA | U | III–A |
| WFVA | Fredericksburg, Va | 250w | 180 | D | IV |

## 1300 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KVOR | Colorado Springs, Colo | 1kw | 190 | U | III–A |
| KGCA | Decorah, Iowa | 100w | 150 | D.S.–KWLC | IV |
| KWLC | Decorah, Iowa | 100w | 150 | D.S.–KGCA | IV |
| WFBR | Baltimore, Md | 1kw, 5kw–LS | DA | U | III–A |
| WASH | Grand Rapids, Mich | 500w | 175 | S–WOOD | III–B |
| WOOD | Grand Rapids, Mich | 500w | 175 | S–WASH | III–B |
| WJDX | Jackson, Miss | 1kw, 5kw–LS | 215 | U | III–A |
| WWNY | Watertown, N. Y | 500w | 175 | D | III |
| KOL | Seattle, Wash | 1kw, 5kw–LS | 230 | U | III–A |

## 1310 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KLS | Oakland, Calif | 250w | 175 | U | IV |
| WORC | Worcester, Mass. (T-Auburn) | 500w | DA | U | III–B |
| KFBB | Great Falls, Mont | 1kw, 5kw–LS | 250 | U | III–A |
| WCAP | Asbury Park, N. J. (T-Neptune Twp.) | 500w | 175 | S–WCAM, WTNJ | III–B |
| WCAM | Camden, N. J | 500w | 175 | S–WCAP, WTNJ | III–B |
| WTNJ | Trenton, N J. (T-Falls Twp., S. of Morrisville, Pa.) | 500w | 190 | S–WCAM, WCAP | III–B |

## 1310 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WDOD | Chattanooga, Tenn. (T-Brainerd) | 1kw, 5kw–LS | 215 | U | III–A |
| WRR | Dallas, Texas | 500w | 185, DA–N | U | III–B |
|  | Proposed | 5kw |  |  | III–A |
| WIBA | Madison, Wis | 1kw, 5kw–LS | 175, DA–N | U | III–A |

## 1320 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KLCN | Blytheville, Ark | 100w | 175 | D | IV |
| WATR | Waterbury, Conn | 250w | DA | U | IV |
| WJHP | Jacksonville, Fla | 250w | 150 | U | IV |
| WEBC | Duluth, Minn. (T-Superior, Wisconsin) | 1kw, 5kw–LS | 225 | U | III–A |
| WNBZ | Saranac Lake, N. Y. | 100w | 150 | D | IV |
| WJAS | Pittsburgh, Pa | 1kw, 5kw–LS | 185 | U | III–A |
| WNEL | San Juan, Puerto Rico (T-Carolina) | 5kw | 175 | U | III–A |
| KTRH | Houston, Texas (T-Deepwater) | 1kw, 5kw–LS | 230 | U | III–A |
| KDYL | Salt Lake City, Utah | 1kw, 5kw–LS | 245 | U | III–A |

## 1330 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KFAC | Los Angeles, Calif | 1kw | 175 | U | III–A |
| KFH | Wichita, Kansas | 5kw | 245, DA–N | U | III–A |
| WLOL | Minneapolis, Minn. (T-St. Paul) | 1kw | DA | U | III–B |
| WBBR | Brooklyn, N. Y. (T-Rossville) | 1kw | 175 | S–WEVD, | III–B |
|  |  |  |  | WHAZ Prop. | III–A |
| WEVD | New York, N. Y. (T-Brooklyn) | 1kw | 175 | S–WBBR, WHAZ | III–B |
|  | Proposed |  |  |  | III–A |
| WHAZ | Troy, N. Y. | 1kw | 175 | S–WBBR, WEVD | III–B |
|  | Proposed |  |  |  | III–A |
| KALE | Portland, Oreg | 5kw | 180, DA–N | U | III–A |
| WFBC | Greenville, S. C. | 5kw | 185, DA–N | U | III–A |
| WHBL | Sheboygan, Wis | 250w, 1kw–LS | 200 | U | III–B |

## 1340 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WSGN | Birmingham, Ala | 250w | 150 | U | IV |
| KCRJ | Jerome, Ariz | 250w | 150 | U | IV |
| KWFC | Hot Springs, Ark | 250w | 150 | U | IV |
| KARM | Fresno, Calif | 250w | 200 | U | IV |
| KSRO | Santa Rosa, Calif | 250w | 180 | U | IV |
| KHUB | nr. Watsonville, Calif | 250w | 175 | U | IV |
| KMYR | Denver, Colo | 250w | 150 | U | IV |
| WINX | Washington, D. C. | 250w | 150 | U | IV |
| WLAK | Lakeland, Fla | 250w | 180 | U | IV |
| WTAL | Tallahassee, Fla | 250w | 150 | U | IV |
| WGAU | Athens, Ga | 250w | 175 | U | IV |
| WSAV | Savannah, Ga | 250w | 175 | U | IV |
| WDAK | West Point, Ga | 250w | 150 | U | IV |
| WSOY | Decatur, Ill | 250w | 180 | U | IV |
| WJPF | Herrin, Ill | 250w | 150 | U | IV |
| WCLS | Joliet, Ill. (T-Joliet Twp.) | 250w | 185 | U | IV |
| WTRC | Elkhart, Ind | 250w | 180 | U | IV |
| WLBC | Muncie, Ind | 250w | 150 | U | IV |
| KCKN | Kansas City, Kans | 250w | 150 | U | IV |
| WCMI | Ashland, Ky | 250w | 150 | U | IV |
| WLBJ | nr. Bowling Green, Ky | 250w | 180 | U | IV |
| KVOL | Lafayette, La | 250w | 175 | U | IV |
| KRMD | Shreveport, La | 250w | 150 | U | IV |

## 1340 kilocycles (Continued)

| Call Letters | Location | Power | Radiation | Time Designation | Class |
|---|---|---|---|---|---|
| WNBH | New Bedford, Mass. (T-Crow Is. near Fairhaven) | 250w | 150 | U | IV |
| WBRK | Pittsfield, Mass | 250w | 150 | U | IV |
| WLAV | Grand Rapids, Mich | 250w | 150 | U | IV |
| WDMJ | Marquette, Mich | 250w | 150 | U | IV |
| WEXL | Royal Oak, Mich | 250w | 150 | U | IV |
| KVOX | Moorehead, Minn | 250w | 175 | U | IV |
| KROC | Rochester, Minn | 250w | 180 | U | IV |
| KWLM | Willmar, Minn | 250w | 175 | U | IV |
| WJPR | Greenville, Miss | 250w | 185 | U | IV |
| WAML | Laurel, Miss | 250w | 180 | U | IV |
| KWOS | Jefferson City, Mo | 250w | 185 | U | IV |
| KWOC | Poplar Bluff, Mo | 250w | 150 | U | IV |
| KGEZ | Kalispell, Mont | 250w | 190 | U | IV |
| KRJF | Miles City, Mont | 250w | 150 | U | IV |
| KGFW | Kearney, Nebr | 250w | 175 | U | IV |
| WLNH | Laconia, N. H. (T-Sanbornton) | 250w | 180 | U | IV |
| KVSF | Santa Fe, N. Mex | 250w | 150 | U | IV |
| WMBO | Auburn, N. Y | 250w | 175 | U | IV |
| WEBR | Buffalo, N. Y | 250w | 150 | U | IV |
| WMFF | Plattsburg, N. Y | 250w | 150 | U | IV |
| WGTM | Wilson, N. C | 250w | 150 | U | IV |
| WSJS | Winston-Salem, N. C | 250w | 150 | U | IV |
| WIZE | Springfield, Ohio | 250w | 150 | U | IV |
| WSTV | Steubenville, Ohio | 250w | 150 | S.H.(WSAJ) | IV |
| KOCY | Oklahoma City, Okla | 250w | 150 | U | IV |
| KOME | Tulsa, Okla | 250w | 195 | U | IV |
| KBND | Bend, Oreg | 250w | 180 | U | IV |
| KUIN | Grants Pass, Oreg | 250w | 150 | U | IV |
| WFBG | Altoona, Pa | 250w | 150 | U | IV |
| WSAJ | Grove City, Pa | 250w | 150 | S.H. | IV |
| WHAT | Philadelphia, Pa | 250w | 150 | S–WTEL | IV |
| WTEL | Philadelphia, Pa | 250w | 150 | S–WHAT | IV |
| WRAW | Reading, Pa | 250w | 150 | U | IV |
| WBRE | Wilkes-Barre, Pa. (T-Kingston) | 250w | 180 | U | IV |
| WFIG | Sumter, S. C | 250w | 150 | U | IV |
| WTJS | Jackson, Tenn | 250w | 180 | U | IV |
| KAND | Corsicana, Texas | 250w | 175 | U | IV |
| KFPL | Dublin, Texas | 250w | 175 | U | IV |
| KFYO | Lubbock, Texas | 250w | 150 | U | IV |
| KRBA | Lufkin, Texas | 250w | 175 | U | IV |
| KPDN | Pampa, Texas | 250w | 175 | U | IV |
| KVIC | N. of Victoria, Texas | 250w | 175 | U | IV |
| KSUB | Cedar City, Utah | 250w | 170 | U | IV |
| WGH | Newport News, Va | 250w | 170 | U | IV |
| KXRO | Aberdeen, Wash | 250w | 180 | U | IV |
| WBRW | Welch, W. Va | 250w | 150 | U | IV |
| WEMP | Milwaukee, Wis | 250w | 150 | U | IV |
| WFHR | Wisconsin Rapids, Wis | 250w | 150 | U | IV |

## 1350 kilocycles

| Call Letters | Location | Power | Radiation | Time Designation | Class |
|---|---|---|---|---|---|
| KGHF | Pueblo, Colo | 500w | 175 | U | III–B |
| KID | Idaho Falls, Idaho | 500w, 5kw–LS | 200 | U | III–B |
| KRNT | Des Moines, Iowa | 1kw, 5kw–LS | 210, DA–N | U | III–A |
| WSMB | New Orleans, La | 5kw | 228, DA–N | U | III–A |
| WADC | Akron, Ohio | 5kw | DA | U | III–A |
| WORK | York, Pa. (T-W. Manchester Twp.) | 1kw | 175, DA–N | U | III–B |

## 1360 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KGB | San Diego, Calif | 1kw | 175 | U | III–A |
| WDRC | Hartford, Conn. (T-Bloomfield) | 5kw | DA | U | III–A |
| WKAT | Miami Beach, Fla | 1kw | 175 | U | III–B |
| KSCJ | Sioux City, Iowa | 5kw | 214, DA–N | U | III–A |
| WSAI | Cincinnati, Ohio | 5kw | 250, DA–N | U | III–A |
| KRIS | Corpus Christi, Texas | 500w | 204 | U | III–B |
|  | Proposed | 1kw |  |  | III–A |
| KMO | Tacoma, Wash | 1kw | 175 | U | III–A |
| WTAQ | Green Bay, Wis. (T-West De Pere) | 5kw | DA | U | III–A |

## 1370 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WCOA | Pensacola, Fla | 500w, 1kw–LS | 175 | U | III–B |
| KDTH | Dubuque, Iowa (T-East Dubuque, Ill.) | 1kw | 175, DA–N | U | III–B |
| KGNO | Dodge City, Kans | 250w, 1kw–LS | 175 | U | III–B |
| KGIR | West of Butte, Mont | 5kw | 175 | U | III–A |
| WFEA | Manchester, N. H. (T-Merrimack) | 500w, 1kw–LS | 185, DA–N | U | III–B |
| WFNC | Fayetteville, N. C | 250w | 150 | D | IV |
| WSPD | Toledo, Ohio (T-Perrysburg) | 5kw | 175, DA–N | U | III–A |
| WPAB | Ponce, Puerto Rico (T-Playa) | 1kw | 175 | U | III–A |
| KFRO | Longview, Texas | 1kw | 185, DA–N | U | III–B |

## 1380 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KIDO | Boise, Idaho | 1kw, 2½kw–LS | 190 | U | III–A |
| KWK | St. Louis, Mo | 5kw | DA | U | III–A |
| WAWZ | Zarephath, N. J | 1kw | DA | S–WBNX | III–A |
| WBNX | New York, N. Y. (T-Borough of Carlstadt, N. J.) | 5kw | DA | S–WAWZ | III–A |
| KTSM | El Paso, Texas | 500w | 175 | U | III–B |
| WMBG | Richmond, Va | 1kw, 5kw–LS | DA | U | III–B |

## 1390 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KGER | Long Beach, Calif | 1kw | 175 | U | III–A |
| WGES | Chicago, Ill | 500w, 1kw–LS (Sundays) | 175 | S–WSBT | III–B |
| WSBT | South Bend, Ind | 500w | 175 | S–WGES | III–B |
| WQBC | Vicksburg, Miss | 1kw | 175 | D | III |
| WFBL | Syracuse, N. Y. (T-nr. Collamer) | 5kw | 235, DA–N | U | III–A |
| KLPM | Minot, N. Dak | 500w, 1kw–LS | 185 | U | III–B |
|  | Proposed | 1kw |  |  | III–A |
| KCRC | Enid, Okla | 250w | 175 | U | IV |
|  | Proposed | 1kw |  |  | III–A |
| KSLM | Salem, Oreg | 1kw | 180 | U | III–A |
| WCSC | Charleston, S. C. | 500w, 1kw–LS | 175 | U | III–B |
|  | Proposed | 1kw |  |  | III–A |

## 1400 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WMSL | Decatur, Ala | 250w | 150 | U | IV |
| WAGF | Dothan, Ala | 250w | 150 | U | IV |
| WJHO | Opelika, Ala | 250w | 150 | U | IV |
| KTUC | Tucson, Ariz | 250w | 150 | U | IV |
| KELD | N. of El Dorado, Ark | 250w | 150 | U | IV |
| KFPW | Fort Smith, Ark | 250w | 150 | U | IV |
| KRE | Berkeley, Calif | 250w | 175 | U | IV |
| KIUP | Durango, Colo | 250w | 150 | U | IV |
| KOKO | La Junta, Colo | 250w | 185 | U | IV |

## 1400 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WFTL | Ft. Lauderdale, Fla | 250w | 180 | U | IV |
| WMBR | Jacksonville, Fla | 250w | 175 | U | IV |
| WTSP | St. Petersburg, Fla | 250w | 150 | U | IV |
| WATL | Atlanta, Ga | 250w | 150 | U | IV |
| WMGA | N. E. of Moultrie, Ga | 250w | 225 | U | IV |
| WDWS | Champaign, Ill | 250w | 150 | U | IV |
| WGIL | Galesburg, Ill | 250w | 150 | U | IV |
| WEOA | Evansville, Ind | 250w | 150 | U | IV |
| WGRC | New Albany, Ind | 250w | 195 | U | IV |
| KFGQ | Boone, Iowa | 250w | 150 | S.H.(D) | IV |
| KVFD | Fort Dodge, Iowa | 250w | 215 | S.H. | IV |
| KTSW | Emporia, Kans | 250w | 180 | U | IV |
| KVGB | Great Bend, Kans | 250w | 185 | U | IV |
| WRDO | Augusta, Maine | 250w | 150 | U | IV |
| WCBM | Baltimore, Md | 250w | 150 | U | IV |
| WLLH | Lowell, Mass | 250w | 150 | U | IV |
| WELL | Battle Creek, Mich | 250w | 150 | U | IV |
| WHDF | Calumet, Mich. (T-Larium) | 250w | 185 | U | IV |
| WMBC | Detroit, Mich | 250w | 150 | U | IV |
| WTCM | Traverse City, Mich | 250w | 150 | U | IV |
| WMIN | St. Paul, Minn | 250w | 175 | U | IV |
| WHLB | Virginia, Minn | 250w | 175 | U | IV |
| WCBI | Columbus, Miss | 250w | 150 | U | IV |
| WFOR | Hattiesburg, Miss | 250w | 150 | U | IV |
| KFVS | Cape Girardeau, Mo | 250w | 150 | U | IV |
| KFRU | Columbia, Mo | 250w | 150 | U | IV |
| KORN | Fremont, Nebr | 250w | 190 | U | IV |
| KENO | Las Vegas, Nevada | 250w | 150 | U | IV |
| KICA | Clovis, N. Mex | 250w | 175 | U | IV |
| KGFL | Roswell, N. Mex | 250w | 150 | U | IV |
| WABY | Albany, N. Y. (T-Colonie) | 250w | 150 | U | IV |
| WBNY | Buffalo, N. Y | 250w | 150 | All hours except those WSVS operates | IV |
| WSVS | Buffalo, N. Y | 250w | 150 | S.H. (D–WBNY) | IV |
| WSLB | Ogdensburg, N. Y | 250w | 150 | U | IV |
| WISE | Asheville, N. C | 250w | 150 | U | IV |
| WCNC | Elizabeth City, N. C | 250w | 175 | U | IV |
| WGBR | W. of Goldsboro, N. C | 250w | 180 | U | IV |
| WHKY | Hickory, N. C | 250w | 150 | U | IV |
| WMFD | Wilmington, N. C | 250w | 150 | U | IV |
| KRMC | Jamestown, N. C | 250w | 180 | U | IV |
| WMAN | Mansfield, Ohio | 250w | 175 | U | IV |
| WPAY | Portsmouth, Ohio | 250w | 150 | U | IV |
| KTOK | Oklahoma City, Okla | 250w | 175 | U | IV |
| WJAC | Johnstown, Pa | 250w | 150 | U | IV |
| WDAS | Philadelphia, Pa | 250w | 185 | U | IV |
| WARM | Scranton, Pa | 250w | 150 | U | IV |
| WRAK | Williamsport, Pa | 250w | 180 | U | IV |
| WCOS | Columbia, S. C | 250w | 190 | U | IV |
| WORD | Spartanburg, S. C | 250w | 150 | U | IV |
| KOBH | Rapid City, S. Dak | 250w | 150 | U | IV |
| WDEF | Chattanooga, Tenn | 250w | 150 | U | IV |
| WHUB | Cookeville, Tenn | 250w | 150 | U | IV |
| WKPT | Kingport, Tenn | 250w | 150 | U | IV |
| WHBQ | Memphis, Tenn | 250w | 150 | U | IV |

## 1400 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KLUF | Nr. Galveston, Texas | 250w | 175 | U | IV |
| KIUN | Pecos, Texas | 250w | 150 | U | IV |
| KGKL | San Angelo, Texas | 250w | 175 | U | IV |
| KMAC | San Antonio, Texas | 250w | 175 | S–KONO | IV |
| KONO | San Antonio, Texas | 250w | 150 | S–KMAC | IV |
| KTEM | Temple, Texas | 250w | 175 | U | IV |
| WBTM | Danville, Va | 250w | 150 | U | IV |
| KRKO | Everett, Wash | 250w | 150 | S–KEVR | IV |
| KWLK | Longview, Wash | 250w | 150 | U | IV |
| KEVR | Seattle, Wash | 250w | 150 | S–KRKO | IV |
| KUJ | Walla Walla, Wash | 250w | 150 | U | IV |
| WBLK | Clarksburg, W. Va | 250w | 200 | U | IV |
| WBTH | Williamson, W. Va | 250w | 150 | U | IV |
| WATW | Ashland, Wis | 250w | 150 | U | IV |
| WRJN | Racine, Wis. (T-Mt. Pleasant) | 250w | 175 | U | IV |
| WSAU | Wausau, Wis | 250w | 150 | U | IV |
| KYAN | Cheyenne, Wyo | 250w | 190 | U | IV |
| KVRS | Rock Springs, Wyo | 250w | 175 | U | IV |
| KWYO | Sheridan, Wyo | 250w | 185 | U | IV |

## 1410 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WALA | Mobile, Ala | 1kw | 190 | U | III–A |
| KERN | Bakersfield, Calif | 1kw | 175 | U | III–A |
| WNBC | New Britain, Conn. (T-Newington) | 1kw | DA | U | III–B |
| WING | Dayton, Ohio | 5kw | 175, DA–N | U | III–A |
| KQV | Pittsburgh, Pa | 1kw | 185, DA–N | U | III–B |
| WKBH | La Crosse, Wis | 1kw | 200 | U | III–A |

## 1420 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| KLRA | Little Rock, Ark. (T-nr. N. Little Rock) | 5kw | 215, DA–N | U | III–A |
| KRLC | Lewiston, Idaho | 250w | 215 | U | IV |
| WHK | Cleveland, Ohio (T-Seven Hills) | 5kw | 205, DA–N | U | III–A |
| WFCI | Pawtucket, R. I. (T-Valley Falls) | 1kw | DA | U | III–B |
| KABR | Aberdeen, S. Dak | 5kw | 194, DA–N | U | III–A |
| WQDM | St. Albans, Vt | 1kw | 175 | D | III |

## 1430 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WIRE | Indianapolis, Ind | 5kw | 244, DA–N | U | III–A |
| WARD | Brooklyn, N. Y | 500w | 180 | S–WBBC, WLTH, WVFW | III–B |
| WBBC | Brooklyn, N. Y | 500w | 175 | S–WARD, WLTH, WVFW | III–B |
| WVFW | Brooklyn, N. Y | 500w | 175 | S–WARD, WBBC, WLTH | III–B |
| WLTH | New York, N. Y. (T-Brooklyn) | 500w | 175 | S–WARD, WBBC, WVFW | III–B |
| KTUL | Tulsa, Okla. (T-E. of Turley) | 5kw | 238, DA–N | U | III–A |
| KLO | Ogden, Utah (T-Kanesville) | 5kw | DA | U | III–A |

## 1440 kilocycles

| | | | | | |
|---|---|---|---|---|---|
| WSFA | Montgomery, Ala | 500w, 1kw–LS | 190 | U | III–B |
| WROK | Rockford, Ill | 500w, 1kw–LS | 200 | U | III–B |
| WAAB | Boston, Mass. (T-Quincy) | 1kw | 250 | U | III–A |
| WBCM | Bay City, Mich. (T-Hampton Twp.) | 500w, 1kw–LS | 175 | U | III–B |
| KFJM | Grand Forks, N. Dak | 500w, 1kw–LS | 175 | U | III–B |

## 1440 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KMED | Medford, Oreg | 250w, 1kw–LS | 175 | U | III–B |
| KGNC | Amarillo, Texas | 1kw, 2½kw–LS | 175 | U | III–A |
| WHIS | Bluefield, W. Va | 500w, 1kw–LS | 175 | U | III–B |

## 1450 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WHMA | Anniston, Ala | 250w | 150 | U | IV |
| WMSD | Muscle Shoals City, Ala | 250w | 150 | U | IV |
| KGLU | Safford, Ariz | 250w | 175 | U | IV |
| KMYC | Marysville, Calif | 250w | 150 | U | IV |
| KSAN | San Francisco, Calif | 250w | 150 | U | IV |
| KGIW | Alamosa, Colo | 250w | 150 | S.H.(KIDW) | IV |
| KIDW | Lamar, Colo | 250w | 150 | S.H.(KGIW) | IV |
| WNAB | Bridgeport, Conn | 250w | 150 | U | IV |
| WILM | Wilmington, Del | 250w | 150 | U | IV |
| WMFJ | Daytona Beach, Fla | 250w | 150 | U | IV |
| WSPB | Sarasota, Fla | 250w | 180 | U | IV |
| WGPC | Albany, Ga | 250w | 150 | U | IV |
| WMWH | Augusta, Ga | 250w | 150 | U | IV |
| WKEU | Griffin, Ga | 250w | 150 | U | IV |
| WGOV | Valdosta, Ga | 250w | 150 | U | IV |
| KWAL | Wallace, Idaho (T-between Wallace & Kellogg) | 250w | 185 | U | IV |
| WHFC | Cicero, Ill | 250w | 150 | U | IV |
| WCBS | Springfield, Ill | 250w | 150 | U | IV |
| WGL | Fort Wayne, Ind | 250w | 150 | U | IV |
| WAOV | Vincennes, Ind | 250w | 150 | U | IV |
| WOC | Davenport, Iowa | 250w | 150 | U | IV |
| KTRI | Sioux City, Iowa | 250w | 150 | U | IV |
| KVAK | Atchison, Kans. (T-Buchanan County, Mo.) | 250w | 175 | U | IV |
| KWBG | Hutchinson, Kans | 250w | 150 | U | IV |
| WLAP | Lexington, Ky | 250w | 150 | U | IV |
| WPAD | Paducah, Ky | 250w | 185 | U | IV |
| WNOE | New Orleans, La | 250w | 180 | U | IV |
| WAGM | Presque Isle, Maine | 250w | 150 | U | IV |
| WMAS | Springfield, Mass | 250w | 240 | U | IV |
| WJMS | Ironwood, Mich | 250w | 150 | U | IV |
| WIBM | Jackson, Mich | 250w | 150 | U | IV |
| WHLS | Port Huron, Mich.(T-Port Huron Twp.) | 250w | 190 | U | IV |
| KATE | Albert Lea, Minn | 250w | 150 | U | IV |
| KFAM | St. Cloud, Minn | 250w | 185 | U | IV |
| WSLI | Jackson, Miss | 250w | 180 | U | IV |
| WMBH | Joplin, Mo | 250w | 200 | U | IV |
| KRBM | Bozeman, Mont | 250w | 175 | U | IV |
| KFUN | Las Vegas, Nev | 250w | 150 | U | IV |
| WFPG | Atlantic City, N. J | 250w | 150 | U | IV |
| WHDL | Olean, N. Y | 250w | 210 | U | IV |
| WKIP | Poughkeepsie, N. Y | 250w | 150 | U | IV |
| WGNC | Gastonia, N. C | 250w | 150 | U | IV |
| WEED | Nr. Rocky Mount, N. C | 250w | 175 | U | IV |
| WFMJ | Youngstown, Ohio | 250w | 150 | U | IV |
| KGFF | Shawnee, Okla | 250w | 200 | U | IV |
| KORE | Eugene, Oreg | 250w | 150 | U | IV |
| KLBM | La Grande, Oreg | 250w | 185 | U | IV |
| KBPS | Portland, Oreg | 250w | 150 | S–KXL | IV |
| KXL | Portland, Oreg | 250w | 150 | S–KBPS | IV |
| WLEU | Erie, Pa | 250w | 150 | U | IV |

## 1450 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WAZL | Hazleton, Pa | 250w | 150 | U | IV |
| KRBC | Abilene, Texas | 250w | 175 | U | IV |
| KRIC | Beaumont, Texas | 250w | 175 | U | IV |
| KDNT | Denton, Texas | 250w | 150 | U | IV |
| KRLH | Midland, Texas | 250w | 150 | U | IV |
| KNET | Palestine, Texas | 250w | 150 | U | IV |
| KABC | San Antonio, Texas | 250w | 150 | U | IV |
| KCMC | Texarkana, Texas | 250w | 150 | U | IV |
| WACO | Waco, Texas | 250w | 150 | U | IV |
| KEUB | Price, Utah | 250w | 175 | U | IV |
| WCHV | Charlottesville, Va | 250w | 175 | U | IV |
| WMVA | Martinsville, Va | 250w | 150 | U | IV |
| WLPM | Suffolk, Va | 250w | 180 | U | IV |
| WPAR | Parkersburg, W. Va | 250w | 150 | U | IV |
| KFIZ | Fond du Lac, Wis | 250w | 150 | U | IV |
| KFBC | Cheyenne, Wyo | 250w | 150 | U | IV |

## 1460 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KINY | Juneau, Alaska | 1kw | 200 | U | III–A |
| KSO | Des Moines, Iowa | 1kw, 5kw–LS | 234, DA–N | U | III–A |
| KGNF | North Platte, Nebr | 1kw | 175 | D | III |
| WOKO | Albany, N. Y | 500w, 1kw–LS | 175 | U | III–B |
| WHEC | Rochester, N. Y | 500w, 1kw–LS | 220 | U | III–B |
| WBNS | Columbus, Ohio | 1kw, 5kw–LS | 190, DA–N | U | III–B |
| WHP | Harrisburg, Pa. (T-Swatara Twp.) | 1kw, 5kw–LS | 193, DA–N | U | III–B |
| WMPS | Memphis, Tenn | 500w, 1kw–LS | 175 | U | III–B |

## 1470 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WMBD | Peoria, Ill. (T-between Peoria and Pekin) | 1kw, 5kw–LS | 205 | U | III–B |
|  | Proposed | 5kw | DA–N |  | III–A |
| WBIG | Greensboro, N. C | 1kw, 5kw–LS | 225 | U | III–B |
|  | Proposed | 5kw | DA–N |  | III–A |
| WCBA | Allentown, Pa | 500w | 180, DA | S–WSAN | III–B |
|  | Proposed | 5kw |  |  | III–A |
| WSAN | Allentown, Pa | 500w | 180, DA | S–WCBA | III–B |
|  | Proposed | 5kw |  |  | III–A |
| KXYZ | Houston, Texas | 1kw | 175 | U | III–A |
| KELA | Between Centralia and Chehalis, Wash | 1kw | 190 | U | III–A |
| KDFN | Casper, Wyo | 500w | 210 | U | III–B |

## 1480 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| KIEM | Eureka, Calif | 500w, 1kw–LS | 175 | U | III–B |
| WAGA | Atlanta, Ga | 500w, 1kw–LS | 240 | U | III–B |
| KTBS | Shreveport, La | 1kw | 175 | U | III–B |
| WSAR | Fall River, Mass. (T-S. Somerset) | 1kw | DA | U | III–B |
| KCMO | Kansas City, Mo | 1kw, 5kw–LS | 179, DA–N | U | III–B |
| KGCX | Wolf Point, Mont | 1kw | 175 | U | III–A |
| WGAR | Cleveland, Ohio (T-Cuyahoga Heights) | 1kw, 5kw–LS | 233, DA–N | U | III–B |

## 1490 kilocycles

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WHBB | Selma, Ala | 250w | 150 | U | IV |
| KYCA | Prescott, Ariz | 250w | 150 | U | IV |
| KOTN | Pine Bluff, Ark | 250w | 150 | U | IV |
| KXO | El Centro, Calif | 250w | 150 | U | IV |
| KVOE | Santa Ana, Calif | 250w | 175 | U | IV |
| KDB | Santa Barbara, Calif | 250w | 150 | U | IV |

## 1490 kilocycles (Continued)

| *Call Letters* | *Location* | *Power* | *Radiation* | *Time Designation* | *Class* |
|---|---|---|---|---|---|
| WNLC | New London, Conn | 250w | 175 | U | IV |
| WTMC | Ocala, Fla | 250w | 175 | U | IV |
| WRDW | Augusta Ga. (T-N. Augusta, South Carolina) | 250w | 190 | U | IV |
| WMOG | Brunswick, Ga | 250w | 180 | U | IV |
| WMJM | Cordele, Ga | 250w | 180 | U | IV |
| WRGA | Rome, Ga | 250w | 150 | U | IV |
| KTOH | Lihue, Hawaii | 250w | 150 | U | IV |
| WDAN | Danville, Ill | 250w | 230 | U | IV |
| WTMV | East St. Louis, Ill | 250w | 150 | U | IV |
| WKBV | Richmond, Ind | 250w | 150 | U | IV |
| WKBB | Dubuque, Iowa | 250w | 200 | U | IV |
| WOMI | Owensboro, Ky | 250w | 180 | U | IV |
| KPLC | Lake Charles, La | 250w | 150 | U | IV |
| WBOC | Salisbury, Md | 250w | 150 | U | IV |
| WJBK | Detroit, Mich | 250w | 150 | U | IV |
| WKBZ | Muskegon, Mich | 250w | 190 | U | IV |
| KDAL | Duluth, Minn | 250w | 150 | U | IV |
| KDRO | Sedalia, Mo | 250w | 180 | U | IV |
| KONB | Omaha, Nebr | 250w | 150 | U | IV |
| KGKY | Scottsbluff, Nebr | 250w | 150 | U | IV |
| KAWM | Gallup, N. Mex | 250w | 150 | U | IV |
| KWEW | Hobbs, N. Mex | 250w | 180 | U | IV |
| WNBF | Binghamton, N. Y | 250w | 200 | U | IV |
| WCNW | Brooklyn, N. Y | 250w | 150 | S.H.(WWRL) | IV |
| WOLF | Syracuse, N. Y | 250w | 150 | U | IV |
| WKNY | Kingston, N. Y. (T-Ulster Twp.) | 250w | 185 | U | IV |
| WWRL | Woodside, N. Y | 250w | 175 | S.H.(WCNW) | IV |
| WDNC | Durham, N. C | 250w | 225 | U | IV |
| WGTC | Greenville, N. C | 250w | 220 | D | IV |
| WSTP | Salisbury, N. C | 250w | 225 | U | IV |
| KOVC | Valley City, N. Dak | 250w | 150 | U | IV |
| WMRN | Marion, Ohio | 250w | 150 | U | IV |
| KBIX | Muskogee, Okla | 250w | 150 | U | IV |
| KBKR | Nr. Baker, Oreg | 250w | 180 | U | IV |
| KRNR | Roseburg, Oreg | 250w | 150 | U | IV |
| WERC | Erie, Pa | 250w | 150 | U | IV |
| WGAL | Lancaster, Pa | 250w | 150 | U | IV |
| WWSW | Pittsburgh, Pa | 250w | 175 | U | IV |
| WSSJ | San Juan, Puerto Rico | 250w | 150 | U | IV |
| WMRC | Greenville, S. C | 250w | 150 | U | IV |
| WOPI | Bristol, Tenn. (T-N.E. of Bristol, Va.) | 250w | 150 | U | IV |
| KNOW | Austin, Texas | 250w | 150 | U | IV |
| KBST | Big Spring, Texas | 250w | 180 | U | IV |
| KNEL | Brady, Texas | 250w | 150 | U | IV |
| KGFI | Brownsville, Texas | 250w | 150 | U | IV |
| KROD | El Paso, Texas | 250w | 215 | U | IV |
| KSAM | Huntsville, Texas | 250w | 150 | U | IV |
| KPAB | Laredo, Texas | 250w | 175 | U | IV |
| KPLT | Paris, Texas | 250w | 175 | U | IV |
| KGKB | Tyler, Texas | 250w | 175 | U | IV |
| KVWC | Vernon, Texas | 250w | 175 | U | IV |
| KUTA | Salt Lake City, Utah | 250w | 185 | U | IV |
| WSYB | Rutland Vt | 250w | 175 | U | IV |
| WSLS | Roanoke, Va | 250w | 150 | U | IV |
| KPQ | Wenatchee, Wash | 250w | 195 | U | IV |
| WGKV | Charleston, W. Va | 250w | 175 | U | IV |

| Call Letters | Location | Power | Radiation | Time Designation | Class |
|---|---|---|---|---|---|
| | **1500 kilocycles** | | | | |
| WJSV | Washington, D. C. (T-E. of Wheaton, Md.) | 50kw | DA | U | I–B |
| KSTP | St. Paul, Minn | 50kw | DA | U | I–B |
| | **1510 kilocycles** | | | | |
| WMEX | Boston, Mass. (T-Monclair(Quincy)) | 5kw | DA | U | II |
| WLAC | Nashville, Tenn | 5kw | 175, DA–N | U | II |
| | Proposed | 50kw | | | I–B |
| KGA | Spokane, Wash | 5kw | 200, DA | U | II |
| | Proposed | 10kw | | | I–B |
| | **1520 kilocycles** | | | | |
| WHIP | Hammond, Ind | 5kw | DA | 6 a.m. to L.S. Buffalo, N. Y. | II |
| WKBW | Buffalo, N. Y. (T-Tonawanda) | 5kw | 250, DA | U | II |
| | Proposed | 50kw | | | I–B |
| KOMA | Oklahoma City, Okla | 5kw | 190, DA–N | U | II |
| | Proposed | 50kw | | | I–B |
| WPRP | Ponce, Puerto Rico | 1kw, 5kw–LS | 175 | U | II |
| | **1530 kilocycles** | | | | |
| KFBK | Sacramento, Calif | 10kw | 235, DA | U | I–B |
| | Proposed | | | | |
| WCKY | Cincinnati, Ohio (T-Crescent Springs, Ky.) | 50kw | DA | U | I–B |
| | **1560 kilocycles** | | | | |
| WHOM | Jersey City, N. J | 500w, 1kw–LS | 230, DA–N | U | II |
| | **1590 kilocycles** | | | | |
| WBRY | Waterbury, Conn. (T-Prospect Twp.) | 1kw | 190 | U | III–A |
| KITE | Kansas City, Mo | 1kw | 175 | U | III–A |
| WAKR | Akron, Ohio | 1kw | 175, DA–N | U | III–B |
| | **1600 kilocycles** | | | | |
| KPMC | Bakersfield, Calif | 1kw | 175 | U | III–A |
| WQXR | New York, N. Y. (T-Long Island City) | 5kw | 250 | U | III–A |

## REALLOCATION—MARCH 29, 1941

*(Continued from page 4572)*

the participating nations. Under the arrangement, lists of proposed station assignments of these countries are exchanged in advance of the effective date of the agreement. This is done in order that any remaining technical problems may be worked out before actual operations begin.

Of particular concern to the United States listener is the indication that the domestic assignments as worked out by the Commission's engineers will mean a very material lessening of the interference which stations in this country now suffer from broadcasts emanating principally in Mexico and Cuba.

The North American Regional Broadcasting Agreement was reached at Havana on December 13, 1937. It was ratified by the four countries concerned. Formal filing by the fourth of these (Mexico) on March 29, 1940, confirmed the agreement and makes it operative one year from that date. Previously there was no real compact with respect to sharing of frequencies by the principal countries of this continent for the best mutual advantage.

The Commission in its statement stresses that the agreement should not, in any sense, be interpreted as creating any vested rights to broadcasters in the new frequencies thus established. That broadcast channels are public domain for use in the public interest, convenience and necessity is attested by statute and rule requirement that licenses are for limited terms and broadcasters are relicensed at stated intervals only upon showing of proper public service.

## EXTENSION OF LICENSES TO MARCH 29, 1941

The Commission yesterday entered an Order further extending standard broadcast station authorizations expiring October 1, 1940 for an additional period ending March 29, 1941. The order applies to all standard broadcasting station licensees and extends the expiration date of all such licenses for which applications for renewal have been filed. If an application for renewal for regular operation covering the period beyond August 1, 1940 has been filed, it will not be necessary to refile such application under the provisions of the Commission's Order.

The Order of the Commission by its own terms extends the effective date of the licenses to which it applies. Modified licenses to cover the new expiration date will not be issued. Licensees are required to post the Commission's Order attached to their licenses in accordance with the rules governing posting of licenses.

### ORDER

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of September, 1940,

The Commission having under consideration the provisions of the North American Regional Broadcasting Agreement; and

Whereas, it is necessary to make and amend rules and regulations of the Commission and prescribe restrictions and conditions in order to carry out the provisions of said Agreement; and

Whereas, the carrying out of said Agreement requires readjustment in the allocation of frequencies available for assignment to standard broadcast stations; and

Whereas, the United States is required under said Agreement to furnish the several countries signatory thereto, at least 180 days before the effective date thereof, with lists showing "broadcast stations actually in operation," "changes authorized to be made with respect to said stations," and "new broadcast stations authorized but not yet in operation"; and

Whereas, said lists are available for public inspection at the offices of the Commission, and copies thereof have been furnished all licensees of standard broadcast stations and all applicants for standard broadcast facilities; and

Whereas, following the conclusion of the conferences provided for under Article III, Section 1, of said Agreement, and the resolving, in accordance with the provisions thereof, of any conflicts which may arise, the Commission will enter appropriate Orders in the premises;

It is ordered, that effective March 29, 1941, Sections 3.25 to 3.29, both inclusive, and 3.34 of the Rules and Regulations of the Commission be, and the same are hereby, repealed; and Sections 3.25 to 3.29 and 3.34 as set forth in Annex A hereto, be, and the same are hereby, adopted.

The Federal Communications Commission,
T. J. Slowie, *Secretary*.

## ANNEX A

*Amendments to Rules and Regulations Governing Standard Broadcast Stations*

3.25 Clear channels: Class I and II Stations.—The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations as given:

(a) To each of the channels below there will be assigned one class I station and there may be assigned one or more class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 850, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kilowatts.

(b) To each of the channels below there may be assigned Class I and Class II Stations: 680, 710, 810, 940, 1000, 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(c) For Class II stations located not less than 650 miles from the nearest Canadian Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 690, 740, 860, 990, 1010[1] and 1580 kilocycles.

(d) For Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter ground wave at any point on the nearest Mexican Border, 730, 800, 900, 1050,[2] 1220[3] and 1570 kilocycles.

(e) For Class II stations located not less than 650 miles from the nearest Cuban Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 1540 kilocycles.

3.26 Regional channels: Classes III-A and III-B stations.—The following frequencies are designated as regional channels and are assigned for use by Class III-A and III-B stations[4]: 550, 560,[5] 570,[5] 580, 590,[5] 600, 610, 620, 630,[5] 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,[5] 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

3.27 Local channels: Class IV stations.—The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

3.28 (a) The individual assignments of stations to channels which may cause interference to other United States stations only, shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation," Section C.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

3.29 On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

3.34 Normal license period.—All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time, and will be issued for a normal license period of 1 year, expiring as follows:

(a) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, and 1580 kilocycles, February 1.

(b) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, and 950 kilocycles, April 1.

(c) For stations operating on the frequencies 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, and 1320 kilocycles, June 1.

(d) For stations operating on the frequencies 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles, August 1.

(e) For stations operating on the frequencies 1230, 1240, and 1340 kilocycles, October 1.

(f) For stations operating on the frequencies 1400, 1450, and 1490 kilocycles, December 1.

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[1] A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

[2] See North American Regional Broadcasting Agreement for use of this channel by a station in New York (Appendix I, Table IV).

[3] See Agreement with Mexico for further use of this channel.

[4] See Section 3.29 in regard to assigning Class IV stations to regional channels.

[5] See North American Regional Broadcasting Agreement for special provision concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with Appendix II, Table I, of said Agreement.

## COMMISSION EXTENDS TIME ON CHAIN REPORT

To meet the request of the major networks for more time in which to file briefs in connection with the Federal Communications Commission committee report on chain broadcasting, the Commission today announced that the time originally set for receiving such briefs (September 15) will be extended until October 25.

This was upon consideration of the requests of the National Broadcasting Company and the Columbia Broadcasting System, which asked that the time be extended to December 15 and December 1 respectively, and the Independent Radio Network Affiliates, which also asked for more time. These networks stated that the committee report, submitted to the Commission on June 12, is so voluminous that considerable study of its 1300 pages and of the record itself is necessary before briefs can be compiled to properly cover the subject and adequately represent their views.

## NAB-FCC APPLICATION FORMS CONFERENCE

As the Reports go to press the NAB special committee is meeting with a special committee of FCC and FM broadcasters, looking to the revision of the application forms 301 and 319. Satisfactory progress on specific suggestions is being made. The meeting was continued and a full report will be given in subsequent Reports.

# BMI Developments

## BMI FEATURE TUNES

### September 16-23

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. MADAME WILL DROP HER SHAWL
5. SWINGIN' AT THE SEANCE
6. WE COULD MAKE SUCH BEAUTIFUL MUSIC

BMI's *Practice Makes Perfect* continues to make records. It has now been three weeks on the Lucky Strike Hit Parade, stands second in *Variety's* list of network performances, and ninth on the list of sheet music sales. Figures for the sales of BMI leading hits for the week ending September 7th show 17,662 sheet music copies of *Practice Makes Perfect,* 3,072 of *The Same Old Story* and 1,882 of *There I Go,* and 995 orchestrations of *Practice Makes Perfect* for the same week.

This proof of the success of the BMI music with the public gives the strongest support to the judgment of program makers as to its quality. Members of the BMI Editorial Board have been told recently by men in the program departments of some of the leading advertising agencies, that the music submitted to them by BMI, maintains a higher percentage of good material than the submissions they receive from any other source.

Nothing distresses ASCAP officials more deeply, or is more impossible for them to argue aside, than the musical success achieved by non-ASCAP writers whose work is reaching the public through BMI. A short time ago, an ASCAP official, who is also a prominent officer of one of the largest ASCAP publishing houses, nearly came to blows with one of the nation's most famous band leaders in a night-club, where the band in question was then playing. The ASCAP official, obviously smarting under the warm reception accorded to BMI music which had been played, is said to have gone up to the band leader and demanded why he continued to play "that BMI tripe." It is reported that the band leader replied, "Because it is a darn sight better music than anything your house has published since you've been there."

## ASCAP VICTORY?

Warner Brothers motion picture interests control the Remick, Witmark and Harms music publishing houses, which are understood to receive considerably more than $500,000 a year from ASCAP.

Warner Brothers motion picture interests control Station KFWB of Los Angeles, which has, presumably, paid ASCAP something in the neighborhood of $30,000 a year.

KFWB has signed the new ASCAP contract.

A full page advertisement in *Variety* announces the consummation of this undoubtedly difficult negotiation.

## NEW BMI MEMBERS

We are happy to welcome the following stations to the BMI roster:

WOMI—Owensboro, Kentucky
KHAS—Hastings, Nebraska
KDRO—Sedalia, Missouri
KBND—Bend, Oregon

Another advertising man turns out to be a composer. BMI will shortly publish a song by Ralph Skedgell, of the Young & Rubicam agency. We have also had word from an officer of a leading advertising trade publication that he belongs to a group who for some time have been exchanging, discussing, and performing each other's compositions. This may perhaps be an added reason why members of the advertising industry have so friendly an attitude towards the organization which is rescuing the independent writer from the discouraging and unprofitable obscurity to which the ASCAP system has relegated him.

BMI is also publishing music by a number of well known band leaders. Among those who have recently been added to the list of BMI composers are Ray Herbeck, Paul Martin, Gray Gordon, Don Marcotte and Sleepy Hall.

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In his article for *Variety's* "Battle Page," ASCAP's Paine repeats the statement previously made by ASCAP's Mills, that ASCAP receives from the broadcasters only 2.42% of their income from sale of time. They arrive at this figure by taking $171,000,000 as the figure for the broadcasters' income for 1939, and $4,142,024 as the figure for payments to ASCAP. That figure for the broadcasters' income is, of course, completely fictitious. It does not allow for the agency discounts, which the broadcasters never receive, nor for frequency discounts which represent an amount that nobody ever receives. The broadcasters' net revenue from sale of time in 1939 as shown by the FCC table was $112,062,612. This specious argument of ASCAP results from the frequency with which fictitiously high figures are given for the gross receipts of the broadcasting industry.

# Legislative

## SENATE REVISES EXCESS-PROFITS TAX BILL

Today (Friday) the Senate version of the Excess-Profits Tax Bill will be called up for debate. The report on the bill was not available up to the time this issue of the NAB Reports went to press. However, it is understood the Senate Finance Committee has drafted a bill which provides several major changes from that passed recently by the House.

Both the average earnings method and the return on invested capital method as bases for determining normal profits in the base period, 1936-39, have been retained and are optional to the taxpayer. The penalties for using the average earnings method, of an increase in the normal tax of 4.1% and higher excess-profits tax rates, have been removed. Substituted, however, is an increase of 3.1% in the normal tax brackets applicable to all corporations. Moreover, the higher excess-profits tax rates ranging from 25% to 50%, applicable in the House bill only to corporations using the average earnings method, are made to apply when either method of determining excess profits is used. The increase of 3.1% in the normal corporate tax is construed purely as a revenue measure.

The specific exemption of $5,000 on excess profits has been increased to $10,000. This has been done in the interests of easing the burden on smaller corporations. It is felt that this revision will exempt from filing returns and payment of tax, many of the smaller stations on whom the burden, under the House bill, would have been relatively severe.

The Senate bill eliminates the House provision that a corporation not in existence during the entire base period, 1936-37, is required to use the invested capital method. Allowing such corporations to use average earnings will provide relief for many stations licensed since January 1, 1936.

Provision for consolidated returns for purposes of the excess-profits tax is included. However, ownership of at least 95% of the stock of subsidiary corporations is required to file a consolidated return.

Prompt passage of the bill in the Senate is expected.

# Labor

James C. Petrillo is notifying non-network broadcasters who have musicians' contracts expiring this month that the A. F. of M. is willing to let the current "National Plan of Settlement" pass out of existence without demand for its renewal, providing satisfactory arrangements are made with the local unions for the employment of staff musicians.

# The Code

## ORGANIZE LOCAL NAB CODE COMMITTEE

Member stations in Minneapolis and St. Paul have organized a local NAB Code Committee to work in conjunction with the national NAB Code Committee, it was announced this week. Kenneth M. Hance of KSTP was selected as chairman, serving with Wallace Stone of WDGY and Edward P. Shurick of WLOL.

In commenting upon this development, Edgar Bill, chairman of the Code Committee, said, "This is a splendid idea and certainly will be most beneficial to the stations in the Twin Cities as well as to the Code Committee in its work of rendering helpful service to the members. Perhaps in those cities where there are several stations in operation, members may develop the idea and set up additional Code Committees."

## GEORGIA BROADCASTERS REORGANIZE

At a meeting in Macon, Georgia, attended by Neville Miller, NAB president, the Georgia Broadcasters Association was reorganized. James Woodruff, WRBL, was elected president; Roy Ringson, WRDW, vice president; and Mrs. Marjorie Willis, WTOC, secretary-treasurer.

Those elected to the Board of Directors were Senator Jack Williams, Sr., WAYX; Leonard Reinsch, WSB; and E. K. Cargill, WMAZ, Macon.

The following broadcasters attended the meeting: John M. Outler, Jr., Leonard Reinsch, WSB, Atlanta; Clarence Calhoun, WGST, Atlanta; Maurice Coleman, WATL, Atlanta; Don Ioset, Howard Donahue, WAGA, Atlanta; Roy Ringson, Thurston Bennett, WRDW, Augusta; John Pidcock, Henry Hix, WMGA, Moultrie; W. T. Knight, Mrs. Marjorie Willis, Ben Williams, WTOC, Savannah; Harben Daniel, WSAV, Savannah; A. T. Spies, WGPC, Albany; Tom Phillips, WDAK, West Point; John Greer, WGOV, Valdosta; Ken White, WMOG, Brunswick; Bob Leagin, Henry Lowe, Charles Pittman, Alfred Lowe, WBML, Macon; E. K. Cargill, Wilton Cobb, "Red" Cross, Walter Graham, Mrs. Allie Williams, WMAZ, Macon; H. Wimpy, WPAX, Thomasville; Jack Williams, Sr., Jack Williams, Jr., WAYX, Waycross; Happy Quarles, Major Mitchell, WRGA, Rome; Alan Marshall WKEU, Griffin; James Woodruff, WRBL, Columbus.

### NEW MEMBERS KEEP COMING

It is a pleasure to report the further expansion of NAB membership. With the receipt this week of the membership application of KINY at Juneau, Alaska, NAB now has member stations in every state and territory. In addition to the Alaska station, the following new memberships have been received:

WJNO—West Palm Beach, Florida
WKPA—New Kensington, Pennsylvania
WMRC—Greenville, South Carolina
KWLM—Willmar, Minnesota

There are still some stations out of the fold. Members are urged to look about them, make the necessary contacts to make NAB membership one hundred per cent of all operating stations.

### REVISED BY-LAWS

A complete reprint of the By-Laws with the amendments adopted at the recent Eighteenth Annual Convention has been made. These will be sent out next week to all members. They will take the place of the previous copy and will be so punched as to fit into the standard books. Members are cautioned to be sure to use the revised By-Laws and to destroy the old ones.

## Promotion

LISTEN BEFORE YOU VOTE posters have already been used in many state primaries and they were also used in this week's Maine election.

WCSH, Portland, also intends using the posters in connection with the November election.

Bill Dean, publicity director, WDAY, Fargo, N. D., completed, on August 31, observance of National Radio Festival Week, held at the same time of the famous Red River Valley fair. Now he is well along with the LISTEN BEFORE YOU VOTE promotion.

"We're for it 100%," says Bill.

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Mayor Harold H. Burton, of Cleveland, who is running for the Unites States senate on the Republican ticket, is an "Is Your Hat in the Ring" fan.

To Ellis C. Vander Pyle, merchandise manager, WGAR, the Mayor wrote:

> "I value highly the professional advice contained in this publication . . ."
>
> "As you know, I am a believer in the radio as providing perhaps the salvation of democracy itself. I am greatly interested in its proper and most effective use and am glad to see the helpful attitude which the industry is taking by helping the radio broadcasters to improve their effectiveness."

Immediate shipment of "Is Your Hat in the Ring," from headquarters. Four cents (4¢) each plus postage.

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Photos of station displays at the recent NAB convention in San Francisco were taken by the official photographer.

Several displays are shown on each print and a number of shots were required to get the whole pictorial story.

These prints are offered interested members at 50¢ each. Write headquarters.

### CUTS OF NAB SEALS

We have obtained a supply of cuts of the NAB seal for use by member stations. Two sizes are available—5/8 inch and one inch in size. Stations desiring these cuts should specify the size desired.

We wish again to encourage member stations to make the widest and most effective use possible of these cuts.

## National Defense

### CIVIL SERVICE COMMISSION THANKS INDUSTRY

In a letter addressed to Arthur Stringer, the United States Civil Service Commission expressed its appreciation to the NAB and to its member stations "for the invaluable work which they are performing in the national defense program."

The letter follows:

> On behalf of the United States Civil Service Commission, I wish to express appreciation to the National Association of Broadcasters, its member stations and all cooperating stations for the invaluable work which they are performing in the national defense program.
>
> The Commission is charged by law with the task of recruiting more than 100,000 civilian employees for defense agencies. The cordial cooperation of the radio stations associated with the National Association of Broadcasters in presenting these needs to the American public has been instrumental in securing a large number of employees for navy yards, arsenals, and other defense stations. In no other way would it have been possible to present the situation so promptly and effectively.
>
> You will be interested in the fact that an official of the Navy Department in Washington stated on September 7 that the results achieved already have been worthy of the highest commendation. He stated also to the Commission: "I wish to extend the thanks of the Navy Department and myself for your fine response and to congratulate you on your most satisfactory achievements."
>
> The Commission in turn desires to pass on to the National Association of Broadcasters and its members a liberal portion of this commendation, because the Commission feels that your work has been exceedingly useful and the cordiality and promptness with which your cooperation has been given has been highly gratifying to all of us. The Commission has made public acknowledgment of this before and we wish you to know how much we appreciate what has been and is being done.
>
> Very sincerely,
>
> *Harry B. Mitchell,*
> *President.*

## STILL MORE MEN NEEDED

At a conference with the Commission this week it was learned that the job ceiling, now set at 100,000 will undoubtedly be raised. This will naturally increase the opportunity of the broadcasting industry for even more important service to the nation.

Six hundred twenty-seven stations (627) are now broadcasting the Man Power announcements. Those previously unreported are:

### DISTRICT 5

Georgia
WAYX—Waycross

### DISTRICT 9

Illinois
WJPF—Herrin

### DISTRICT 11

South Dakota
KGFX—Pierre

### DISTRICT 13

Texas
KBST—Big Springs
KSAM—Huntsville

### DISTRICT 14

Wyoming
KWYO—Sheridan

### DISTRICT 15

California
KGDM—Stockton

It is suggested that stations, which have not reported their cooperation, do so by writing headquarters.

## NEW BROADCAST STATION FOR SAN DIEGO, CALIF.

Proposed findings of fact and conclusions proposing to grant the application of Worcester Broadcasting Corp. for a new broadcast station at San Diego, Calif., to operate on the frequency 1420 kilocycles with power of 250 watts, unlimited time, antenna and transmitter site to be determined subject to approval of the FCC has been announced by the Commission.

In its findings of fact, the Commission concludes:

> (1) The applicant is legally, technically, financially and otherwise qualified to construct and operate the proposed station.
>
> (2) No objectionable interference would result from the simultaneous operation of the proposed station and any existing station in the United States, or with radio broadcast facilities requested in any pending applications.
>
> (3) While the applicant herein seeks the use of a local channel to serve a metropolitan district, we have found that more than 90% of the population residing in said area will receive interference-free service from the proposed station. In other words, practically the entire population of San Diego, California, will receive such service, if this application is granted.
>
> (4) We conclude that public interest, convenience and necessity will be served by the granting of the instant application, such grant, however, to be made subject to the following condition: The applicant corporation shall furnish to the Commission within thirty days from the effective date of the Commission's final order herein satisfactory proof of its authority to issue its capital stock.

## KGFI REVOCATION ORDER AFFIRMED

The FCC has announced its proposed findings of fact and conclusions proposing to affirm the recommendation of Commissioner Payne to revoke the license of Eagle Broadcasting Co., Inc. (KGFI), Brownsville, Tex.

Upon consideration of all the facts of record, the Commission concludes in its proposed findings that "the respondent, Eagle Broadcasting Company, Inc., licensee of Station KGFI, on October 10, 1938, without the consent in writing of this Commission transferred and delivered to James G. Ulmer and M. D. Gallagher, their heirs, successors and assigns, complete and exclusive possession, management, operation and control of said station, and also assigned and transferred to them all of the rights theretofore granted to the licensee corporation in and by the terms of the station license, in violation of Section 310(b) of the Communications Act of 1934 as amended and the Rules and Regulations of the Commission. . . . The respondent corporation failed to file with the Commission the said contract with James G. Ulmer and M. D. Gallagher, or other information, affecting and concerning the ownership, operation and control of Station KGFI, as required by, and in violation of, the Rules and Regulations of the Commission. . . . Such acts and conduct on the part of the respondent constitute grounds for revocation of the license to operate said Station KGFI, issued by this Commission to the Eagle Broadcasting Co., Inc. In view of the foregoing, the revocation order heretofore entered in this matter on the 22nd day of March, 1940, should be affirmed."

## REVOCATION ORDER FOR KAND RESCINDED

Rather than deprive a community of its only local broadcast station, and because previously offending licensees are now acting in good faith, the FCC has rescinded a prior order of revocation in the case of station KAND, operated by the Navarro Broadcasting Association, Corsicana, Texas, on 1310 kilocycles, unlimited time with 100 watts power.

The revocation order was issued by the Commission on February 7, 1940. Hearing was held in Dallas on April 23-26, at which time it was disclosed that respondents misrepresented to the Commission their intentions as to the financing, construction, control and operation of the station in securing their original construction permit and station license. In addition, it was found that they transferred the rights granted them to James G. Ulmer and Roy G. Terry without Commission consent, in violation of Section 310(b) of the Communications Act. "These facts taken alone would support an affirmation of the Commission's Order of Revocation," observes the Commission in its Decision and Order (No. B-118). However, balancing factors in the record lead the Commission to conclude:

> "These violations were committed by the respondents either prior to the commencement of the operation of this station or within less than six months thereafter. Though ignorance of the law is no excuse, yet their conduct must be viewed in its true light as that of men at the outset of their career in radio broadcasting without any previous experience with the Commission.
>
> "On November 6, 1937, Ulmer and Terry in consideration of the payment of $6,000 by the respondents 'released, relinquished and quit-claimed' to the respondents all their interest in this station. Thus, within six months of the time Station KAND began to operate the respondents had obtained full control of the station and ended all affiliation of James G. Ulmer and Roy G. Terry therewith. Since that time, in so far as may be ascertained from the record in these proceedings, Station KAND has been operated by the respondents in the interest of the public in that area. Accordingly, this station, which began its program tests on May 17, 1937, and was issued its station license and began operation on June 1, 1937, has been operated since November 6, 1937, in full compliance with the representations made by the respondents to this Commission. There is nothing in this record to indicate that the respondents, if permitted by this Commission, will not continue to operate in the public interest as they have done since November 1937.
>
> "In determining whether to revoke the license of a radio broadcast station for false representations to the Commission and other violations of the Communications Act, the Commission is faced with competing considerations. The Commission's primary duty is to the listening public and, in dealing with a licensee, the Commission must be guided by this primary duty. On the other hand, if the Commission is to carry out its function of granting and denying applications for licenses, it must obtain true and accurate information from those who seek to operate radio stations and must take disciplinary action against those who make false representations to the Commission. But discipline should not be inexorably applied when station licensees demonstrate to the Commission, as these respondents have now done, that they are ready to act in good faith.
>
> "To revoke their license at this time would deprive the community of the service of this station when there is no reason to believe that the respondents will not continue to operate it in the public interest. From their conduct since 1937 and from their good reputation in their community, the Commission feels that the respondents may be trusted with the public responsibilities contained in an authorization to continue to operate station KAND."

However, in cancelling its previous order of revocation, in the public interest, the Commission reserves all rights to incorporate the facts developed in the case in any future proceeding involving this station.

## AMATEUR LICENSE SUSPENDED

The FCC has announced adoption of its proposed findings of fact and conclusions, and entered its final order suspending the amateur radio operator license of Louis Raymond Choiniere, Holyoke, Mass., for a period of three months, for "deceptive tactics" in broadcasting music and singing in "deliberate violation" of certain rules governing amateur stations.

This action affirms the Commission's order of suspension dated August 8, 1939, which had been held in abeyance pending hearing.

## FROM THE FCC MAIL BAG

### (No. 14 of a series)

The Federal Communications Commission has had to censure, by mail, a Pacific Coast ship captain who, in radio discussion with another vessel about position and weather, could not refrain from cussing the latter. His unlawful superfluous language was heard by others and reported to the Commission.

A Long Islander is interested in the possibility of a three-way communication system between a vessel, a land station, and an automobile. Except for emergency service involving the safety of life and property, the Commission has not recognized the operation of any type of land station for the purpose of communicating with portable or movable equipment of organizations or individuals.

Proposal that a special rate of "about 50 cents" be allowed by telegraph companies for the transmission to members of Congress of messages expressing the views of constituents on "various subjects of public interest" has been received from a Los Angeles resident.

A Californian asks whether the Commission prohibits the broadcasting of telephone conversations with persons who have previously agreed to that procedure. Neither the Communications Act nor the Commission's rules prohibit this. But the tariffs of the American Telephone and Telegraph Co., filed with the Commission, prohibit the use of the company's lines for the purpose described.

From Baltimore a postcard inquires eligibility of the writer for a license to operate an amateur station on premises which he owns jointly with his mother who is an alien. This would be contrary to regulations which restrict place of amateur station operation to control of United States citizens exclusively.

A State police bureau seeks information relative to procedure to be followed in filing an application for a restricted radiotelephone permit by an officer whose birth certificate indicates a name different from that shown in the application. It is suggested that the application be filed in the name the applicant has been using, but supported by affidavits attesting to the facts in the case.

Annoyance caused by his neighbors' radios "turned full volume" is cited by a Piqua, Ohio, resident. Such things are outside the Commission's jurisdiction. Many cities have anti-noise ordinances intended to meet this situation.

There is no specific amount of time which radio stations are required to devote to public and educational agencies, the Commission advises a Philadelphia body. Licenses are issued on general determination that the stations will serve the public interest, convenience and necessity. It is up to the broadcasters to include programs of an educational, religious and civic nature, but the amount of time devoted to these subjects rests between the stations and the groups concerned.

The Commission advises an Illinois would-be radio announcer that it has no authority over and so cannot recommend "announcing schools." Nor can it accommodate a New York listener who would compel the major networks to discontinue identical programs.

### 863 STATIONS

The FCC issued operating licenses to seven stations and granted six permits for the construction of new stations during the month of August, 1940. A comparative table by months follows:

| | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | Apr. 1 | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating | 739 | 743 | 751 | 755 | 765 | 769 | 771 | 775 | 779 | 783 | 791 | 799 | 806 |
| Construction | 59 | 57 | 58 | 57 | 49 | 48 | 51 | 48 | 47 | 53 | 56 | 58 | 57 |
| | 798 | 800 | 809 | 812 | 814 | 817 | 822 | 823 | 826 | 836 | 847 | 857 | 863 |

## FEDERAL COMMUNICATIONS COMMISSION

### FINDINGS OF FACT

FCC has announced its proposed findings of fact and conclusions proposing to grant the application of J. D. Falvey, for a construction permit for a new broadcast station in **Ottumwa, Iowa,** to operate on **1210 kilocycles,** with power of 100 watts, unlimited time, and deny the application of Louis R. Spiwak and Maurice R. Spiwak, co-partners, doing business as the L. & M. Broadcasting Co., for a construction permit for a new broadcast station in the same city, to operate on the same frequency with power of 250 watts day, 100 watts night, unlimited time.

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Commission has also announced its proposed findings of fact and conclusions, proposing to grant the application of Thomas R. McTammany and William H. Bates, Bates, Jr., for a construction permit to change hours of operation of KTRB from daytime to limited (WSB, **Atlanta, Ga.**), permitting operation after 10 p. m., PST, install new equipment, increase power from 250 watts to 1 KW, on its present frequency of **740 kilocycles** and change transmitter site, subject to condition that applicants shall file an application for modification of construction permit specifying the exact transmitter location and antenna system within two months after the effective date of the order. The application of KXL Broadcasters, **Portland, Oregon** (KXL), seeking authority to install new transmitter and directional antenna, change frequency from **1420** to **740 kilocycles,** increase power from 250 watts to 10 KW, change hours of operation from sharing with KBPS, **Portland,** to limited (WSB, **Atlanta, Ga.**), and move transmitter and studio, was denied.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments are scheduled before the Commission in broadcast cases during the week beginning Monday, September 16. They are subject to change.

### Thursday, September 19

Oral Argument Before the Commission

Report No. B-110:

KGKB—East Texas Broadcasting Co., Tyler, Tex.—In re: Revocation of Station License of KGKB.

Report No. B-108:

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

### October 7

Joint Hearing

Pursuant to action of the Commission on July 11, designating KRLC and KUJ applications for joint hearing with three applications from Riverside, California, which were consolidated on the Commission's own motion September 6.

KUJ—KUJ, Inc., Walla Walla, Wash.—C. P., **1390 kc.,** 1 KW night, 1 KW LS, unlimited time. (Present assignment: **1370 kc.,** 100 watts night, 100 watts LS, unlimited time.)

KRLC—H. E. Studebaker, Lewiston, Idaho.—Modification of license, **1370 kc.,** 250 watts night, 250 watts LS, unlimited time. (Present assignment: **1390 kc.,** 250 watts night, 250 watts LS, unlimited time.)

NEW—Broadcasting Corporation of America, Riverside, Calif.—C. P., **1390 kc.,** 1 KW night, 1 KW LS, unlimited time.

NEW—Mollin Investment Co., Riverside, Calif.—C. P., **1390 kc.,** 500 watts, daytime.

NEW—Riverside Broadcasting Co., Riverside, Calif.—C. P., **1420 kc.,** 250 watts night, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Granted construction permit to increase power from 10 KW, sharing time with WTIC on **1060 kc.**, with special authority to operate simultaneously with KTHS from 6 a. m. to 9 p. m., EST, on **1060 kc.** and synchronous with WJZ on **760 kc.**, 2.5 KW until 12 midnight, to 50 KW; increase time of operation to unlimited; install directional antenna for night use; change transmitter site locally, and install new transmitter (B1-P-2200).

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of license to change frequency from **1060 kc.** to **1040 kc.** and hours of operation from sharing time with WBAL to unlimited, using directional antenna after sunset at Dallas, Tex. (B1-ML-1012).

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted license to cover special experimental authority for unlimited time and changes in directional antenna system; **1040 kc.**, 50 KW night and day, directional antenna night and day; present assignment, shares time with KTHS (B3-L-1180).

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted modification of license to change from directional antenna day and night to directional antenna night only (B3-ML-999).

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 of the Rules Governing Standard Broadcast Stations (B3-Z-435).

KLBM—Harold M. Finlay and Eloise Finlay (Assignors), Harold M. Finlay (Assignee), La Grande, Ore.—Granted consent to voluntary assignment of license and construction permit of station KLBM from Harold M. Finlay and Eloise Finlay to Harold M. Finlay; **1420 kc.**, 250 watts, unlimited time (B5-APL-7).

KALE—KALE, Inc., Portland, Ore.—Granted construction permit to increase nighttime power from 1 KW to 5 KW, operating on **1300 kc.**, unlimited time, using directional antenna at night (B5-P-2729).

## DESIGNATED FOR HEARING

R. B. Eaton, Des Moines, Iowa.—Application for construction permit for a new television broadcast station to operate on Channel No. 3 (**66000-72000**) with 46 watts visual and 100 watts aural power (B4-PVB-45).

## MISCELLANEOUS

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate from 8:15 p. m., EST, to the conclusion of University of Florida football game September 28, 1940, and from 7:15 p. m., EST, to conclusion of football games on October 5 and 11, 1940, in order to broadcast said football games only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 8:15 p. m., EDST, September 13, 1940, and from 8:30 p. m. to 8:45 p. m., EDST, on September 16, 1940, in order to broadcast political programs sponsored by the Republican State Committee only.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 8 p. m. to 10 p. m., EST, on September 6, 13, 20, 27 and October 4, 1940, in order to broadcast football games only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (Sept. 5:45 p. m., CST) to 12 midnight, CST, on September 11, 1940, in order to broadcast election returns only.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted modification of construction permit for approval of antenna system, change in type of transmitting equipment, and approval of studio site and transmitter site; **1310 kc.**, 250 watts, specified hours (B2-MP-1030).

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted modification of construction permit which authorized new transmitter, changes in directional antenna, change of frequency, increase of power and move of transmitter, for change of type of transmitting equipment; frequency **630 kc.**, 5 KW, unlimited time, directional antenna day and night (B4-MP-1048).

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted authority to install new automatic frequency control equipment; **1250 kc.**, 1 KW, 5 KW LS, unlimited time (B4-F-151).

Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted construction permit for new relay broadcast station, frequencies **156750, 158400, 159300, 161100 kc.**, power 50 watts, special emission (B2-PRE-361).

Riverside Broadcasting Co., Riverside, Calif.—Granted petition to accept appearance filed late in re hearing on application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time (B5-P-2648).

Broadcasting Corp. of America, Riverside, Calif.—Dismissed petition for intervention and on the Commission's own motion directed that the proceedings be consolidated in Docket No. 5888, application of Mollin Investment Co., Docket No. 5890, application of Riverside Broadcasting Co., and Docket No. 5780, application of Broadcasting Corp. of America, all for construction permit for new stations in Riverside, Calif. (B5-P-2648).

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Referred to the Commission the motion for leave to amend application so as to request night power of 5 KW (B4-P-2272).

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted motion to accept amendment to application by changing the reply to Item 31(d) by substituting "38%" for "58%" (regarding mechanical productions) (B4-P-2667).

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted petition to amend application for construction permit with regard to directional antenna (B4-P-2399).

Western Gateway Broadcasting Corp., Schenectady, N. Y.—Granted petition to amend application to specify type of antenna and exact transmitter site (B1-P-2690).

KNET—John Calvin Welch, William M. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Tex.—Granted special temporary authority to operate from local sunset (Sept. 6:30 p. m., CST) to 11 p. m., CST, on September 20 and 27, 1940, in order to broadcast Palestine High School football games only.

WAGF—John T. Hubbard, Julian C. Smith, and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:15 p. m. to 7:15 p. m., CST, September 14, 1940, and from 6:15 p. m. to 7 p. m., CST, September 21, 28, October 5 and 12, 1940, in order to broadcast political speeches only.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 7:15 p. m. to 7:30 p. m., CST, September 6, 1940, in order to broadcast a political program only.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with Station KTHS on **1060 kc.** from 9 p. m., November 4, 1940, to 1 a. m., EST, November 5, 1940, in order to broadcast campaign programs only, and from 9 p. m., November 5, 1940, to 6 a. m., EST, November 6, 1940, in order to broadcast election returns only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 9:30 p. m., EDST, September 9, 1940, in order to broadcast Defense Day ceremonies only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m., EST, October 7, 21, 22, 24, November 1 and 4, 1940; from 9:30 p. m. to 10 p. m., EST, October 24, 29, 31. November 2, 1940; from 7:45 p. m. to 8 p. m., EST, October 28, 30, November 1 and 4, 1940; from 8 p. m. to 8:30 p. m., EST, November 3, 1940; from 11 p. m. to 12 p. m., EST, November 4, 1940, in order to broadcast political programs only as described in letter dated August 26, 1940.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m., EST, on October 4, 11, 18, 23, 25, 28, 29, 30, and 31, 1940, in order to rebroadcast political programs sponsored by the Republican State Committee of Massachusetts.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 6:15 p. m., PST, to the conclusion of a patriotic Americanism rally to be held on September 12, 1940, in order to hold audience until 7 p. m. and to broadcast said program only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (Sept. 5:45 p. m., CST) to 10 p. m., CST, on September 9 and 10, 1940, in order to broadcast political talks only.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 6:15 p. m. to 12 midnight, CST, on September 13, 14, and 16, in order to broadcast political programs only, and from 6:15 p. m. to

12 midnight, CST, on September 17, 1940, in order to broadcast election returns.

Press Union Publishing Co., Portable-Mobile (area of Atlantic City, N. J.).—Granted construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.,** power 2 watts, A2 emission (B1-PRE-363).

The Travelers Broadcasting Service Corp., Portable-Mobile (area of Hartford, Conn.).—Granted construction permit for new relay broadcast station, frequencies **31220, 35620, 37020, 39260 kc.,** power 0.2 watt, A3 emission (B1-PRE-362).

KEHV—The Associated Broadcasters, Inc., Portable-Mobile (area of San Francisco, Calif.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.,** power 15 watts, A3 emission (B5-LRY-205).

KAQV—Central States Broadcasting Co., Portable-Mobile (area of Omaha, Nebr.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1606, 2022, 2102, 2758 kc.,** power 2 watts, A3 emission (B4-LRY-196).

WIEO—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—Granted modification of license to add A1 and A2 emission and change description of transmitter (B1-MLRY-25).

WMBO—WMBO, Inc., Auburn, N. Y.—Granted request for special authorization to remain silent after 8 p. m. daily, for a period of 30 days.

WREN—WREN Broadcasting Co., Lawrence, Kans.—Granted motion for leave to amend application and substitute request for 5 KW nighttime power at the proposed new location of applicant's transmitter in Kansas City instead of 1 KW as now requested.

Chattanooga Broadcasting Corp., Chattanooga, Tenn.—Denied petition for rehearing and for reconsideration of the grant of construction permit to Joe W. Engel for a new station in Chattanooga to operate on **1370 kc.,** with 250 watts power, which was granted by the Commission on July 5.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Denied request for waiver of Section 3.71 of the Rules Governing Standard Broadcast Stations, in order that station may cease operation at 8 p. m. daily.

KIUP—The San Juan Broadcasting Co., Inc., Durango, Colo.—Denied request for waiver of Section 3.71 of the Rules Governing Standard Broadcast Stations, in order that station KIUP may cease operation at 7:30 p. m. daily.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 8 p. m. to 12 p. m., EST, September 9, 1940, in order to broadcast election returns only.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate on **43.9 mc.** for the period ending in no event later than 3 a m., EST, January 1, 1941, in order to clear interference condition.

KGKF—KGKL, Inc., Portable-Mobile (area of San Angelo, Tex.).—Granted license to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.,** power 20 watts (B3-LRY-200).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW, using directional antenna night. Amended to make changes in directional antenna.

### 880 Kilocycles

WRNL—Richmond Radio Corp., Richmond, Va.—License to cover construction permit (B2-P-1805) for new transmitter, installation of directional antenna for day and night use, increase in power, and change in hours of operation.

WRNL—Richmond Radio Corp., Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to install new transmitter, directional antenna for day and night use; increase power from 250 watts night, 1 KW day, to 5 KW day and night; and move transmitter from 231 West Michigan St., Milwaukee, Wis., to near Milwaukee, Wis. Amended to move transmitter to near Milwaukee, Wis. (no street number).

KRSC—Radio Sales Corp., Seattle, Wash.—License to cover construction permit (B5-P-2141) as modified for move of transmitter, new transmitter and antenna, and increase in power.

WDEL—WDEL, Inc., Wilmington, Del.—Construction permit to install directional antenna for night use and increase power from 250 watts night, 1 KW day, to 1 KW day and night. Class III-A. Amended to change requested power from 1 KW to 5 KW, make changes in directional antenna for day and night use, and install new transmitter.

### 1200 Kilocycles

NEW—Manuel M. Grau, Mayaguez, P. R.—Construction permit for a new station to be operated on **1200 kc.,** 100 watts night, 250 watts day, unlimited time. Class IV.

### 1210 Kilocycles

WSBC—WSBC, Inc., Chicago, Ill.—Voluntary assignment of license from WSBC, Inc., to Gene T. Dyer, Evelyn M. Dyer, John A. Dyer and Elizabeth M. Hinzman, d/b as Radio Station WSBC.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts power.

### 1280 Kilocycles

WRR—City of Dallas, Texas, Dallas, Tex.—Construction permit to install new transmitter and increase power from 500 watts to 1 KW. Amended to request 5 KW power, install directional antenna for night use, install new transmitter, and move transmitter from Centennial Grounds, Dallas, Tex., to Highway 114 at White Rock Lake, Dallas, Tex.

### 1310 Kilocycles

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Construction permit to install new transmitter and vertical antenna; change frequency from **1310 kc.** to **1380 kc.;** increase power from 100 watts night, 250 watts day, to 1 KW day and night; and move transmitter from 2312 Fifth Street, Lubbock, Tex., to site to be determined at or near Lubbock, Tex. Amended to change requested power from 1 KW to 5 KW, install directional antenna for day and night use, make changes in equipment, and give exact transmitter site as U. S. 82, 4.2 miles northeast of city, Lubbock, Tex. Class III-A.

WJPF—Orville W. Lyerla, Herrin, Ill.—License to cover construction permit (B4-P-2097) as modified for a new station.

WJPF—Orville W. Lyerla, Herrin, Ill.—Authority to determine operating power by direct measurement of antenna power.

NEW—Herbert L. Wilson, Middletown, N. Y.—Construction permit for a new station to be operated on **1370 kc.,** 250 watts, unlimited time. Amended to request **1310 kc.**

### 1370 Kilocycles

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—License to cover construction permit (B3-P-2261) as modified for a new broadcast station.

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

NEW—Grenco, Inc., Greenwood, S. C.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 100 watts, daytime. Class IV. Amended: To specify transmitter site as Lander College, Greenwood, South Carolina, make changes in antenna and transmitting equipment, change power from 100 watts to 250 watts and hours of operation from daytime to unlimited time.

WNAB—Harold Thomas, Bridgeport, Conn.—Modification of construction permit (B1-P-2410) for a new station, requesting changes in transmitting equipment, approval of transmitter site at rear of 60 Main St., Bridgeport, Connecticut, and approval of vertical antenna.

### 1450 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—License to cover construction permit (B4-P-2922) for new automatic frequency control equipment and changes in transmitting equipment.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—License to cover construction permit (B1-P-2526) for a new transmitter, increase in power and changes in antenna.

### 1500 Kilocycles

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction permit to change frequency from **1500 kc.** to **1450 kc.**, install new transmitter, make changes in vertical antenna and increase power from 250 watts to 500 watts night, 1 KW day. Class III B. (Contingent upon grant of WAGA's application for **590 kc.**)

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Voluntary assignment of license from Howitt-Wood Radio Co., Inc., to Wylie B. Jones, Advt. Agency.

## FM APPLICATIONS

NEW—WDRC, Incorporated, Hartford, Conn.—Construction permit for a new high frequency broadcast station to be operated on **43,100 kc.**, coverage; 13,944 square miles, population 1,337,805.

NEW—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Construction permit for a new high frequency broadcast station to be operated on **44,100 kc.**, coverage; 7,290 square miles, population 415,501.

NEW—St. Louis University, St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **44,300 kc.**, coverage; 13,500 square miles, population 1,682,500.

NEW—WHFC, Inc., Cicero, Ill.—Construction permit for a new high frequency broadcast station to be operated on **47,500 kc.**, coverage; 2885 square miles, population 3,835,000.

## MISCELLANEOUS

KEGE—A. H. Belo Corp. (area of Dallas, Texas).—License to cover construction permit (B3-PRE-356) which authorized decrease in power from 3 watts to 2 watts and installation of new transmitter.

WGNB—WGN, Inc., Chicago, Ill.—Modification of construction permit (B4-PRE-347) for a new relay broadcast station, to change frequencies to **156750, 158400, 159300, 161100 kc.**, in accordance with new Group I frequencies, and extend commencement and completion dates from 6-27-40 and 12-27-40 to 10 days after grant and 60 days thereafter.

WEOY—South Carolina Broadcasting Company, Inc. (area of Charleston, S. C.).—License to cover construction permit (B3-PRY-222), which authorized a new relay station. Amended: Additional information to Section 7(a).

W10XF—National Broadcasting Co., Inc., Portable.—Modification of license to change frequencies to comply with amended Section 4.154(a) and add the frequencies of **8650, 8660 kc.**

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to change frequencies to comply with amended Section 4.154(a) and add the frequencies of **8650** and **8660 kc.**

W2XBU—National Broadcasting Co., Inc. (area of New York, N. Y.).—License to cover construction permit (B1-PVB-54) as modified, for a new television relay broadcast station.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Abbott & Walker, Inc.**—Nineteen New York distributors of ready-made advertising materials consisting of advertising copy, displays, cuts, mats and other printed matter and material, all operating under the same control, are charged with unfair competition and unfair and deceptive acts and practices in the sale of their products in a complaint.

The complaint names as respondents John H. Ryder, of 79 Madison Ave., and 381 Fourth Ave., who controls and manages the group; Abbott & Walker, Inc., The Amsterdam Syndicate, Inc., Bradley Advertising, Inc., Dayton Lee, Inc., Deward & Rich, Inc., Lindsay & Brewster, Inc., Baids, Inc., Norm Advertising, Inc., Vanderbilt Advertising Agency, Inc., and Thomas Gailord & Reynolds, Inc., all of 79 Madison Ave.; Advertisers Exchange, Inc., Boyd Scott Company, Inc., McTee & Co., Inc., Van Tine Features Syndicate, Inc., Carr & Lewis, Inc., Clare & Foster, Inc., Hargrace Company, Inc., Namron Advertising, Inc., and John Smithson Company, Inc., all of 381 Fourth Ave.

Under the direction and control of the respondent Ryder, the complaint alleges, the respondent corporations, individually and jointly, have sold three copyrighted advertising features, each consisting of a series of prepared advertising copy, mats and cuts, and each series including illustrations and wordings with a continuous idea or theme indicated by the title, the titles being: "It's a Fact," "Isn't It the Truth?" and "Where's Elmer?"

Through their canvassing salesmen, agents and representatives, the complaint alleges, the respondents have made false, misleading, disparaging, intimidating and threatening representations to the effect that certain similar ready-made advertising copy and materials offered and sold by certain competitors have been copied from the copyrighted features or series sold by the respondents, and that purchasers of the competing advertising features or series, assertedly copies, would become liable to actions at law by reason of their use thereof. The competing features or series were sold under titles such as "It's the Truth" and "Where's George?", according to the complaint.

The respondents' representations, the complaint continues, were made in bad faith for the sole purpose of discouraging purchase from, or dealing with, the respondents' competitors, and were otherwise made without cause or right.

The complaint further alleges that the respondents, in order to induce the purchase of their advertising features or series, have represented that a purchaser would hold exclusive rights to their use in his community, and that the features or series were new and original ideas protected by copyrights whereby the purchaser would be the only one in his trade territory using advertising or trade promotional publicity of the same character, type and style, when in fact advertising copy of the same style, type and character has been sold and distributed in the community of such purchaser. (4302)

**Atlas Health Appliance Company**—Alleging misrepresentation in the sale of an electrical device advertised for use in the treatment of certain diseases, a complaint has been issued against Jacob L. Goldman, alias J. L. Coleman, trading as Atlas Health Appliance Company, 2430 West Sixth St., Los Angeles.

By use of various representations the respondent, according to the complaint, advertises that his device, designated as "Atlas Short Wave Diathermy", when used by the unskilled lay public in the treatment of self-diagnosed diseases by individual self-application in the home, is a scientific, safe, harmless and effective means for curing and treating some 35 listed ailments; that it definitely aids in killing bacteria, and that its use will have no ill effects, when such are not the facts.

The complaint alleges that in addition the respondent has disseminated false advertisements in that the advertisements of its device fail to reveal that its use under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health. The use of the device under such conditions by the unskilled lay public, according to the complaint, may result, in certain specified instances, in ailments such as peritonitis and blood poisoning, serious hemorrhage, abortion, stimulating the growth of cancerous cells, tissue destruction, severe burns, and other serious conditions. (4291)

**Atlas Wall Paper Mills, Inc.**—Misrepresentation in the sale of wall paper is alleged in a complaint issued against Atlas Wall Paper Mills, Inc., Coal City, Ill.

The complaint alleges that the respondent corporation has disseminated misleading representations regarding the character and qualities of certain of its product. Among and typical of such representations, the complaint continues, are use of the words "washable", "water resisting" and "colorfast", and the legend "printed with the best non-fading colors obtainable".

Through the use of these and other similar representations, the complaint continues, the respondent represents that certain of its wall paper may be washed or cleaned by using water, without damage or loss of appearance; that the paper is capable of resisting the usual effects of water; that the colors printed on the paper will not fade, and that the paper is unaffected by exposure to sunlight, when such are not the facts. (4288)

**Becker Cloak Company, Inc.**, 247 West 37th St., New York, is charged with misrepresentation in the sale of women's textile fabric garments, in a complaint.

Pointing out that the words "Persian" and "Persian Lamb," applied to women's coats or similar garments, are accepted to mean the highly prized peltries of the young of the Karakul breed of sheep originally found in Russia and marketed through Persian traders, the complaint alleges that the respondent designates its textile fabric women's coats and other garments as "Duro-Persian," advertises them as "Duro-Persian" and "Imported Persian," and attaches tags and labels some of which bear pictorial designs of sheep or lambs and the words "Duro-Persian."

The respondent's use of these terms and pictorial designs, according to the complaint, represents that garments so designated are made from the peltries of "Persian" lambs, the young of the Karakul breed of sheep, or from the wool taken from such young sheep, and, the complaint continues, its textile fabric garments are so constructed as to have an appearance inducing the belief that this representation is true.

According to the complaint, the respondent's textile fabric garments so labeled and advertised are not made from the fur of Persian lambs or any other fur, nor of a genuine fur fabric composed of wool obtained from the young of the Karakul breed of sheep or the wool of any animal, but are, on the contrary, made of a textile material composed of rayon twisted into a pile about a core of all-cotton yarns having the appearance of silky, tightly curled fur, thus closely resembling Persian lamb fur. These garments, the complaint continues, are not imported either from Persia or elsewhere, but are of domestic manufacture, and the labels, tags and advertising material employed do not disclose the presence of rayon and cotton. (4295)

**George A. Bounds & Company**—Violation of the brokerage section of the Robinson-Patman Act is alleged in a complaint issued against George C. Bounds and William H. Phillips, partners trading as George A. Bounds & Co., Salisbury, Md., who own and operate a factory at Hebron, Md., for packing, processing and canning tomatoes and sweet potatoes.

The complaint alleges that the respondents have granted to purchasers, the sales to whom have been effected by brokers not accepting brokerage from the respondents on such sales, discounts and allowances in lieu of brokerage, by selling and invoicing their commodities to such purchasers at a net price which is lower than the respondents' prevailing market price by an amount which approximately equals the customary brokerage usually granted and allowed by the respondents and accepted by the respondents' brokers on similar sales to purchasers.

The complaint also alleges that the respondents have granted to purchasers, the sales to whom have been effected by brokers controlled by such purchasers, discounts and allowances in lieu of or as brokerage, by selling their commodities to such purchasers at a net price which is lower than the respondents' prevailing market price by an amount which equals the customary brokerage usually granted and allowed by the respondents to such brokers on similar sales to other purchasers effected by such brokers.

The complaint further alleges that the respondents have granted to brokers, the sales to whom have been for such brokers' own account, discounts and allowances in lieu of or as brokerage, by selling their commodities to such brokers at a net price which is lower than the respondents' prevailing market price by an amount which is equal to the customary brokerage usually granted and allowed by the respondents to such brokers on similar sales to other purchasers when effected by such brokers. (4303)

**Continental Briar Pipe Company, Inc.**, Brooklyn, Harry Yates, trading as Cumberland Candy Company and as Dixie Candy Company, Fayetteville, N. C., and Robert R. Raynor, trading as Southern Sales Company, a candy distributor of Dunn, N. C., have been served with complaints alleging the sale of products so packed and assembled as to involve the use of lottery methods when sold and distributed to the consuming public.

Use of the respondents' sales methods, the complaints charge, is a practice contrary to an established public policy of the Government of the United States and in violation of the criminal laws, and is an unfair method of competition and an unfair or deceptive act or practice under the Federal Trade Commission Act. (4293-4296-4297)

**Cumberland Candy Company**—See Continental Briar Pipe Company, Inc.

**E. R. Davis Prescription Company**—Charging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against E. R. Davis, trading as E. R. Davis Prescription Company, Bellingham, Wash.

By means of advertising matter disseminated through the mails, and through newspaper advertisements, radio continuities, and circular matter, the respondent, according to the complaint, represents that his preparation, designated "Asthma and Hay Fever Remedy No. 7895" is a cure or remedy and a competent and effective treatment for asthma, hay fever and bronchial asthma, and that the use of the product will prevent attacks of asthma and hay fever or their recurrence and will relieve suffering incident to these ailments.

The complaint alleges, however, that the respondent's preparation is not a cure or remedy for asthma, hay fever and bronchial asthma and does not constitute a competent and effective treatment therefor in excess of furnishing temporary symptomatic relief from the paroxysms of asthma and attacks of hay fever. According to the complaint, the respondent's product is of no value in the prevention or treatment of hay fever or respiratory infections or in increasing the resistance of nasal mucous membranes. (4289)

**Dixie Candy Company**—See Continental Briar Pipe Company, Inc.

**Gates Medicine Company, Inc.**—Alleging false and misleading advertisement in the sale of drugs represented as cures for the liquor habit, a complaint has been issued against Gates Medicine Company, Inc., 32½ Capitol St., Charleston, W. Va.

Through the mails and by other means, the complaint alleges, the respondent has disseminated advertisements representing its "White Ribbon Remedy" as a competent, effective, safe and reliable cure for the liquor habit and its "Improved White Ribbon Remedy" as a competent, effective and reliable cure for the liquor habit and as a remedy or cure for nervousness, fatigue, illness and other conditions caused by excessive drinking of alcoholic beverages.

The complaint alleges that the respondent's preparations will not accomplish the results advertised and further charges that the respondent's advertisements are false in that they fail to reveal that use of its White Ribbon Remedy, under conditions prescribed by the respondent and under such conditions as are customary and usual, may result in serious illness. According to the complaint, White Ribbon Remedy contains tartar emetic which produces expectorant, nauseant and depressant effects, which may be harmful and dangerous to health. (4301)

**Honey-Web, Inc.**—Alleging misrepresentation, a complaint has been issued against Honey-Web, Inc., 50 East 42nd St., New York, a distributor of fly ribbons.

In circular advertising and on labels, the complaint alleges, the respondent corporation has made, among others, the following misrepresentations: "Honey-Web Ribbon Fly Catchers, The Very Finest, Actually catches 40 to 60% more flies as compared to ordinary fly catchers. Will not run regardless of heat or atmospheric conditions. Will not dry up even when exposed to sun or wind for as long as 4 weeks. Will remain fresh in stock for as long as 4 years."

Through use of the term "Honey-Web" as a trade and corporate name, the complaint alleges, the respondent also represents and implies that one of its product's ingredients is a substantial quantity of honey, a factor preferred by many purchasers, when in fact the product's honey content is not sufficient to add to the efficacy of the product. (4300)

**L. W. Powers Company**—Lawrence W. Powers, trading as L. W. Powers Company, a New York commission resident buyer of women's ready-to-wear apparel, with offices at 1328 Broadway, is charged with violation of the brokerage section of the Robinson-Patman Act in a complaint.

According to the complaint, the respondent Powers employed as purchasing agent for a number of out-of-town retail dealers, places their orders for merchandise with manufacturers, who usually ship the goods so ordered directly to the retail purchaser. On such orders placed by him, the complaint alleges, the respondent Powers, while acting as the buyers' purchasing agent, has received and accepted from the seller manufacturers brokerage fees or commissions in substantial amounts, in violation of section 2 (c) of the Clayton Act as amended by the Robinson-Patman Act. (4299)

**Premium Candy Company**—A complaint has been issued charging Joe L. Thompson, trading as Premium Candy Company, Fayetteville, N. C., with the sale to agents and dealers of candy so packed and assembled as to involve the use of lottery methods when sold and distributed to the consuming public.

Use of the respondent's sales methods, the complaint charges, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair method of competition and an unfair and deceptive act or practice under the Federal Trade Commission Act. (4287)

**Southern Sales Company**—See Continental Briar Pipe Company, Inc.

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**King Sales Company**—See National Premium Company.

**National Premium Company**—Benjamin Jaffe, trading as National Premium Company and as King Sales Company, 418 South Wells St., Chicago, has been ordered to cease and desist from using lottery methods in the sale of merchandise.

The Commission order directs the respondent to cease supplying to or placing in the hands of others, punch boards, push or pull cards, or other devices, which may be used in selling or distributing merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; or transporting to agents, distributors or the public, such devices so prepared and printed that sales of merchandise may be made to the public by means of a game of chance, gift enterprise or lottery scheme. (3662)

**Perfektum Products Company**—See Popper & Klein, Inc.

**Piccadilly Hosiery Mills**—An order has been issued requiring Benjamin Gould, hosiery distributor, trading as Piccadilly Hosiery Mills and Piccadilly Hosiery Company, 1019-1021 Arch St., Philadelphia, to cease and desist from using the word "Mill" or "Mills" as a part of his trade name, or otherwise representing that he is a manufacturer.

Commission findings are that formerly on certain of the respondent's printed matter appeared the words "Piccadilly Hosiery Mills, 1019-1021 Arch St., Philadelphia, Pennsylvania," and that the respondent, in April, 1938, abandoned use of the trade name Piccadilly Hosiery Mills and substituted the name Piccadilly Hosiery Company. (3774)

**Popper & Klein, Inc.**, trading under its corporate name and as Perfektum Products Company, 300 Fourth Ave., New York, distributor of laboratory supplies, has been ordered to cease and desist from using the term "Made in U. S. A.," or any other term indicative of American manufacture, to describe or refer to microscope cover glasses of foreign origin.

The Commission order also requires the respondent to cease and desist from causing imported microscope cover glasses to be removed from the containers in which they were imported into the United States, and on which appear brands or marks indicating their foreign origin or manufacture, and to be placed in containers which do not bear legible brands or marks fully informing prospective purchasers of the foreign origin of such articles.

The respondent corporation is successor to the business formerly conducted by its president under the trade names "Popper & Klein" and "Perfektum Products Company," according to Commission findings. (3288)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Economy By-Products Company, Inc.**, 782 Minnesota St., San Francisco, has entered into a stipulation in which that corporation agrees to cease and desist from certain representations in the sale of motor lubricating oil.

The respondent agrees to cease using the word "Penn" or "Pennfield" as a brand or label for or as a part of the trade name under which it sells a certain motor oil, which in fact is not composed wholly of Pennsylvania oil, and agrees to discontinue employing the word "Penn" alone or in connection with other words or letters so as to imply that the product is composed of Pennsylvania oil in its entirety.

Under its stipulation the respondent further agrees to desist from use of the phrase "100% Pennsylvania Oil" as descriptive of its product, and from employing that phrase or any other representation of like import, the effect of which conveys the impression that the product referred to is composed of Pennsylvania oil, when in fact it contains oil other than Pennsylvania oil. The respondent also agrees to cease and desist from failing to clearly and unequivocally disclose in its invoices and advertising matter the fact that its product contains used or reclaimed oils. (2920)

**Extermital Chemicals, Inc.**, 11 St. Mary's St., Dayton, Ohio, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of two products offered for use in conjunction with each other as soil treatments about the foundations of buildings to check or prevent infestation of the woodwork by termites.

The stipulation points out that the respondent's treatments are applied by what it refers to as its "extermital process" or what is known as the "bar-hole method," consisting of the making of holes in the soil adjacent to a building and inserting the preparations in the holes, which are then covered or closed.

In the sale of its preparations, designated "Extermital A" and "Extermital B," the respondent agrees to discontinue representing that either the preparations or the method advocated for application are based on U. S. Government findings; that soil poisoning is recommended or recognized by Federal Government authorities as the best termite control method or is advocated by these authorities other than as an adjunct to feasible structural changes, and in place of them only on condition that the structural changes necessary to block termites are impracticable; or that these authorities advocate soil treatments by the bar-hole system or by any method other than that known as the trenching method.

The respondent corporation further stipulates that it will cease representing that the repellent effectiveness of its products, when placed in the soil, is of such permanency as to guard against all further termite infestations; that either the H. O. L. C. specifications or those of any other Government agency recommend soil treatment by means of bar holes, the method used by the respondent, or the use of its chemical mixture for treating; and that the U. S. Government has spent several hundred thousand dollars repairing damage caused by termites to the Treasury and Interior Buildings and in the Smithsonian Museums. (2922)

**Holland Racine Shoes, Inc.**, Holland, Mich., shoe manufacturer, has entered into a stipulation to cease and desist from certain representations in the sale of its products.

The respondent corporation agrees to cease employing the words "J. W. Stetson Quality Shoes" or the word "Stetson," alone or in connection with other words or arranged within a triangle so as to simulate the brand or label or name heretofore used by the Stetson Shoe Company, Inc.; to desist from using the words "Martin & Martin," alone or in connection with the words "Custom Made," or the words "Domonick & Domonick," alone or in connection with the words "Custom Grade," or the phrase "Made Exclusively for Altman," so as to simulate the brand or label or name heretofore used, respectively, by Martin & Martin, Dominick Fine Shoes, Inc., and B. Altman & Co., in the sale and distribution of shoes.

Other representations which the respondent agrees to discontinue are the use on its shoes of the phrase "Quality Shoemakers Since 1875," so as to imply that its shoes have been sold on the market for such indicated period of time, and from use of the words "Custom Made" or "Custom Grade," alone or in connection with the name of an alleged shoe dealer so as to imply that the products designated are of custom quality or have been made in accordance with the specific order of a dealer. (2923)

**May Seed and Nursery Company,** trading as the Earl E. May Seed Company, Shenandoah, Iowa, and the Miller Chemical Company, Omaha, have entered into stipulations in which they agree to cease and desist from certain representations in the sale of "Miller's Liquid Hog Medicine."

The respondent companies agree to cease advertising that "Miller's Liquid Hog Medicine" is a tonic, a conditioner, an effective treatment for swine in a run-down condition, and a competent and effective treatment for hog diseases generally. They also agree to cease representing that the preparation can be relied upon to increase the profits of swine raisers; that a sample quantity costing 25 cents is regularly worth $1 or regularly sells for any amount greater than is actually the case, or that the medicine is guaranteed, without at the same time indicating the nature and scope of the guarantee. (02626-02627)

**Earl E. May Seed Company**—See May Seed and Nursery Company.

**Mead-Suydam Company**—Fred J. Mead, sole trader as Mead-Suydam Company, 400 Sheridan St., Orange, N. J., a manufacturer of concrete burial vaults, stipulates he will desist from representing that his products "Outlast the Tomb" have the quality of "Permanence", or, by other presentations, made either directly or indirectly, that his vaults will endure for a longer period than has been scientifically proven. The respondent also agrees to desist from the unqualified representation that a vault purchased from him "will not fail", or otherwise representing that it will perform satisfactorily under any and all conditions of installation or use. (2914).

**Miller Chemical Company**—See May Seed and Nursery Company.

**R. Mills & Company**—Richard O. Mills, sole trader as R. Mills & Co., 5154 South Union Ave., Chicago, in the sale of a medicinal preparation designated "Nature's Laxative," agrees to cease representing that the product is mild or soothing and is a cleansing agent for the promotion of internal hygiene generally. He also agrees to desist from advertising that it stimulates or tends to stimulate the kidneys or liver; that its use is indicated for the stomach, kidneys or liver; that it is a carminative, a tonic-laxative or tonic; or that it is different from other preparations containing the same laxative ingredients. The respondent also agrees to cease using the words and phrases "Best to Aid Nature" or "The Ideal Laxative" in any manner tending to imply that use of the preparation is indicated for all types of constipation, or that it contains laxative principles or ingredients not present in other preparations. The respondent stipulates that he will desist from other similar representations and will discontinue using the phrase "R. Mills & Co. Makers of Nature's Laxative" or other use of the word "Makers" which may have a tendency to convey the impression that he manufactures the product he sells or owns and operates the plant in which it is made. (2912)

**Mohawk Rubber Company,** Akron, Ohio, tire manufacturer, and Irving and Gurdie Fine, trading as Imperial Tire Company and Lafayette Tire Company, 1423 Bedford Ave., Brooklyn, tire distributors, have entered into stipulations to cease and desist from certain representations in the sale of their products.

The respondents each agree to cease using the numeral "6" in connection with the word "plies" or with any other word, as a mark, stamp, brand or label for tires which are not composed of six plies, and from use on such tires or the wrappings thereof or in any other way, of the numeral "6" or of any mark, stamp, brand or label implying that the tires are composed of six or any other indicated number of plies which is in excess of the actual number.

Each respondent also agrees to desist from use of the word "Dual" or the phrase "Extra Heavy Duty" or other words of similar meaning as descriptive of the plies of which its tires are composed, the effect of which representation tends to convey the belief that the construction of the plies is such that their presence in the tires renders the tires of dual or double efficiency or capable of extra heavy duty, as compared with tires containing a like number of plies of similar quality.

The Brooklyn distributors also agree to cease employing the word "Factory" or any other words of similar meaning in advertising matter so as to imply that they actually own and operate or directly and absolutely control the plant or factory in which the tires they sell are manufactured. (2918-2919)

**Nitragin Company, Inc.,** 3747 North Booth St., Milwaukee, distributor of "Nitragin," a nitrogen-fixing bacteria culture for the inoculation of seeds of leguminous plants, agrees to desist from representing that its product is tested and recommended by experimental stations, agricultural workers and farmers everywhere, or from using statements implying that the product has been recommended generally by Federal or State agricultural experiment stations. The respondent agrees to cease representations tending to convey the belief that all or certain products, regardless of their quality, which are sold in competition with the respondent's product, are inferior or without worth or value, or any other representation having a tendency to disparage comparable competitive products. (2917)

**O.S.T. Company**—See Owl Stimulators Company.

**Owl Stimulators Company**—W. J. O'Neil, operating under the trade names Owl Stimulators Co., O.S.T. Co., and Owl Stimular Tablet Co., 120 Boylston St., Boston, stipulates that he will cease advertising his product, "Owl Stimulators" or "Owl Stimulars" as being capable of stimulating pep, vigor and vitality, or as having tonic, nutritive or stimulating properties. The respondent further agrees to desist from representing that "Owl Stimulators" is a systemic tonic, or by any other terminology representing that it has any effect upon the system as a whole, or upon any part of the body except the intestinal tract. He also agrees to cease advertising that this product will assure good health or the return of normal strength, energy, stamina or nerve force, and that it is a special preparation or a remedy generally or for any specified condition or disease. (02624)

**Owl Stimulator Tablet Company**—See Owl Stimulators Company.

**Peerless Products Company,** 96 Atlantic St., Jersey City, N. J., agrees to cease representing that its preparation "Nu-Nile Double-Strength Tar Hair Grower" is medicated or contains a significant amount of tar, will aid in the growth of hair in any way, will contribute any food or nourishment to the scalp, is an effective or competent treatment for dandruff, for stopping the falling of hair, for prevention or correction of thin temples, or for eczema of the scalp or any other kind of eczema. The respondent further agrees to cease advertising that its "Nu-Nile Pressing Oil Glossine and Special Hair Grower" or any similar preparation has any special value as a hair grower, and that it will keep the hair soft, smooth or glossy or do other than impart an oily substance to the surface of the hair shafts to temporarily make them feel soft and appear smooth and glossy. The respondent also agrees to cease using the word "Grower" or any simulation or abbreviation thereof to describe either of its preparations, implying by spelling, sound or meaning that such preparation is a hair grower. (02623)

**Proctor and Gamble Company,** Cincinnati, has entered into a stipulation to cease and desist from certain representations in the sale of "Ivory Soap."

Advertisements published by the respondent company, according to the stipulation, read: "Most castiles cannot equal Ivory's mildness! Tests made on more than 20 castile soaps over a period of years, show that many of them vary in purity from year to year—and cannot be compared with Ivory"s high standard of unvarying purity."

Under its stipulation, the respondent company agrees to cease and desist from representing that any test as to the mildness of Ivory Soap as compared with any competitively sold soaps shows that Ivory soap is the purer soap or otherwise representing that the mildness of a soap is indicative of its purity. (02628)

**Frank G. Shattuck Company,** New York, and its subsidiary, W. F. Schrafft & Sons Corporation, Boston, in connection with the sale of their factory-made candy products, agree to desist from use in their advertising matter of the words "Home Made" or any other words of similar implication as descriptive of their products, and from use of the words "Home Made" in any way implying that such products are home-made or made in the home. (2916)

**Silver Pine Manufacturing Company**—Henry Charambura, trading as Silver Pine Manufacturing Company, 45 Astor Place, New York, agrees to cease representing that his "Silver Pine Hair Tonic" retards or stops falling hair, stops the loss of hair, develops healthy scalps, keeps scalps healthy, revitalizes the scalp, grows hair, or eliminates or destroys dandruff. The respondent also stipulates that he will desist from using the word "Tonic" alone or in connection with other words to describe any preparation which does not contain ingredients capable of stimulating scalp circulation by means of a rubefacient action. (02625)

**C. W. Stuart & Co.,** Newark, Wayne County, N. Y., agrees to cease using in its advertising matter any representation implying to prospective salesmen or readers that the so-called "New York Landscape Institute" or "New York State Landscape Institute" is a school or institute for the training of landscape architects, or that it is a separate and distinct organization with which C. W. Stuart & Co. is connected or associated, or that such organization is connected or associated with the New York State Government. The stipulation points out that the so-called New York Landscape Institute or New York State Landscape Institute is not a school such as can be properly represented as an "institute"; nor is it a separate and distinct organization with which C. W. Stuart & Co. is associated; nor is it connected in any way with the New York State Government. (2915)

**Wolff Clothing Company,** Easton, Pa., seller of men's suits and topcoats, agrees to cease representing that it is the maker of the products it sells or that it owns, operates or controls the factory in which they are made, and to desist from using in advertisements the word "Makers" and the phrases "Buy at Wolff's Factory", "We sell direct from our wholesale factory to you", and "Our factory-to-you merchandising policy makes such savings possible", or other language of similar implication tending to convey the belief that the respondent owns and operates or directly controls the plant wherein the products it sells are made and finished. (2913)

NAB Reports
The National Association of Broadcasters

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 38, September 20, 1940

## THE WEEK IN WASHINGTON

Definite progress was reported by the NAB committee working on FCC application forms after conferences with Commission officials (p. 4609).

The BMI Board of Directors, at its September 17 meeting, decided that BMI's output should be increased. Within two weeks, BMI expects to be turning out 14 new popular numbers each week (p. 4610).

The commercial section of the NAB Code becomes fully effective October 1. This section is reprinted in this issue (p. 4611).

Colonel Philip B. Fleming, Wage and Hour Administrator, issued a memorandum on coverage of radio performers. The NAB is seeking clarification (p. 4612).

A "Keep Listening" campaign is in progress at Station KGVO. Newspapers are starting an institutional promotion campaign (p. 4612).

The government is now seeking 100,000 additional skilled workers for the defense program. How radio is doing its part in getting them is reported in this issue (p. 4613).

Samuel J. Henry, Jr., of the NAB Bureau of Radio Advertising, told chain druggists how they could make use of radio at the druggists' annual convention. The Federal Trade Commission questioned only 2.2 per cent of the radio commercial continuities it examined last year. Preliminary 1940 census data has been received (p. 4614).

The NAB Executive Committee discussed important broadcasting problems at its September 13 meeting in New York (p. 4615).

James Lawrence Fly discussed Communist broadcasts at this week's press conference. He also discussed the status of the Defense Coordinating Committee (p. 4616).

## CONFERENCES STARTED WITH FCC ON APPLICATION FORMS

The NAB-FCC Conference Committee met at the NAB Thursday and Friday morning of last week, and, following each meeting, held afternoon sessions jointly with the FCC Administrative Board to consider revision of Application Forms 301 and 319. Simultaneously, a subcommittee of engineers met with Commission engineers on the technical engineering questions. Definite progress was made in clearing up some of the ambiguities and burdens in the forms. W. C. Alcorn, WBNX, Vice-Chairman of the committee, presiding in the absence of the Chairman, Eugene C. Pulliam, WIRE, appointed a subcommittee to draft specific requests for submission to the FCC.

The subcommittee, consisting of Reed T. Rollo, Chairman, Andrew W. Bennett, Philip J. Loucks and Russell P. Place, NAB Counsel, held extended meetings Tuesday and Wednesday of this week, and report that specific requests are in shape for filing with the FCC early next week upon receipt of final draft of requests covering the engineering questions.

The NAB-FCC Conference Committee, appointed by President Neville Miller on August 30, is:

Eugene C. Pulliam, WIRE, Chairman; W. C. Alcorn, WBNX, Vice-Chairman; Harold W. Batchelder, WFBR; Harold A. Lafount, Reed T. Rollo, MBS; Philip J. Hennessey, Jr., NBC; and Kenneth E. Raine, CBS. Mr. Lafount requested Andrew W. Bennett to represent him in his absence. John Shepard, III, Yankee Network, appointed a special committee of F-M Broadcasters to sit jointly with the NAB committee and the FCC Administrative Board to consider the F-M form, 319.

The F-M Broadcasters were represented by C. M. Jansky, Jr., Philip J. Loucks and Frank Roberson, all of Washington. John V. L. Hogan was unable to attend.

The FCC Administrative Board is made up of Telford Taylor, General Counsel; T. J. Slowie, Secretary; William J. Norfleet, Chief Accountant; and Ewell K. Jett, Chief Engineer. In Mr. Taylor's absence, Acting General Counsel Joseph L. Rauh acted as chairman; Andrew Ring acted for Mr. Jett. Also present at the joint sessions from the Commission staff were W. H. Bauer, T. L. Bartlett, W. C. Boese, D. H. Deibler and de Quincy Sutton. Representing the NAB were Russell P. Place and Paul F. Peter.

## BMI Developments

*The Same Old Story* stands at the head of the list this week in number of network performances, with

*(Continued on page 4610)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## BMI FEATURE TUNES
### September 23-30

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. I GIVE YOU MY WORD
5. I HEAR A RHAPSODY
6. MAY I NEVER LOVE AGAIN

## BMI DEVELOPMENTS

*(Continued from page 4609)*

*Practice Makes Perfect* in third place, *There I Go* tied with two others in eighth place, and *We Could Make Such Beautiful Music,* appearing for the tenth week, tied with four others for twentieth place. *Practice Makes Perfect* was on the Lucky Strike Hit Parade last week for the third time, and there is good reason to hope that it will be joined there shortly by at least one more of the BMI leaders.

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The BMI Board of Directors met on Tuesday, September 17, at the Roosevelt Hotel in New York. One important decision of the meeting was that the BMI production, which is already at a record high, should be increased. M. E. Tompkins, BMI's Vice-President and General Manager, announces that the increased scale of production goes into effect immediately. Within two weeks Mr. Tompkins expects to have BMI on a schedule of fourteen new popular numbers a week, a 100 per cent increase in this department, and thirty new BMI arrangements of standard material, which is a 20 per cent increase over the present rate for this part of the catalogue. The production of the standard numbers will be further increased so that by the middle of October, thirty-five a week will be issued. Mr. Tompkins gives assurance that these increases will be made without any sacrifice in the high quality of its music for which BMI has already become noted.

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BMI has signed a contract under which it will obtain exclusive performing rights to the principal catalogues of Latin and Central American music. The transaction carries the rights, commencing January 1, 1941, to all the Latin-American works in the catalogues of Southern Music Publishing Company, Inc., Southern Music Internacional, Editorial PHAM, Mexican Association of Authors and Composers, Inc., and Editorial Argentina de Musica Internacional. The BMI broadcasters receive in excess of four thousand works, over three thousand of which are available on phonograph records. The performing rights are now under the control of ASCAP and will continue under such control until the commencement date of the new contract, January 1, 1941. The melodies of many popular compositions to which English lyrics have been written are included in the catalogues. Among the currently popular dance tunes are *Perfidia* and *Frenesi.* In addition to tangos, congas, rhumbas and South American songs, the catalogues carry music of international flavor and of serious character. More than 80 per cent of all works played by the leading orchestras specializing in Latin-American dance music are included in this repertoire.

The contract calls for payment to the publishers on a "per use" basis. BMI agrees to report the number of performances, thus enabling the publishers to distribute moneys with precise accuracy. The deal was consummated by Ralph Peer, President of Southern Music Publishing Company, Inc., Emilio Azcarraga of Mexico City, the most important figure in the amusement industry of Mexico, and M. E. Tompkins of BMI.

The Southern Music Publishing Company, Inc., which thus becomes allied with BMI in the Latin-American field, maintains offices in New York, Mexico City, Havana, Santiago, Buenos Aires, Rio de Janeiro, Barcelona, Paris and London.

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Work is being started on a catalogue which will be of great value to BMI subscribers. Complete listings are being prepared of all music in the BMI catalogue and also of transcriptions and regular commercial records of that music together with records and transcriptions of other music which is available for the use of BMI subscribers. The contract for Central and South American music by itself will add several thousand useful records to this list.

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Mr. Tompkins makes the following important statement to BMI stations:

"Some BMI subscribers are confused with respect to the transcriptions that were sent them from the various transcription companies—namely, Thesaurus, Lang-Worth Feature Programs, Inc., World Broadcasting System, Associated Music Publishers, Inc., C. P. MacGregor, and Standard Radio. Inasmuch as they will receive 450 additional recorded titles well before the end of the year, further clarification is desirable.

"Forty-two records went out with the BMI memorandum dated July 26th. On some of the labels is a notice: 'This recording remains the property of (the name of the transcriber).' Although that statement is technically true, nevertheless we have an agreement with each transcriber which permits all BMI members to use these recordings in any way they choose.

"The labels on future transcriptions as released may of necessity carry this same notification, but we want to make it clear now that the recordings may be played by any subscribing member of BMI unless and until BMI recalls them."

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The enthusiasm of BMI subscribers for the work which BMI is doing to develop writers and create opportunity for them is warmly welcomed by the BMI editors. In a few cases, this enthusiasm has led composers into a mistaken and needlessly expensive plan for the presentation of their music. One arrived at the New York office by airplane from Chicago. Another came all the way from Florida, and many more have made somewhat shorter trips in order to seek personal interviews with the editors or the opportunity to perform their compositions themselves or to discuss them. The editors are swamped with manuscripts, and it is obviously impossible for them to see all the composers personally. The BMI subscribers will be doing a great deal to help the efficiency of their company's operations and they will also be saving money for ambitious writers if they can find means of making it clear to all who wish to submit material that their manuscripts will receive just as careful attention and just as sympathetic consideration if they are sent by mail as if they were presented in person.

The number of submissions is so great that decision on any particular composition may take two or three weeks. Any such lapse of time means only that the music is being given thoughtful attention, not that it is being overlooked, and a decision of the Board could not be speeded by requests for personal interviews.

Many writers have expressed their pleasure in the friendly treatment they have received through BMI. The editors want every writer to be assured of their sympathetic attitude toward the writers' efforts, and the necessity of asking to be excused from interviews is a matter of regret to them—but it is a necessity.

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Under date of September 12, ASCAP sent out a release announcing the addition of thirty-nine song writers to their list of members and pointing out that they have already taken in seventy-nine other composers and authors and four publishers during this year. ASCAP has previously pointed with pride to the fact that it has taken in an average of sixty a year. Now it sweeps in 118 within nine months and sends out a special release to announce the fact.

Even this record, however, which ASCAP regards as so remarkable, leaves it trailing in the wake of BMI. In five months, BMI made contracts with more than 150 other writers who had also been left outside of ASCAP's five-bar gate. Can it be that this curious hospitality on the part of ASCAP has anything to do with the number of writers who, because of the opportunities they saw in BMI, have withdrawn their applications for membership in ASCAP?

---

BMI welcomes to its list of subscribers six new stations, which brings the number of signed and committed commercial stations to 387:

| | |
|---|---|
| WCOU | Lewiston, Maine |
| WSAR | Fall River, Mass. |
| WIL | St. Louis, Mo. |
| WSAV | Savannah, Ga. |
| KWLM | Willmar, Minn. |
| KTUL | Tulsa, Okla. |

# Code

## COMMERCIAL SECTION OF CODE EFFECTIVE OCTOBER 1

Pursuant to the action of the Board of Directors at the special convention in Chicago in September, 1939, the commercial section of the NAB Code becomes fully effective on October 1. All other sections of the Code, covering the handling of children's programs, controversial public issues, news broadcasts, educational and religious programs, have been in effect since October 1, 1939.

For the convenience of members, the commercial section of the Code, with accompanying resolutions covering the "Standards of Good Taste," is reprinted here.

## COMMERCIAL PROGRAMS AND LENGTH OF COMMERCIAL COPY

Acceptance of programs and announcements shall be limited to products and services offered by individuals and firms engaged in legitimate commerce; whose products, services, radio advertising, testimonials and other statements comply with pertinent legal requirements, fair trade practices and accepted standards of good taste.

Brief handling of commercial copy is recommended procedure at all times.

Member stations shall hold the length of commercial copy, including that devoted to contests and offers, to the following number of minutes and seconds:

| *Daytime* | |
|---|---|
| Fifteen-minute programs | 3:15 |
| Thirty-minute programs | 4:30 |
| Sixty-minute programs | 9:00 |
| *Nighttime* | |
| Fifteen-minute programs | 2:30 |
| Thirty-minute programs | 3:00 |
| Sixty-minute programs | 6:00 |

*Exceptions:*

The above limitations do not apply to participation programs, announcement programs, "musical clocks," shoppers' guides and local programs falling within these general classifications.

Because of the varying economic and social conditions throughout the United States, members of the NAB shall have the right to present to the NAB for special ruling local situations which in the opinion of the member may justify exceptions to the above prescribed limitations.

### RESOLUTION

### Adopted by the 17th Annual Convention National Association of Broadcasters

To clarify the phrase "Accepted Standards of Good Taste" and the canons of good practice set forth in the NAB Code, therefore be it RESOLVED:

That member stations shall not accept for advertising:

1. Any spirituous or "hard" liquor.
2. Any remedy or other product the sale of which or the method of sale of which constitutes a violation of law.
3. Any fortune-telling, mind-reading, or character-reading, by handwriting, numerology, palm-reading, or astrology, or advertising related thereto.
4. Schools that offer questionable or untrue promises of employment as inducements for enrollment.
5. Matrimonial agencies.
6. Offers of "homework" except by firms of unquestioned responsibility.
7. Any "dopester," tip-sheet or race track publications.
8. All forms of speculative finance. Before member stations may accept any financial advertising, it shall be fully ascertained that such advertising and such advertised services comply with all pertinent federal, state and local laws.
9. Cures and products claiming to cure.
10. Advertising statements or claims member stations know to be false, deceptive or grossly exaggerated.
11. Continuity which describes, repellently, any functions or symptomatic results of disturbances, or relief granted such disturbances through use of any product.
12. Unfair attacks upon competitors, competing products, or upon other industries, professions or institutions.
13. Misleading statements of price or value, or misleading comparisons of price or value.

## Labor

### SUSTAINING "PERFORMERS"

Col. Philip B. Fleming, Wage and Hour Administrator, has issued a memorandum to field lawyers regarding radio "performers"—when they were covered by the Act and when they were not.

It follows:

"Reference is made to your memorandum, in which you inquire as to the applicability of the Act to persons performing on radio station sustaining programs. You inquire if such persons are employees of the radio stations.

"You give two examples of different types of sustaining programs:

"I. In one example the performance is given in the radio station for the primary purpose of being broadcast. The radio station makes the selection of performers and generally pays them for their services. In some instances the radio station does not compensate the performers but merely permits the performer to use the facilities of the broadcasting station to publicize the talents of the performers in the hope that such performers will thereby secure employment. It appears that the radio station obtains a distinct benefit from the services performed by the performers in this type of sustaining program. The performers are engaged in rendering a service which is a functional part of the business of the radio station. The work is performed at the establishment of the radio station and would appear to be performed under the direction and control of the radio station. Therefore, it is the opinion of this office that such performers are employees of the radio station within the broad definition of the employer-employee relationship contained in section 3(d), (e) and (g) of the Act. If the facilities of the radio station are used in transmitting broadcasts which are heard outside the state, such radio performers are in our opinion engaged in interstate commerce and are therefore subject to the Act.

"II. The second example of sustaining program is one in which the radio station broadcasts a program by remote control from a concert hall or hotel ballroom. In this situation the performers are compensated for their services by the persons for whom the program is primarily given, viz., persons attending the concert or dance. It would appear that in this case the radio station does not exercise direction or control over the performers, such direction and control being exercised rather by the sponsor of the concert or dance. In this case it is the opinion of this office that the performers are not employees of the radio station."

It takes only a glance to see that this memorandum leaves dozens of questions unanswered. Just for instance, must a station now pay Johnny Jones five cents for playing his harmonica ten minutes on a Saturday morning amateur hour?

The NAB Labor Relations Director is taking this matter up with the Wage and Hour Administration, and expects to be able to give a full report next week.

### FCC WAGE FIGURES

New FCC figures covering 705 broadcasting stations (networks excluded) show that the average pay-check for the week of October 15, 1939, was $41.94. Network employees received an average of $63.03.

The average pay of operating technicians in the 709 stations was $38.85. Announcers received $32.52; musicians, $47.53; salesmen, $48.50.

## Promotion

### "KEEP LISTENING"

A "Keep Listening" campaign is in progress over KGVO, Missoula, Mont. It is the brain child of James Alden Barber, program director, devised as a means of eliminating complaints of chagrined listeners who missed important and unannounced news broadcasts or bulletins.

"In order to correct this situation," said Mr. Barber, "we have inaugurated an education 'Keep Listening' campaign which has the added benefit of increasing station circulation."

Below are several of the announcements which Mr. Barber finds are resulting in more listeners and more listening:

> Having a radio that is TURNED OFF is equal to having an electric clock that isn't plugged in. Every day your radio will bring you important unscheduled programs and news bulletins, which you can hear ONLY if your radio is turned on at the time they are broadcast. Your insurance against missing the broadcasts you want to hear is to KEEP your radio turned on throughout the day, at a level which will enable you to keep an ear on what's going on in the world.

---

> There is only one way NOT to miss the top radio programs—turn your radio on when you first get up and leave it on all day—not TOO loud, but loud enough for you to hear what is going on as you go about your regular duties.

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> In these important times when news flashes and programs of world-wide interest interrupt radio's regular schedule every day, the only way you can be sure to hear all the important programs is to keep your radio on, not too loud—but at a level which enables you to hear what is going on. DON'T MISS the important programs and bulletins which this station brings you every day!

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> Every minute that your radio is turned off you run the risk of missing programs and news bulletins of world-shaking importance. Guard against this by switching your radio on when you get up in the morning—leaving it on all day, at a level which will enable you to keep an ear on the world as you go about your regular duties. Keep listening—and keep informed.

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> Radio will bring the world into your living room—all day—every day—IF you keep the door open. A silent radio cannot inform you of the news of the world as it happens. Don't miss important bulletins and programs—keep your radio on—from the time you arise—at a level which will enable you to keep up with what is going on as you go about your work.

### NEWSPAPER PROMOTION CAMPAIGN

*Editor and Publisher* announced that an institutional newspaper promotional campaign begins this week with advertisements appearing in 250 dailies, explaining "their social and economic importance in their respective communities and in the nation as a whole."

The advertisements will appear under the by-line of Norman Chandler, general manager of the *Los Angeles Times*, who is chairman and spokesman of the Newspaper Publishers' Committee sponsoring the promotion.

Those on the committee which approves the advertisements are Fran E. Tripp, general manager of the Gannett newspapers; James G. Stahlman, publisher, *The Nashville Banner*, and William G. Chandler, member of the advisory board of the Scripps-Howard newspapers.

The ad carries a notice across the bottom offering copies of the series to "clubs, patriotic societies, business firms and individuals. . . ."

State and regional chairmen have been appointed.

### NEW ANGLE ON "LISTEN BEFORE YOU VOTE" CAMPAIGN

Leslie C. Johnson, general manager, WHBF, affiliate of the Rock Island Argus, Rock Island, Ill., has come up with a unique imprint for the front page of "Is Your Hat in the Ring?" booklets.

"WHBF Reminds You . . . THAT THEY LISTEN BEFORE THEY VOTE" is the imprint. It makes timely use of the industry pre-election theme.

"Listen Before You Vote" posters are now being widely distributed throughout the territory served by WHBF. Imprinted "Is Your Hat in the Ring?" booklets have been mailed to all candidates for office in city, county, district and state.

## National Defense

*Editor's Note: Manpower requirements are now 200,000 skilled workers instead of 100,000. News of increase received at press time from the United States Civil Service Commission.*

In order to speed daily manpower requirements to Washington headquarters, the United States Civil Service Commission has now placed representatives in most of the navy yards, arsenals, armories, ordnance stations and army depots throughout the entire United States.

These men work directly with the commanding officers. Personnel in Washington check manpower requirements as they are filed by telegraph; consolidate the needs and send the list to NAB.

Though this work of building guns, ships and equipment may be less spectacular than recruiting, it is every bit as necessary. Manpower requirements are greater than they have ever been before and announcements of new needs will be made in the near future.

The need for nurses is expected to expand rapidly as new men are called to the colors. A good many medical officers will have to be added as well as other men and women for hospital service.

For the vast program of construction, cost accountants will be needed and material inspectors of all kinds.

How efficiently the broadcast stations are recruiting manpower for national defense is revealed in communications from various defense agencies. A short time ago stations broadcast the fact that cable splicers for Panama were needed. In a few days the War Department was swamped with applications and, of course, cable splicers were removed from the lists.

With 637 stations actively engaged in recruiting skilled workers, urgent messages for help are heard in every section of the country several times each day. Cooperating stations which have just now reported their long-time broadcasting of announcements are:

DISTRICT 3
New Jersey
WFPG—Atlantic City

DISTRICT 5
Georgia
WRDW—Augusta

DISTRICT 9
Wisconsin
WEAU—Eau Claire

DISTRICT 10
Iowa
WSUI—Iowa City

Nebraska
KGNF—North Platte
*KONB—Omaha

DISTRICT 12
Oklahoma
WNAD—Norman

DISTRICT 15
California
KMYC—Marysville

DISTRICT 16
KECA—Los Angeles
KFI—Los Angeles

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* C. P.

# Sales

## DRUG STORE BUSINESS

"Consult with you local station. It's the station manager's job to know his audience—their likes and dislikes—their listening habits and program preferences. He has had long experience in creating programs to reach all kinds of prospects, for all kinds of products."

This was the advice offered by the Bureau of Radio Advertising to the 50 drug chains represented at the Associated Chain Druggists convention at the Hotel Biltmore, New York, September 17. Samuel J. Henry, Jr., of the Bureau, addressed the meeting on "Why and How Radio Advertising for Chain Druggists" at the invitation of Roy Goldheim, advertising manager of the Read Drug Chain, Baltimore, and chairman of the convention program committee.

Mr. Henry recited the current use of radio by drug manufacturers and chains, presented some general facts on radio, and outlined the profit possibilities which these facts in turn offer to drug chains who make proper approach to the broadcast medium. Of paramount importance in planning a radio campaign, said Mr. Henry, was the need for close cooperation between advertiser, agency and broadcaster. He urged the druggists to take advantage of the station man's specialized knowledge and natural desire to produce sales for his clients.

Copies of the talk are going out to all NAB members from the Bureau of Radio Advertising.

## NEW BUSINESS FOR MEMBER STATIONS

Member stations may wish to have their sales representatives follow up the concerns listed below, all of whom have shown interest in the power and influence of radio advertising.

Luxor, Ltd., Chicago, Ill., have sent out scripts on behalf of their Beauty Aids. The Bureau of Radio Advertising has written this company that such obviously commercial material is acceptable to stations only on a paid time basis.

Theodore R. Sills & Company, Chicago, seeks to place free scripts propagandizing the laundry industry, for the American Institute of Laundering. The Bureau has several outstanding case histories of successful laundry advertising, which it will be glad to send to NAB members in approaching prospects in this field. It has also called them to the attention of the Institute, suggesting they buy time for similar sales results.

William Chappell, Milwaukee, Wis., believes stations will want to read his poem, "America's Prayer," over the airwaves, and offer listeners copies suitable for framing. The Bureau has pointed out the unethical aspects of this offer.

In the field of cost-per-inquiry, the following concerns have also been apprised of the NAB's position:

Immigrants' Information Bureau, New York City.
The Albert Kircher Company, Chicago, on behalf of C-Z Cleaner.
Allen & Reynolds, Inc., Omaha, Neb., on behalf of Jumbo Studios.

The last two agencies named should be excellent prospects for regular radio campaigns.

## COMMERCIAL COPY 97.8% PURE

The Federal Trade Commission, in a release, dated September 15, states that during the fiscal year ending June 30, 1940, 365,843 commercial continuities were examined and 14,274 or 2.2% of that amount were set aside as "questionable" for further investigation. During the year the FTC drew commercial continuities from 697 stations in 493 cities.

The FTC qualifies the figures included in their release as follows, "Local and individual broadcasting stations are often linked a large part of their broadcast time into nation-wide or regional networks broadcasting the same advertising material. For the purpose of avoiding unnnecessary duplication of review efforts in our advertising examinations, local individual stations do not render commercial continuities for such network programs, but only commercial continuities for such programs as may originate in their respective station studios. Thus, the network advertising broadcasts, and the markings of those questioned continuities selected from network announcements have been regularly reported upon as such in Commission releases. However, there is no data available which would permit an apportionment to the individual affiliated stations of those questioned commercial announcements which may have utilized the facilities of many individual stations during the course of their network dissemination."

No indication is given as to what portion of the 14,274 continuities examined were cited. Two tables were included in the release as follows:

TABLE "A"—COMMERCIAL CONTINUITIES (NON-NETWORK) ANALYSED AS TO ORIGIN BY POPULATION GROUPINGS

| Station location as to population range | Total continuities examined | Per cent marked questionable | Script procured | No. of stations represented | Total cities represented |
|---|---|---|---|---|---|
| Over 500,000 | 96,140 | 2.97% | 16 2/3% | 89 | 14 |
| 250,000–499,999 | 89,639 | 2.94 | 16 2/3 | 72 | 26 |
| 100,000–249,999 | 96,602 | 2.1 | 16 2/3 | 84 | 42 |
| 50,000– 99,999 | 102,679 | 2.4 | 16 2/3 | 103 | 76 |
| 25,000– 49,999 | 91,235 | 1.9 | 16 2/3 | 108 | 100 |
| Under 25,000 | 159,548 | 1.6 | 16 2/3 | 241 | 235 |
| Total | 635,843 | 2.2% | 100% | 697 | 493 |

TABLE "B"—QUESTIONED COMMERCIAL CONTINUITIES PROPORTIONATE SOURCES AS TO POPULATION GROUPINGS

| Station location as to population range | Per cent |
|---|---|
| Over 500,000 | 20.0% |
| 250,000–499,999 | 18.3 |
| 100,000–249,999 | 14.4 |
| 50,000– 99,999 | 17.8 |
| 25,000– 49,999 | 11.9 |
| Under 25,000 | 17.6 |

## 1940 CENSUS

The Bureau of the Census is currently releasing preliminary figures on the Census conducted in April of this year. To date preliminary population figures have been released for 42 states presenting 1940 population by counties and by cities of 10,000 or more with comparative 1930 figures and percentage increases, 1930-1940 and 1920-1930.

Housing Census material has been released for 14 states, showing the number of dwelling units by county and by city of 10,000 or more population and giving a count of those dwelling units which were occupied and those vacant at the time of the Census.

Preliminary population figures have been released for 405 cities of 25,000 or more population in a series of 18 reports. One preliminary report has been released for occupied and vacant dwelling units in 176 cities of 25,000 or more population.

The Census schedule for release of the number of dwelling units equipped with a radio is to begin after January 1st. However, on Saturday of last week, the Bureau of the Census released such information for Puerto Rico, presented in detail by municipality or city. It is encouraging that the Bureau has been able to speed up its processes in tabulated Census data. It is hoped that full radio information by county and city will be available before the end of 1941 as was expected from their original schedule.

The Director of Research is endeavoring to work out arrangements with the Census Bureau to make available to NAB members those Census releases of primary interest.

The following table presents the preliminary population and preliminary occupied dwelling units figures for those states for which reports have been received. The Census Bureau states that "occupied dwelling units . . . may be roughly compared with the number of private families reported in the 1930 Census."

### PRELIMINARY 1940 CENSUS DATA

| *State* | *Population* | *Occupied Dwelling Units* |
|---|---|---|
| Alabama | 2,830,285 | ....... |
| Arizona | 497,789 | ....... |
| Arkansas | 1,948,268 | ....... |
| California | 6,873,688 | ....... |
| Colorado | 1,118,820 | ....... |
| Connecticut | 1,710,112 | ....... |
| Delaware | 264,603 | 70,549 |
| District of Columbia | 663,153 | ....... |
| Florida | 1,877,791 | ....... |
| Georgia | 3,119,953 | 750,633 |
| Idaho | 523,440 | 140,742 |
| Illinois | ....... | ....... |
| Indiana | ....... | ....... |
| Iowa | 2,535,430 | 700,173 |
| Kansas | 1,799,137 | 512,090 |
| Kentucky | 2,839,927 | ....... |
| Louisiana | 2,355,821 | 590,722 |
| Maine | 845,139 | ....... |
| Maryland | 1,811,546 | 462,591 |
| Massachusetts | ....... | ....... |
| Michigan | ....... | ....... |
| Minnesota | 2,785,896 | ....... |
| Mississippi | 2,181,763 | 537,359 |
| Missouri | 3,775,737 | ....... |
| Montana | 554,136 | ....... |
| Nebraska | 1,313,468 | 360,255 |
| Nevada | 110,014 | 33,326 |
| New Hampshire | 489,716 | ....... |
| New Jersey | 4,148,562 | ....... |
| New Mexico | 528,687 | ....... |
| New York | ....... | ....... |
| North Carolina | 3,563,174 | ....... |
| North Dakota | 639,690 | ....... |
| Ohio | ....... | ....... |
| Oklahoma | 2,329,808 | 609,094 |
| Oregon | 1,087,717 | ....... |
| Pennsylvania | ....... | ....... |
| Rhode Island | 711,669 | 187,610 |
| South Carolina | 1,905,815 | ....... |
| South Dakota | 641,134 | 165,113 |
| Tennessee | 2,910,992 | 713,853 |
| Texas | 6,418,321 | ....... |
| Utah | 548,393 | ....... |
| Vermont | 357,598 | ....... |
| Virginia | 2,664,847 | ....... |
| Washington | 1,721,376 | ....... |
| West Virginia | 1,900,217 | ....... |
| Wisconsin | 3,125,881 | ....... |
| Wyoming | 246,763 | ....... |

# Miscellaneous

## EXECUTIVE COMMITTEE MEETS

The Executive Committee met at the Ritz-Tower Hotel, New York City, at 10:00 A.M. on Friday, September 13. The following members of the Committee were present: John Elmer, Herbert Hollister, John Kennedy, Paul Morency, Don Searle, and Neville Miller.

In accordance with a recent Resolution of the Board of Directors, representatives of the three networks were invited and attended.

The principal questions discussed were the National Defense Council and political broadcasts.

Chairman Fly joined the meeting after luncheon, and the Committee was pleased to have an opportunity to discuss with the Chairman a number of specific questions affecting radio, and also questions of general policy. All were of the opinion that the discussion was exceedingly beneficial.

The meeting adjourned at 8:30 P.M.

## MUTUAL OPPOSES EXTENSION FOR INVESTIGATION BRIEFS

In connection with the FCC's extension of time for filing of briefs in the network investigation (NAB Reports, p. 4595), the Mutual Broadcasting System points out that it filed a brief with the Commission in opposition to any delay.

## POLITICAL BROADCASTS

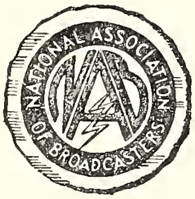
*Members having difficulty in determining the necessity of accepting political broadcasts are urged to communicate with the NAB, giving full particulars.*

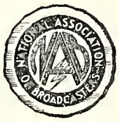
## EXCESS-PROFITS TAX

The report of the Senate Finance Committee on the Excess-Profits Tax Bill was in line with NAB's expectations as expressed in last week's issue of the NAB Reports, page 4596. The bill is still being debated as this issue goes to press, but no changes from the Finance Committee's Report are anticipated to affect the industry.

## CUTS OF THE NAB SEAL

The NAB has on hand a limited supply of the cuts of the NAB seal. They are in two sizes, ⅝-inch and 1-inch. Here is how they look:





Members desiring to make use of the seal on their stationery or other printed matter are asked to specify the size desired.

# FEDERAL COMMUNICATIONS COMMISSION

## FLY DISCUSSES COMMUNISTS

FCC Chairman James Lawrence Fly told newspapermen at his press conference early this week that he had had a conference recently with representatives of the Communist Party regarding their broadcasts. He said that they outlined the situation and there was a general discussion of the whole matter. He stated that the Commission, of course, is unable to tell any broadcast station under any circumstances to take any particular speech, although improper refusal by the station might come up later as a question of public service.

Mr. Fly said also that he had discussed these broadcasts with broadcasters, and that the latter have had some differences of opinion which has led to some delay in arriving at a definite decision. He told the newsmen that he personally does not want to take any arbitrary position. He expressed the hope that whatever difficulties have come up that they will shortly be straightened out, and he definitely stated that the FCC has made no decision and taken no stand in the matter.

Chairman Fly told the conference that some progress has been made in connection with the status of the defense coordinating committee. He again called attention to the fact that the broadcasters raised the question of being represented on the committee, but he said he thinks that this has now been ironed out and the plan is moving along. Mr. Fly disclosed the fact that he had had a constructive meeting with the NAB executive committee and this was one of the matters discussed.

Mr. Fly told the newspaper correspondents that the Commission has had many headaches over what to do with foreign language broadcasts. He said that this is not an easy problem, as the Commission has to consider all sides of the case. There are lots of arguments, he stated, in favor of continued service, particularly those stations who are giving American material in the particular languages of the listeners. Foreign language stations can be utilized from an Americanization point of view, he said, and it is impossible to overlook the fact that a lot of these stations are doing a real job of Americanization as part of their work and they seem to be glad to do it.

## FINDING OF FACT

On the ground that the applicant is not financially or otherwise qualified to continue station operation, the FCC this week has issued proposed findings of fact and conclusions, moving to deny the application of John H. Stenger, Jr., for renewal of license of station WBAX, **1210 kilocycles,** with 100 watts, unlimited time, at **Wilkes-Barre, Pa.**

## NEW TELEVISION STATION

The FCC has affirmed its June 18 tentative grant of a construction permit to Bamberger Broadcasting Service, Inc., for a new television station in New York City to use channel No. 6 (96,000-102,000 kilocycles) with 1 kilowatt aural and visual power, A3 and A5 emission.

Confirmation was made upon showing that, in fostering television development, the applicant will test vertical and horizontal antenna systems, experiment with FM (frequency modulation) sound carrier, and make comparisons of pictures using from 441 to 729 lines and 15 to 30 frames.

A minimum of $100,000 has been made available for this proposed program of experimentation. The exact site of the station has not yet been determined.

## SHIFTS TO AID POLICE RADIO

Pursuant to agreements made at the first Inter-American Radio Conference, held at Havana in 1937, the FCC is shifting certain police and amateur frequencies, effective November 1, 1940.

Following negotiations between the Commission, the amateurs and representatives of the International Association of Chiefs of Police (IACP) and the Associated Police Communication Officers, Inc. (APCO), it was arranged for the amateurs to relinquish the frequencies between 1715 and 1750 kilocycles and to accept the frequencies between 2000 and 2050 kilocycles in exchange. Likewise, the police relinquish the zone police frequencies 2036, 2040 and 2044 kilocycles. In return, the police service receives the frequencies 7480, 7805 and 7935 kilocycles and three channels in the band 1715-1750 kilocycles.

At the present time, police radiotelegraph stations are not assigned any frequencies which are useful for long-distance daytime communication. The assignment of this 7 megacycle group of frequencies will provide the country with three necessary long-distance daytime radiotelegraph channels. In addition, the "day only" restriction is being removed from the 5 megacycle channel frequencies (5135, 5140 and 5195 kilocycles) which will permit three long-distance night communication channels.

It appears that in a few particular instances the prohibition of radiotelephone relays has resulted in an undue hardship. The rules are therefore being changed to permit the establishment of certain voice communication circuits involving relays upon proper showing of the need therefor and upon express authorization by the Commission.

Other minor changes involve the requirement that a 60-day notice be given the Commission prior to the termination of all inter-municipal agreements, together with modification of certain radio station log and frequency tolerance requirements.

Today the United States has more than 1000 police radio systems operating approximately 6300 mobile units.

## BROADCAST MEASUREMENTS

During the month of August experts of the FCC measured 684 of the 855 broadcast stations.

Of this number 628 had a maximum deviation within 0-10 cycles; 47 stations a maximum deviation within 11-25 cycles; 8 stations with a maximum deviation within 26-50 cycles; no stations with a maximum deviation over 20 cycles; and 1 station with a maximum deviation of over 50 cycles.

## FROM THE FCC MAIL BAG

The Commission informs several inquirers that there are some 270 pending applications for additional facilities in the present standard broadcast band, of which number 56 are for construction permits for new stations.

A discharged telegraph company employee is advised that his complaint on that score does not come under the jurisdiction of the Communications Act and should more properly be directed to the National Labor Relations Board.

Likewise, a Colorado objection to certain radio advertising is referred to the Federal Trade Commission for possible jurisdiction in that quarter.

By the same token, the Commission lacks authority to act on the following types of communication:

A Utah lawyer does not like the manner in which the speech of a certain official was listed in the program schedule of a local newspaper.

A New Jersey man protests the expression of personal views of news commentators.

Request by a Texan that a central body be created to dissect, digest, and rebroadcast the news.

Complaint by an Illinois man that a football broadcast was interrupted by a political speech.

Incidentally, James Stewart, movie star, has been notified that the radio set aboard his private plane at Clover Field, Santa Monica, Calif., has been assigned the call letters KHJIM.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast oral arguments are scheduled before the Commission during the week beginning Monday, September 23. They are subject to change.

### Thursday, September 26

Reargument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.**, 500 watts, 1 KW LS, unlimited time. (Request facilities of WAAB.)

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license and auxiliary, **1410 kc.**, 1 KW, unlimited time; **1410 kc.**, 500 watts, 1 KW LS. Time: Auxiliary purposes only.

## FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

### November 7

Consolidated Hearing

NEW—Broadcasting Corporation of America, Riverside, Calif.—C. P., **1390 kc.**, 1 KW, night, 1 KW LS, unlimited time.

NEW—Mollin Investment Co., Riverside, Calif.—C. P., **1390 kc.**, 500 watts, daytime.

NEW—Riverside Broadcasting Co., Riverside, Calif.—C. P., **1420 kc.**, 250 watts, night, 250 watts LS, unlimited time.

### November 14

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—C. P., **1360 kc.**, 1 KW, night, 1 KW LS, unlimited time.

### November 19

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, **1310 kc.**, 100 KW, night, 250 KW LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Dalton Broadcasting Corp., Dalton, Ga.—Granted construction permit for new broadcast station to operate on **1200 kc.**, 250 watts, unlimited time (B3-P-2775).

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Granted construction permit to install new antenna, increase night power from 100 watts to 250 watts and move studio and transmitter locally; **1210 kc.**, 250 watts day, unlimited time (B3-P-2893).

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on **1210 kc.** (B4-ML-1021).

KTMS—News Press Publishing Co., Santa Barbara, Cal.—Granted construction permit to increase power from 500 watts to 1 KW, operating unlimited time on **1220 kc.**, and make changes in equipment (B5-P-2668).

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on **1420 kc.** (B5-ML-958).

Balaban & Kats, Corp., Chicago, Ill. (Portable-Mobile).—Granted construction permit for a new television relay broadcast station; frequencies **204,000—216,000 kc.** on an experimental basis only, conditionally; 250 watts visual power; station to be used for transmitting pick-up visual programs in and about the City of Chicago to the main station for broadcasting (B4-PVB-72).

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted construction permit to increase night power from 1 KW to 5 KW, operating unlimited time on **1240 kc.** (B2-P-2559).

WSPR—WSPR, Inc., Springfield, Mass.—Granted amended construction permit to change frequency from **1140** to **1240 kc.**, install directional antenna and change hours of operation from L-WAPI, KVOO to unlimited (B1-P-2509).

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted construction permit to install new transmitting equipment, increase power from 1 KW to 5 KW, make changes in directional antenna and use for both day and night, operating unlimited time on **1240 kc.** (B4-P-2568).

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Granted construction permit to install new transmitter, increase power from 1 to 5 KW, install directional antenna for day and night use, operating unlimited time on **1240 kc.** (B3-P-2497).

The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted construction permit for a new broadcast station to operate on **610 kc.**, 1 KW night, 5 KW LS, unlimited time, subject to directional antenna requirements (B1-P-2897).

Bamberger Broadcasting Service, Inc., New York City.—Granted construction permit for a new television broadcast station to use Channel No. 6 (**96,000-102,000 kc.**), with 1 KW aural and visual power, A3 and A5 emission (B1-PVB-42).

### DESIGNATED FOR HEARING

Batavia Broadcasting Corp., Batavia, N. Y.—Application for construction permit for new station to operate on **640 kc.**, 250 watts, daytime only (B1-P-2909).

Thomas J. Watson, Endicott, N. Y.—Granted petition for rehearing in the matter of application for construction permit to establish a new station to operate on frequency **1240 kc.**, with power of 1 KW, using directional antenna for nighttime operation, which application was denied by the Commission, December 23, 1938.

### RENEWAL OF LICENSES

The Commission modified its action of September 4, 1940, in granting applications for renewal of licenses of the relay broadcast stations listed below by providing that pursuant to Sec. 1.381 of the Rules and Regulations said applications shall be granted in part and issued for the period October 1, 1940 to October 1, 1941, deleting the frequency **2022 kilocycles** heretofore assigned said stations and substituting the frequency **2074 kilocycles**, subject to condition that no interference is caused to Government stations on adjacent channels:

KABH, Shreveport, La.; KBTA, Duluth, Minn.; KBTB, Duluth, Minn.; KDRA, Denver, Colo.; KHCM, KNBC, KSFM, San Francisco; WAHE, WAHF, Norfolk, Va.; WAOB, New York City; WBGM, Fort Wayne, Ind.; WDAJ, Tampa, Fla.; WGTO, Wilson, N. C.; WHPA, Harrisburg, Pa.; WIEO, WIEW, New York City; WIEX, Chicago; WJEN, Rochester, N. Y.; WJEP, Rochester, N. Y.; WMEF, WMFL, New York City; WMFS, WNBE, Chicago; WNBJ, Cleveland, Ohio; WNBM, New York City; WNBT, Cleveland; KAIH, Los Angeles; WMBV, New York; KAXA, Los Angeles; KAXY, Fort Worth; KIEL, Seattle; KNED, Fort Worth; WABE, Syracuse; WAFY, Minneapolis; WFYA, Syracuse; WAFZ, Minneapolis; WIOE, WIOF, Miami, Fla.; WJER, Milwaukee; WIOG, Miami, Fla.; WNBU, Washington, D. C.; WOEB, Chicago.

### MISCELLANEOUS

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 8:15 p. m. to 10 p. m. EST on September 25, 1940, in order to broadcast Jewish Forum Association program described in letter dated September 6, 1940.

WJOB—O. E. Richardson & Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 7:30 p. m. to 8 p. m., CST, September 20, 26, 27, October 3, 4, 10, 11, and 18, 1940, in order to broadcast football games only.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m. EST, September 13, 20, 27, and October 4, 1940 (instead of from 8 to 10 p. m. EST, as authorized by grant of October 5, 1940), in order to broadcast football games only.

WRMO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from local sunset (September, 6 p. m., CST), to 10 p. m. CST, September 13, 20 and 27, 1940, in order to broadcast football games only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 8:30 p. m, to 11 p. m. EST, September 12, 1940, in order to broadcast the proceedings of the Democratic Party Rally in Boston only.

WQDM—E. J. Regan and F. Arthus Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 7:30 p. m. to 8:30 p. m. EST, September 18, 1940, in order to broadcast a Democratic Rally only.

WEMB—Westinghouse Electric & Manufacturing Co. (area of Boston, Mass.), Portable-Mobile.—Granted construction permit to install a new transmitter and decrease power of relay broadcast station from 50 watts to 2 watts (B1-PRE-365). Also granted license for same (B1-LRE-321).

KEGN—Don Lee Broadcasting System (area of San Francisco, Calif.), Portable-Mobile.—Granted license to cover construction permit as modified which authorized installation of new transmitter (B5-LRE-322).

KQCB—Queen City Broadcasting Co. (area of Seattle, Wash.), Portable-Mobile.—Granted license to cover construction permit which authorized installation of new transmitter and increase of power for relay broadcast station from 12 watts to 40 watts (B5-LRY-207).

WBAE—L. B. Wilson, Inc. (area of Cincinnati, Ohio), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station; frequencies **1646, 2090, 2190, 2830 kc.**, power 250 watts (B2-LRY-206).

Riverside Broadcasting Co., Riverside, Calif.—Dismissed petition to intervene in the hearing on the application of Broadcasting Corp. of America, for a new station at Riverside to operate on **1390 kc.**, 1 KW power, unlimited time, exception to ruling noted by Counsel for petitioner.

Riverside Broadcasting Co., Riverside, Calif.—Dismissed petition to intervene in the hearing on the application of Mollin

Investment Company for a new station at Riverside to operate on **1390 kc.,** 500 watts, daytime only, exception to ruling noted by Counsel for petitioner.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Dismissed motion to accept "Request for Oral Argument" in re application of WREN to move transmitter and studio, install directional antenna and increase operating power.

Riverside Broadcasting Co., Riverside, Calif.—Granted petition for Commission to take depositions in re applications of Broadcasting Corp. of America, Mollin Investment Company and the Riverside Broadcasting Company all requesting a new station in Riverside, and continuance of hearing from October 7 to November 7, 1940, on these applications.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion to continue hearing on application of renewal of license from October 15 to November 12, 1940. Also granted motion for order to take depositions in this matter.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8:30 p. m. to 10:15 p. m. CST, on September 13, 1940, in order to broadcast baseball game only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast baseball game only.

WQAH—Edwin J. Wolf, Baltimore, Md.—Granted special temporary authority to operate the radio transmitter aboard the Yacht *Countess,* bearing the call letters WCYN, as a public address relay station, utilizing the frequency **2758 kc.** on September 14 and 15, 1940, in order to report the Maryland Yacht Club Regatta.

WQAI—Edward A. Hoffmeister, Baltimore, Md.—Granted special temporary authority to operate the radio transmitter aboard the Yacht *Diane II,* bearing call letters WEHW, as a public address relay station, utilizing the frequency **2758 kc.** on September 14 and 15, 1940, in order to report the Maryland Yacht Club Regatta.

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—Granted modification of construction permit (B2-P-2770, which authorized new station), for approval of antenna, new transmitter, studio site at 810 5th Ave., New Kensington, Pa., and transmitter site northwest of center of New Kensington, E. Deer Twp., Pa.—**1120 kc.,** 250 watts, daytime (B2-MP-1043).

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Granted license to cover construction permit (B2-P-2495 as modified), which authorized installation of directional antenna for day and night use, new transmitter, increase in power from 1 KW, 5 KW LS, to 5 KW day and night, and move of transmitter (B2-L-1219). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-275).

WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-397).

W2XI—General Electric Co., New Scotland, N. Y.—Granted license to cover construction permit (B1-PVB-51), which authorized a new relay television broadcast station), frequencies: **156,000-162,000 kc.,** 10 watts; to be used with applicant's Television Broadcast Station W2XB (B1-LVB-21).

WRRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with Station WFAS from 4 p. m. to 5 p. m., EDST, September 21 and 28, 1940, in order to broadcast football games only.

WEAU—Central Broadcasting Co., Eau Clair, Wisc.—Granted special temporary authority to operate from 6:45 p. m. to 10 p. m., CST, September 16, 1940, in order to broadcast political speeches only and from 6:45 p. m., September 17, 1940, to 1 a. m., CST, September 18, in order to broadcast election returns only.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit which authorized installation of new automatic frequency control equipment and changes in transmitting equipment; **1450 kc.,** 1 KW, directional antenna, 5 KW LS, unlimited time (B4-L-1222).

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Granted authority to determine operating power by direct measurement of antenna input; **1500 kc.,** 250 watts, unlimited time (B4-Z-438).

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Granted extension of special temporary authority to operate a 50 watt television transmitter on the frequencies **60000-86000 kc.** at 515 Madison Ave., New York City, from September 11, 1940, to not later than October 10, 1940, in order to conduct field tests.

WGAC—The Twin States Broadcasting Co., East of Augusta, Ga.—Granted modification of construction permit which authorized construction of new station, for approval of antenna, and approval of transmitter site; **1210 kc.,** 250 watts, unlimited time (B3-MP-1042).

National Broadcasting Co., Inc.,—Granted extension of authority for the period ending September 15, 1941, to transmit recorded programs to Canadian Broadcast stations which are licensed to operate by the Canadian Broadcasting Corp. (B1-FP-84).

National Broadcasting Co., Inc.,—Granted extension of authority from September 15, 1940, to September 15, 1941, to transmit programs to Canadian Radio Stations CFCF and CBL, and to such other stations in Canada as the Canadian Broadcasting Corp. desires (B1-FP-85).

American Tel. and Telg. Co.—Granted authority to extend its existing facilities from Salt Lake City to Provo, Utah, for the purpose of providing program transmission facilities to connect radio station KOVO at Provo, with a Mutual Broadcasting System chain at Salt Lake City. It is estimated the cost of proposed construction will be $16,400.

WAPI—Alabama Polytechnic Inst., University of Alabama, Birmingham, Ala.—Granted motion to continue hearing on application for renewal of license from September 30 to November 18.

KOCA—Oil Capitol Broadcasting Association, Kilgore, Texas.—Cancelled construction permit granted December 29, 1939, authorizing removal of transmitter and making changes in antenna, at the request of applicants (B3-P-2640).

WGNB—WGN, Inc., Chicago, Ill.—Granted modification of construction permit which authorized a new relay station, to change frequencies to **156750, 158400, 159300, 161100 kc.,** and extend commencement date from June 27, 1940 to 10 days after grant and commencement date (from December 27, 1940) to 60 days thereafter (B4-MPRE-46).

WMAM—M. & M. Broadcasting Co., Marinette, Wisc.—Granted special temporary authority to operate from local sunset (Sept. 6 p. m. CST) to midnight CST September 17, 1940, in order to broadcast the Primary election returns.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., PST, on September 20, 1940, until conclusion of High School Football Game in order to broadcast game.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m. EST, October 11, 16 and 25, 1940, in order to broadcast football game only.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m. CST September 21 and 28, 1940, in order to broadcast Purdue University football games only.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through High Frequency Broadcast Station W2XOY the frequency modulated programs of High Frequency Broadcast Station W2XMN for the period beginning September 16, 1940, to not later than October 1, 1940.

WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Granted modification of construction permit which authorized erection of new broadcast station, for approval of antenna system, new transmitter, studio site at 141 West Grand Ave., transmitter at County Trunk Highway "F," Wisconsin Rapids, Wisc.; **1310 kc.,** 100 watts 250 watts-LS, unlimited time (B4-MP-1038).

KRSC—Radio Sales Corp., Seattle, Wash.—Granted license to cover construction permit as modified which authorized move of transmitter and studio, increase of power from 250 watts to 1 KW, install new transmitter and antenna; **1120 kc.;** unlimited time (B5-L-1223).

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license to cover construction permit which authorized installation of directional antenna for night use, and increase in power from 1 KW night, 5 KW day, to 5 KW day and night; **1220 kc.;** unlimited time (B2-L-1227). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-481).

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted license to cover construction permit which authorized new equipment, increase in power from 250 watts to 500 watts night, 1 KW day, and make changes in antenna system; **1450 kc.**; unlimited time (B1-L-1225). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-469).

WORD—Spartanburg Advertising Co., Spartanburg, N. C.—Granted license to cover construction permit as modified which authorized construction of new broadcast station; **1370 kc.**, 250 watts, unlimited time (B3-L-1226). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-477).

KKHS—WDAY, Inc. (area of Fargo, N. Dak.), Portable Mobile.—Granted license to cover construction permit which authorized new relay broadcast station; frequencies **133030, 134850, 136810, 138630 kc.**, 1 watt power, special emission (B4-LRE-316).

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-479).

WSIX—WSIX, Inc., Nashville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-470).

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted license to cover construction permit which authorized installation of new transmitter and increase in power; **1370 kc.**, 250 watts, unlimited time (B5-L-1229).

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit, as modified, which authorized installation of directional antenna for day and night use, and new transmitter, increase in power from 1 to 5 KW and move of transmitter; **610 kc.**, 5 KW, unlimited time, directional antenna day and night (B2-L-1210). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-461).

KODL—Western Radio Corp., The Dalles, Ore.—Granted modification of construction permit which authorized erection of a new broadcast station, for approval of antenna system and approval of studio and transmitter site (B5-MP-1034).

WRNL—Richmond Radio Corp., Richmond, Va.—Granted license to cover constructoin permit which authorized installation of new transmitter, directional antenna for day and night use, increase power from 500 watts to 1 KW day and night, and change in hours of operation from daytime to unlimited; **880 kc.**, unlimited (B2-L-1224). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-476).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna. Amended to make changes in directional antenna.

### 570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Construction permit to make changes in directional antenna (for night use only), and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended re directional antenna.

### 720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 880 Kilocycles

WSUI—The State University of Iowa, Iowa City, Iowa.—Construction permit to make changes in directional antenna and change power from 1 KW night, 5 KW day, to 5 KW day and night.

### 920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct measurement of antenna power.

### 950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for increase in power and installation of directional antenna for night use, requesting extension of completion date from 10-5-40 to 11-5-40.

### 970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Modification of construction permit (B2-P-2645) to install new transmitter, increase power, change hours of operation, install new antenna, and move transmitter, requesting approval of present licensed antenna and approval of present licensed transmitter site.

### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authorization to operate unlimited, simultaneous WTIC, for period 8-1-40 to 10-1-40. Amended to request period ending 2-1-41.

### 1120 Kilocycles

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—License to cover construction permit (B3-P-2714) to install new vertical antenna and move transmitter.

### 1200 Kilocycles

WCED—The Tri-County Broadcasting Co., DuBois, Pa.—Modification of construction permit (B2-P-2665) for a new station, requesting authority to install new transmitter, approval of antenna, and approval of studio and transmitter sites at 80 North Park Place, DuBois, Pa.

WJHL—WJHL, Inc., Johnson City, Tenn.—Modification of construction permit (B3-P-2656) for equipment changes, installation of directional antenna, increase in power, change in frequency and move of transmitter, further requesting authority to move transmitter .146 mile (same address), make minor changes in ground system, and extension of commencement date to 60 days after grant and completion date to 120 days thereafter.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Modification of construction permit (B2-P-2871) for a new station, requesting approval of transmitter site near Charleston Ave. and Summers St., Morgantown, W. Va., approval of vertical antenna. Amended to specify studio site as 440-446 Spruce St., Morgantown, W. Va.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to change frequency from **1200** to **1410 kc.**, increase power from 250 watts to 1 KW, make changes in equipment, install directional antenna for night use, and move transmitter. Class III station. Amended to make minor changes in directional antenna and move transmitter 4 miles from present site instead of 3½ miles.

KVNU—Cache Valley Broadcasting Co., Logan, Utah—Modification of license to move main studio from 41 S. Main St., Logan, Utah, to North State Road, one mile north of city, Logan, Utah.

### 1210 Kilocycles

NEW—Central Willamette Broadcasting Co., Albany, Ore.—Construction permit for a new station to be operated on **1210 kc.**, 250 watts, unlimited time. Class IV. Amended to specify transmitter and studio site as 15th and Elm Sts., Albany, Ore.

KFXM—J. C. and E. W. Lee (Lee Brothers Broadcasting Co.), San Bernardino, Calif.—License to cover construction permit (B5-P-2638) for new transmitter, new antenna, increase in power and move of transmitter.

KFXM—J. C. and E. W. Lee (Lee Brothers Broadcasting Co.), San Bernardino, Calif.—Authority to determine operating power by direct measurement of antenna power.

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—Construction permit for a new station to be operated on **1210 kc.**, 250 watts, unlimited time. Amended re antenna and to correct transmitter and studio addresses from 2001 Rush Ave., Houston, Tex., to 2001 Rusk Ave., Houston, Tex.

### 1220 Kilocycles

WCAE—WCAE, Inc., Pittsburgh, Pa.—License to cover construction permit (B2-P-2502) which authorized installation of directional antenna for night use and increase in power.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Construction permit to install new equipment.

### 1230 Kilocycles

NEW—Trent Broadcast Corp., Trenton, N. J.—Construction permit for a new broadcast station to be operated on **1230 kc.,** 1 KW, unlimited time. Class III-B station, directional antenna for day and night use. Amended re antenna and give transmitter site north of Yardley, Pa.

### 1290 Kilocycles

WJHP—The Metropolis Co., Jacksonville, Fla.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 250 watts to 5 KW, and move transmitter from Jacksonville to Marietta, Fla. Class III-A station.

### 1300 Kilocycles

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to increase power from 250 watts night, 1 KW day, to 1 KW day and night, and install directional antenna for night use. Class III-A station.

### 1310 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Construction permit to make changes in equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from **1310** to **600 kc.** Class III-B. Amended re directional antenna.

WBRW—McDowell Service Co., Welch, W. Va.—Authority to determine operating power by direct measurement of antenna power.

WBRW—McDowell Service Co., Welch, W. Va.—License to cover construction permit (B2-P-2816) as modified for a new station.

KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Transfer of control of corporation from Robert K. Herbst to David Shepard, John Boler and Howard Johnson, 175, 25, and 50 shares, respectively.

### 1320 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Modification of construction permit (File No. B-P-2220) as modified for changes in frequency, increase in power, move transmitter, install new transmitter and antenna, requesting extension of completion date from 10-20-40 to 12-1-40.

### 1370 Kilocycles

NEW—Community Broadcasting, Inc., Wheeling, W. Va.—Construction permit for a new station to be operated on **1370 kc.,** 100 watts, unlimited time. Class IV.

KIUP—San Juan Broadcasting Co., Durango, Colo.—License to cover construction permit (B5-P-2797) for new transmitter and increase in power.

### 1390 Kilocycles

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Modification of construction permit (B1-P-1877) for a new station, requesting authority to install new transmitter, make changes in directional antenna system, and move transmitter from Elm St., Valley Falls, R. I., to John St., Lincoln, R. I., and extend commencement date to 30 days after grant and completion date 180 days thereafter.

### 1410 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Construction permit to increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day, and install new transmitter. Class III-A station.

### 1420 Kilocycles

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Modification of construction permit (B5-P-1339) for a new station, requesting authority to install new transmitter, approval of antenna, approval of studio and transmitter site at Plains Hotel, 16th and Central Sts., Cheyenne, Wyo.

KMYC—Marysville-Yuba City Broadcasters, Inc., near Marysville, Calif.—License to cover construction permit (B5-P-2551) as modified for a new broadcast station.

KMYC—Marysville-Yuba City Broadcasters, Inc., near Marysville, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1500 Kilocycles

NEW—Rose City Broadcasting Co., Tyler, Tex.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited hours. Amended re antenna changes and request **1500 kc.** Request facilities of KGKB.

WNLC—Thames Broadcasting Corp., New London, Conn.—License to cover construction permit (B1-P-2598) for changes in transmitter and increase in power.

## FM APPLICATIONS

NEW—Echo Park Evangelistic Association, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **45.5 mc.;** coverage, 1,344 square miles; population 2,296,960. Amended to change requested frequency to **45500 kc.**

NEW—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.;** coverage, 2,995 square miles; population 673,759. Amended: antenna changes.

NEW—Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new high frequency broadcast station to be operated on **43300 kc.;** coverage, 5,119.5 square miles; population, 421,990.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit for a new high frequency broadcast station to be operated on **43300 kc.;** coverage, 3,025 square miles; population, 116,119. Amended to change frequency to **44700 kc.**

## MISCELLANEOUS

WLWO—The Crosley Corp., Cincinnati, Ohio.—Modification of license to change frequencies from **6080, 9590, 11870, 15270, 17800, 21650 kc.** to **6080, 9590, 11710, 15250, 17800** and **21650 kc.,** requesting unlimited time on **9590, 11710** and **15250 kc.** Change to be effective 11-1-40.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Modification of license to increase power from 50 to 75 KW and increase maximum power of transmitter to 75 KW.

WEOD—The Yankee Network, Inc., Boston, Mass.—Modification of license to change frequencies from **133030, 134850, 136810, 138630** to **156750, 158400, 159300, 161100 kc.,** in accordance with new group I frequencies.

NEW—Kansas Station College of Agriculture and Applied Science, Manhattan, Kans.—Construction permit for a new television broadcast station to be operated on **44000-50000 kc.,** aural and visual power 100 watts, emission A3 and A5. REVISED FORM 318 amends application to request Channel No. 1, **50000-56000 kc.**

KEID—KCMO Broadcasting Co., Portable-Mobile.—Modification of license to change frequency from **132260, 134080, 135480, 135760 kc.** to **156075, 157575, 159975, 161925 kc.,** in accordance with new Group H frequencies.

KEIE—KCMO Broadcasting Co., Mobile.—Modification of license to change frequencies from **132260, 134080, 135480, 135760 kc.** to **156075, 157575, 159975, 161925 kc.,** in accordance with new Group H frequencies.

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new television broadcast station to be operated on **50000-56000 kc.,** power 1000 watts for visual and aural, emission A4 and A3. REVISED FORM 318 amends application to request Channel No. 3, **66000-72000 kc.,** emission A3 and A5.

WEKH—Peoria Broadcasting Co., Mobile.—Modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co.

WAIN—Peoria Broadcasting Co., Mobile.—Modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Associated Fur Coat & Trimming Manufacturers, Inc.**—Alleging a combination and conspiracy having a tendency to restrict competition and create a monopoly in the fur garment business, a complaint has been issued against Associated Fur Coat and Trimming Manufacturers, Inc., 224 West 30th St., New York, six of its officers, and 25 New York firms which are alleged to be representative of the association's membership of approximately 700 manufacturers of fur coats, other fur garments and fur trimmings.

The officers of the association made respondents are: Julius Green, president; Benjamin Morsoff, Julius B. Gross, and Sol Rosenberg, vice presidents; Alexander Abrams, secretary, and Louis Fenster, treasurer.

The 25 New York respondent members of the association are: Alexander Abrams and Alexander Winkler, trading as Alexander Abrams & Winkler, 214 West 29th St.; Harry Fuchs, Manual Fuchs and Joseph Deutsch, trading as Harry Fuchs & Deutsch, 345 Seventh Ave.; Grauer and Herman Herskowitz, trading as Grauer & Herskowitz, 357 Seventh Ave.; Max Kotuck, Elias Chavin and Samuel Mednick, trading as Kotuck, Mednick & Chavin, 236 West 30th St., New York; Louis Rose, Benjamin Pack and Howard M. Pack, trading as Rose & Pack, 305 Seventh Ave., and Jonas Weinig and Alexander Weinig, trading as J. Weinig & Son, 333 Seventh Ave.

Barney Wollman and Herman Wollman, trading as B. Wollman & Bro., 352 Seventh Ave.; Anna Walzer and Charles Walzer, trading as A. Walzer & Son, 330 Seventh Ave.; Arnheimer, Inc., 347 Seventh Ave.; Geo. J. Baruch, Inc., 150 West 30th St.; I. & A. Berger, Inc., 150 West 30th St.; S. & H. Berger, Inc., 333 Seventh Ave.; Brand & Brody, Inc., 150 West 30th St.; J. DeLeo & Co., Inc., 130 West 30th St., and Feinberg & Freeman, 333 Seventh Ave.

Julius Green Fur Company, Inc., 330 Seventh Ave.; Harry & Jack Grossman, Inc., 345 Seventh Ave.; Ben Kahn, Inc., 20 West 57th St.; M. M. Loinger Company, Inc., 352 Seventh Ave.; Lenkowsky Bros. Furs, Inc., 330 Seventh Ave.; Chauncey I. Rice, Inc., 330 Seventh Ave.; Schwartz & Bluestein, Inc., 345 Seventh Ave.; Louis Stein & Son, Inc., 350 Seventh Ave.; Lou White, Inc., 150 West 30th St., and Zimmerman & Schwer, Inc., 150 West 30th St.

Pursuant to and in furtherance of their alleged agreement, combination and conspiracy, the complaint continues, the respondent association and its members collectively and cooperatively arrange for and carry into effect a system of uniform discounts in connection with the sale or other disposition of their products; association members refuse to sell or deliver their products on memorandum or on consignment and refuse to accept the return of such products sold and delivered on memorandum or on consignment except in accordance with uniform, specific and definite arrangements agreed upon by and between them, and the respondents enforce adherence to their discounts, terms and conditions and other practices by means of fines, suspensions and expulsion by the respondent association. (4308).

**Chilton Greetings Company**—Herman Chilton, trading as Chilton Greetings Company, Boston, Mass., according to the complaint, advertises a free sample offer of his 21-card "Blue Ribbon" Christmas box assortment, and upon request for the free samples sends a folder "on approval" containing the samples and also a box of greeting cards accompanied by an invoice upon which the customer is notified that "This memorandum bill will be cancelled if you return it to us with your first order for 12 or more "Blue Ribbon Christmas Assortments" within 15 days from the time this bill is received. * * *"

The complaint alleges that, in fact, the 21-card assortment sent on approval is not free or a "free sample," since either the payment of money or the rendering of services is required of the recipient. (4313)

**Crazy Water Company**—A complaint has been issued against Crazy Water Company, of Mineral Wells, Texas, and Carr P. Collins, H. H. Collins, W. W. Woodall, and J. A. Pondrom, officers of the company, alleging misrepresentation in the sale of "Crazy Mineral Water," "Crazy Water Crystals" and "Crazy Fiz."

The complaint alleges that in advertising matter the respondent falsely represent and imply that use of their mineral waters and the derivatives thereof will cure or be beneficial in the treatment of some 30 ailments or conditions of the alimentary and urinary tracts and other parts of the body.

The complaint further alleges that the respondents have represented directly and indirectly, that constipation and "faulty elimination" are the cause of some 50 diseases or conditions of the alimentary and urinary tracts, and other parts of the body, and that their products have therapeutic properties with respect to curing or remedying and effectively treating constipation and "faulty elimination" and therefore the various diseases mentioned.

However, the complaint continues, the respondents' products possess no therapeutic properties in excess of those of a cathartic or laxative and serve no purpose other than to assist in the temporary evacuation of the intestinal tract. The various diseases mentioned by the respondent are not necessarily due to constipation or "faulty elimination," according to the complaint, and the use of the respondents' products, it is alleged, will not serve as a remedy or cure for, or eliminate, or in any way affect any tendency to constipation, nor will they be of beneficial value in the treatment of these ailments when due to causes other than constipation. (4314)

**International Salt Company**, Scranton, Pa., and its subsidiaries, International Salt Company, Inc., Scranton, Independent Salt Company, New York, and Eastern Salt Company, Boston, are charged with price discrimination in violation of the Robinson-Patman Act in a complaint.

The complaint alleges that the respondents' have discriminated in price between different purchasers by selling their products to some customers at lower prices than they sell products of like grade and quality to other customers competitively engaged with the favored customers.

These discriminations, the complaint continues, are accomplished by the granting of a discount of approximately 5 per cent of the list price to customers who purchase a carload of salt, by "split business" discounts and by "combine selling" discounts.

The "split business" discount, according to the complaint, occurs when the price to a customer is based upon his requirements and not upon the actual quantity purchased from the respondents. The complaint alleges that the respondents grant a 5 per cent discount to customers whose purchases of salt during a consecutive 12-month period equal or exceed $50,000. This discount, the complaint continues, is allowed to customers who do not purchase $50,000 worth of salt from the respondents in a consecutive 12-month period, provided that such customer's total purchases of salt from all sources total $50,000 during such period.

The complaint alleges that the respondents "combine selling" discount consists of selling salt to an individual customer where the delivery is made to several branches or outlets of the individual customer at prices based on the total quantity or volume delivered to all of the separate branches or outlets, provided that the total quantity or volume so delivered during the consecutive 12-month period amounts to $50,000 and is not based upon the quantity or volume delivered by the respondents to the respective branches or outlets of the individual customer. (4307)

**A. & M. Karagheusian, Inc.**, 295 Fifth Ave., New York, manufacturer and importer of rugs and carpets, has been served with a complaint charging violation of the Federal Trade Commission Act. The respondent corporation has manufacturing plants at Freehold and Roselle, N. J., and foreign offices in Tientsin, Chian, and in Persia.

The complaint alleges that the respondent has described certain of its rugs, which closely resemble genuine Oriental rugs, by the names of "Gulistan", "Hindustan", "Mirastan" and "Iranian", and certain of its carpets by the name "Gulistan". The use of these names, according to the complaint, has a tendency to create the mistaken belief that the rugs so designated as "Iranian" are made in Persia, but the other rugs are made in the Orient, that all of them are made by hand and are in all respects genuine Oriental rugs, and that "Gulistan" carpets are made in the Orient. In fact, the complaint continues, the carpets and rugs so referred to are woven on power looms in the respondent's factories in the United States, and do not possess all of the characteristics of the genuine Oriental rug.

According to the complaint, advertising copy furnished by the respondent to its dealers, contains misleading representations such as "Gulistan—the world famous Oriental reproductions that most people cannot tell from a hand-woven Oriental rug", and "Superb Persian reproductions—Hindustan rugs", when in fact, the complaint alleges, such rugs are not exact copies or reproductions of genuine Orientals, but merely simulate them in appearance, texture and design. (4305)

**Phillips Card Company**—Walter P. Phillips, trading as Phillips Card Company, Newton, Mass., according to the complaint, advertises a free sample offer, under pretense of soliciting agents for the sale of his products, and in addition to the free material sends a "Supercraft" assortment of 21 Christmas cards, together with an invoice for 50 cents. If the cards are not paid for or returned by the recipient, the respondent follows up with a "dunning" letter, the complaint alleges.

The complaint alleges that the "Supercraft" assortment of 21 cards sent out by the respondent on approval is not in fact "free" or a "free sample", since a consideration, either the payment of money or the rendering of services is required, and a restraint is unfairly imposed upon the recipient to either pay for or return the cards. (4311)

**Superior Felt & Bedding Company**—A complaint has been issued against Superior Felt and Bedding Company, 2447 Roosevelt Road, Chicago, alleging misrepresentation in the sale of mattresses. The respondent company has branch factories or warehouses in New York, Dallas, Kansas City, Mo., Columbus, Ohio, Cleveland, DeKalb, Ill., Detroit and Pittsburgh.

Through its salesmen and by means of circulars, labels and other advertising material, the complaint alleges, the respondent has represented that its mattresses are designed, sponsored and approved by physicians; that they are in general use in hospitals; and that its mattress designated "Posture Builder" is so designed and constructed that it is capable of building a correct posture and correcting defects in the posture, when such are not the facts.

The complaint points out that the symbol "Rx" and the red cross have for many years been associated in the public mind with medical treatment and service, and that the respondent's use of these symbols as a part of its labels has the effect of accentuating the other representations appearing on the labels.

The complaint also charges that the respondent formerly engaged in the practice of attaching to its mattresses tags or labels bearing price marks purporting to represent the customary resale or retail prices of such mattresses, when in fact such prices were fictitious and far in excess of the customary retail prices. (4309)

**J. H. Thorp & Company, Inc.**—A complaint has been issued against J. H. Thorp & Co, Inc., 250 Park Ave., New York, alleging misleading representations in the sale of textile fabrics.

The complaint alleges that in advertisements and price lists, on labels, and otherwise, the respondent, by use of the term "sun fast" to describe certain of its fabrics, has represented that such fabrics will not change color, lose color, or otherwise deviate from their original color when exposed to the light of the sun, when such are not the facts.

Through its use of the terms "tubfast" or "washable" to describe certain of its fabrics, the respondent, according to the complaint, has represented that such fabrics will not change color, "bleed", lose color or otherwise deviate from their original colors and designs when washed or laundered; and, by use of the statement that certain of its fabrics are "fadeless", has represented that such fabrics will not change color, "bleed", lose color, or otherwise deviate from their original color and design when exposed to the light of the sun or when washed or laundered. The complaint alleges that such are not the facts. (4310)

**Titus Blatter & Company**—A complaint has been issued against Titus Blatter & Co., 164 Fifth Ave., New York, alleging misleading representations in the sale of its "Pearlglow" textile fabrics.

The complaint alleges that in advertisements, on labels, and otherwise, the respondent, by use of the term "sun fast" to describe such fabrics, has represented that its fabrics will not change color, lose color, or otherwise deviate from their original color when exposed to the light of the sun, when such are not the facts. (4306)

**John J. Tracey Company**—Misrepresentation in the sale of toilet articles and soap is alleged in a complaint issued against John J. Tracey Company, 11102 Merchandise Mart, Chicago.

The complaint alleges that the respondent sells soap bearing the labels "English Lilac", "English Honeysuckle", "English Orchid", "English Carnation" and other names which includes the word "English", thereby representing that its soap is of English origin or is made in England.

Pointing out that many purchasers prefer English made soaps, the complaint alleges that, in fact, none of the respondent's soaps labeled "English" are made in, or imported from, England, nor are they of English origin, but are made by a soap manufacturer in the United States.

Certain soaps sold by the respondent, according to the complaint, are packed in cartons bearing the label "Cold Cream Soap—More than a Soap, a Beauty Treatment", the words "Cold Cream Soap" also appearing on the individual cakes. The complaint alleges that the respondent thereby represents that such soap is made of cold cream or contains a sufficient amount of it to possess additional detergent or emollient properties by reason of the inclusion of such ingredient, when, in fact, the cold cream content is insufficient to have beneficial or emollient effects in excess of those possessed by soaps not containing that ingredient. (4315)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**Canadian Fur Trappers Corporation**, 156 West 34th St., New York, a distributor of furs, and Jacob and Morris Dornfeld, as individuals and officers of the corporation, have been ordered to cease and desist from certain misrepresentations in the sale and distribution of their products.

Through the use by the respondents of the trade name "Canadian Fur Trappers Corporation," the findings state, and their use of an emblem simulating the Royal Coat of Arms of Great Britain, on which the words "Canadian Fur Trappers Corporation" appear, the respondents have deceived prospective purchasers into the erroneous belief that they are an association of trappers of Canadian fur-bearing animals, dealing primarily in furs and fur products produced in Canada, whereas the respondent company is in fact an American corporation, wholly American owned, controlled and operated, and does not engage in the business of trapping or otherwise taking or capturing fur-bearing animals.

The findings point out that while many of the fur products sold by the respondents are not made from pelts obtained in Canada, a substantial percentage, or 25 to 35 per cent, originate in Canada.

In newspaper and other advertising, the Commission finds, the respondents have represented their furs and fur products manufactured of muskrat as "Hudson Seal"; rabbit peltries as "Mendoza Beaver" and "Beaverette," and pelts of lambs or sheep of breeds other than the Karakul as "American Broadtail."

The respondents are ordered to cease and desist from using the word "trappers" or the words "fur trappers," either independently or in connection with other words as descriptive of their business; using a pictorial design simulating the Royal Coat of Arms of Great Britain or any emblem or seal suggesting or implying that the business of the respondents is conducted by an organization or association formed in Canada, and from describing furs in any other way than by the use of the correct name of the fur as the last word of the description thereof; and, according to the order, when any dye or blend is used in simulating another fur, the true name of the fur appearing as the last line of the description shall be immediately preceded by the word "dyed" or "blended," compounded with the name of the simulated fur, as, Seal—Dyed Coney; Hudson Seal—Dyed Muskrat; Mendoza

Beaver—Dyed Coney; Beaverette—Dyed Coney; and American Broadtail—Processed Lamb. (3424)

**Robert A. Johnston Company,** 4023 West National Ave., Milwaukee, has been ordered to cease and desist from using lottery methods in the sale of candy.

The Commission order directs the respondent to cease selling or distributing merchandise so packed and assembled that its sale to the public may be made by means of a lottery; supplying to or placing in the hands of others, merchandise, together with punch boards, push or pull cards, or other devices, or such devices either with assortments of merchandise or separately, which devices may be used in selling or distributing merchandise to the public by means of a lottery. (4104)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Anderson-Little Company, Inc.,** Fall River, Mass., manufacturer of men's and women's clothing, has entered into a stipulation to cease and desist from using in advertisements on labels or in any other way the words "Homestead Harrisle" as a trade name for, or otherwise to describe, garments which are not made from "Harris Tweed."

The respondent company also stipulates that it will desist from use of the word "Harrisle" or of any other simulation of the word "Harris" in any way implying that the garments so referred to are fabricated from Harris Tweed, when in fact they are not made from cloth manufactured by crofters of the Isle of Harris, Lewis, Uist and Barra of the Hebrides Islands, Scotland, where Harris Tweed originates. (2925)

**Battle Creek Food Company,** Battle Creek, Mich., has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of a food supplement designated "Food Ferrin."

In its stipulation the respondent agrees to cease representing that "Food Ferrin," or any product of similar properties, is a blood builder, except in cases where an iron deficiency in the blood exists; that it is beneficial for a tired, nervous or irritable condition, or for lack of coloring in the cheeks, except when such conditions are due to iron deficiency; and that it imparts new life, pep or freedom from nervousness, except in cases where lack of these is due to iron deficiency.

Among other representations which the respondent corporation agrees to discontinue are: that it has been scientifically determined that the chlorophyl content of "Food Ferrin" is utilizable in the building of blood, and that it is known that a majority of women do not get as much iron as their system requires from their ordinary food supply.

A further representation which the respondent agrees to desist from is that in any cases other than extreme anemia, when the hemoglobin is diminished to approximately one-third the normal amount, does a blood deficiency in iron cause the tissues to starve or suffocate for lack of oxygen or skins to wither or pale or lose elasticity. (02634)

**Uriel Buchanan,** Chicago, Ill., stipulates that he will cease advertising that his literature contains instructions pertaining to health, food and diet, which, when observed, and applied, will enable one to regain youth or youthful vitality, ward off old age, prolong life, acquire or keep a youthful body, reactivate or rejuvenate glands, and other similar representations, and will discontinue representing that his literature discloses any secrets, discoveries, or newly discovered principles; that it differs materially from other writings dealing with similar subjects, or that it expounds theories which are supported by informed scientific authority. The respondent also agrees that he will not use the word "Guarantee" or language of similar meaning in connection with the advertising or sale of the literature, unless clear and unequivocal disclosure is made of exactly what is offered by way of security, for example, refund of purchase price. (02632)

**Health Culture Company**—Harold Wells Turner, trading as Health Culture Company, New York City, stipulates that he will cease representing that use of the "Wilhide Exhaler" will enable one to become healthy; that a brief use of that product will make one feel the exhilarating effect of a cleaner blood stream or that the device has any effect upon the bloodstream; and that the "Wilhide Exhaler" is more effective than other known devices for strengthening the lungs or that it adds to the power of the voice, promotes the power of resisting diseases or improves health. The respondent, in the sale of his various books on diet and health, agrees to cease representing, among other things, that the health of persons has been restored or benefited by the use of uncookd foods as outlined in his book "Uncooked Foods"; that many cases of increased strength or vitality have resulted from a strictly vegetarian regime; that the book called "No Animal Food" contains information which, if followed, enables a person to increase his strength or vitality; and that reading and putting into effect the principles expressed in "The Enlightened Life" will make one physically regenerated, healthy, or will enable one to live a long life. (02630)

**Knight & Bostwick,** a Newark, N. Y., corporation dealing in nursery stock, has entered into a stipulation in which it agrees to cease certain representations in the sale of its products.

Among the representations which the respondent corporation agrees to discontinue are that it has any position to offer such as local manager, district superintendent, field supervisor, trainer, or representative, when such is not a fact; that it sends pay checks regularly or otherwise to solicitors, agents, or salesmen other than for payment of commissions on orders sent in; that it starts men in an established nursery or landscape business for themselves, unless it is clearly indicated that the business is only that of taking orders for nursery and landscape stock, and that prospective agents, salesmen, distributors, dealers or other representatives can make profits or earnings within a specified time which are in excess of the average net profits or earnings theretofore consistently made in like periods of time by full-time representatives in the usual course of business. (02629)

**Malbis Bakery Company,** 871 South Broad St., Mobile, Ala., has entered into a stipulation in which it agrees to cease certain representations in the sale of bread.

The respondent agrees to cease representing directly, inferentially, by picturization or in any other manner, that bread made with dried skim milk, butter and water or any fluid ingredient other than whole milk, is made with or contains whole milk, pure whole milk, or rich, creamy milk; and that its bread is made with milk supplied by the Malbis Dairy, unless or until the entire milk content of such bread is supplied by that dairy; to discontinue representing, by means of statements, sound films in moving picture theaters, depictions or otherwise, that each loaf of bread so advertised contains one pint of milk or any other quantity of milk, whether fluid milk or any ingredient composed of milk derivatives such as dried skim milk and butter, greater than actually is contained therein; and to cease use of the statement "U. S. Government Approved" or any representation implying that its bread or the quality thereof has been approved or endorsed by the Federal Government or any of its departments. (2926)

**New York Quinine & Chemical Works, Inc.,** 99 North 11th St., Brooklyn, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of its quinine or other pharmaceutical preparations.

The respondent corporation agrees to cease representing, in its advertising matter or otherwise, that quinine is a "perfectly safe remedy," or is the "safest" antimalarial drug; or, directly or by implication, that its use may always be relied upon to cause no untoward effects.

Under its stipulation the respondent corporation further agrees to desist from publishing or disseminating statements having a tendency to disparage competitive products or to create the impression that they are dangerous, as, for example, the respondent's use of the following representations: that "atabrine" or other product of like composition is toxic in effect; has a marked depressing action on heart and circulation; causes cerebral excitation; produces permanent liver damage; has one of the advantages of quinine while possessing some definite disadvantages, and may result in mental derangements, gasping or accelerated respiration, circulatory failure, collapse and certain other disorders. (2924)

**Universal Mills,** Fort Worth, Tex., has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of "Red Chain Feeds" for poultry and live stock.

Among representations, direct or implied, which the respondent corporation agrees to desist from, are: that Red Chain Feeds are superior to all others; that their use insures profitable or increased egg production; that calves fed "Red Chain Calf Meal" develop more uniformly or start eating dry feed earlier; that calves fed "Lone Star Range Nuggets" grow more rapidly, have bigger bone structures or respond more quickly to the market finishing process, and that the use of "18% Dairy Feed" gives peak production at less cost. (02633)

**Williams SLK Laboratories**—Agreeing to cease and desist from certain representations in the sale of two medicinal preparations, H. L. Williams, trading as Williams SLK Laboratories, Milwaukee, has entered into a stipulation.

In the sale of "Rux Compound" the respondent agrees to cease advertising that its alkalizing or salicylating effect is different from old fashioned or modern salves or liniments; that it is absorbed by the bloodstream, or salicylates the system; that physicians say it is a proven method of relieving rheumatic pain; that it acts on congestion of rheumatic pain, or helps flush acids out of the body or kidneys, and other similar representations.

The respondent agrees to desist from advertising that the "Williams Formula" will stimulate digestion, or act upon the whole digestive mechanism, or do more than promote the flow of urine as a mild diuretic, eliminate waste material from the kidneys, or help build up the quality of the blood, or that it has any therapeutic value in excess of a laxative for the temporary relief of acute constipation, a bitter stomachic, a very mild and limited diuretic, or that it acts in any other way, or to any greater extent upon the stomach, bowels or kidneys.

The respondent further agrees that he will not make any therapeutic claims for any ingredients in either of his preparations, when such drugs are not contained therein in quantities recognized by science and the medical profession as sufficient to give significant therapeutic value. (02631)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 39, September 27, 1940

## THE WEEK IN WASHINGTON

The broadcasting industry pledged its cooperation this week with the new Defense Communications Board set up by President Roosevelt. The Executive Order setting up the Board stipulated that it would have no power to censor radio or other communications, or to take over any facilities. (p. 4627.)

BMI tunes continued to gain popularity. Sheet music and record sales were up. (p. 4629.)

Wage and Hour officials explained that they had no intention of requiring payment of *all* performers on all sustaining programs by their memorandum of September 16. Conscription exemptions are possible for essential employees in broadcasting stations. (p. 4630.)

The Federal Government will ask broadcasting industry's cooperation in making the public familiar with conscription regulations. (p. 4632.)

The "Listen Before You Vote" promotion campaign is drawing increased attention. (p. 4632.)

Republican National Committee has prepared a series of one minute spot political announcements available for sponsorship by Republican State Central Committees. (p. 4635.)

## Industry Will Cooperate With Defense Board

The broadcasting industry will gladly cooperate with the Defense Communications Board just created by Executive Order. Proper and ample communications in time of emergency are of the utmost importance to national defense. We must strengthen and improve what we believe is already the most efficient communications system in the world. Communications by radio broadcasting has become a new and powerful weapon in modern war strategy, not alone because of its instantaneous and far-reaching coverage, but because of the constructive or destructive character of its affect upon the morale of human beings. It is both wholesome and significant that industry and government should be working side by side in seeking ways and means for radio to render the maximum service to the American public. We welcome this opportunity for committees from the industry to study the question with government officials, so that proper plans may be made in advance of a national emergency or a war.

The Board is basically a planning agency without operating or procurement functions. The Order stipulates that "the Board shall take no cognizance of matters pertaining to censorship"; and, further, that "the Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions". As stated in the release, "the Board does not propose to interfere with the normal operation of broadcasting or other forms of communication any more than is necessary for the national protection". We commend the safeguards which have been set up guaranteeing the preservation of a free American radio, so essential to the welfare of a democratic people.

We are looking forward to the strengthening of the plans for national defense by the work of this Board.

---

The White House on September 24 issued the following statement:

> The purpose of the Defense Communications Board, created today by Executive Order, is to coordinate the relationship of all branches of communication to the national defense.
>
> The Defense Communications Board was initiated jointly by the various Government departments and agencies having a vital interest in this phase of the preparedness program. The board is basically a planning agency, without operating or procurement functions. As such it is charged with the important duty of charting the utilization and control of our communication systems in the best interests of the national security.
>
> The board will have no power to censor radio or other communications, or to take over any facilities.
>
> This task of planning is not confined to radio broadcasting, but also embraces common carriers such as commercial radiotelephone and radiotelegraph as well as other telephone, telegraph and cable facilities.
>
> The board does not propose to interfere with the normal operation of broadcasting or other forms of communication any more than is necessary for the national protection. Through correlated planning, it will seek to gear the great and strategically valuable American communications system, in both the domestic and inter-

*(Continued on page 4628)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## INDUSTRY WILL COOPERATE WITH DEFENSE BOARD

*(Continued from page 4627)*

national fields, to meet any situation the national interest may require.

The various branches of the communications industry will cooperate in an advisory capacity with the board, which will be composed of the Chairman of the Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, an Assistant Secretary of State, and an Assistant Secretary of the Treasury. Where the activities of the board impinge upon any functions of Government departments, representatives of such departments will be placed upon appropriate committees.

The board has had the cooperation of the radio industry in the preparation of this order. With industry cooperation, the board will appoint committees from every branch of communications—broadcast and other radio services, cable, telegraph and telephone—as well as from labor groups. All plans involving the utilization of private facilities, or requiring industry cooperation, will be adopted only after consultation with such industry representatives, and the particular private companies whose properties may be involved.

The executive order reads as follows:

### EXECUTIVE ORDER

### CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

WHEREAS coordinated planning for the most efficient control and use of radio, wire, and cable communication facilities under jurisdiction of the United States in time of national emergency involves the consideration of the needs for communication of the armed forces of the United States, of other government agencies, of industry, and of other civilian activities; and

WHEREAS such planning must be accomplished as a matter of preparation for national defense; and

WHEREAS the interest of national defense in the matter of control and use of communication facilities during any war in which the United States may become a belligerent is deemed paramount:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and by the Communications Act of 1934 (48 Stat. 1064), as amended, it is ordered as follows:

1. There is hereby created the "Defense Communications Board," hereinafter called the Board, consisting of the Chairman, Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, the Assistant Secretary of State in charge of the Division of International Communications, and the Assistant Secretary of the Treasury in charge of the Coast Guard.

2. The functions of the Board shall be, with the requirements of national defense as a primary consideration, to determine, coordinate, and prepare plans for the national defense, which plans will enunciate for and during any national emergency—

*a.* The needs of the armed forces of the United States, of other governmental agencies, of industry, and of other civilian activities for radio, wire, and cable communication facilities of all kinds.

*b.* The allocation of such portions of governmental and non-governmental radio, wire, and cable facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

*c.* The measures of control, the agencies to exercise this control, and the principles under which such control will be exercised over non-military communications to meet defense requirements.

3. The Chairman of the Federal Communications Commission shall be the Chairman of the Board. In the absence of the designated Chairman, the temporary chairmanship shall devolve upon the remaining members of the Board in the following order:

1. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be senior in rank.
2. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be junior in rank.
3. The Assistant Secretary of State in charge of the Division of International Communications.
4. The Assistant Secretary of the Treasury in Charge of the Coast Guard.

In the absence of any regularly designated member, the agency which he represents may be represented by an alternate from that agency, designated by the head thereof, but such alternate shall not serve as Chairman. The Assistant Secretary of the Treasury in Charge of the Coast Guard is designated as the Secretary of the Board.

4. The Board shall take no cognizance of matters pertaining to censorship. The Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also make plans for the speedy and efficacious use of all necessary facilities in time of military emergency.

5. The Board shall appoint such committees as may be necessary to carry out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communications industry.

6. Except as otherwise instructed by the Board, committees appointed thereby shall have no power to make final disposition of any matter presented to them by the Board for study, but they shall express by written report their findings and recommendations. Minority reports may be submitted if deemed of sufficient importance to warrant further consideration by the Board.

7. The Board and the committees shall call for consultation such representatives of other government agencies and of the civilian communication industry as may be deemed advisable in obtaining full knowledge of the situation being studied, to the end that the needs of all may be considered and provided for in so far as the situation permits. Other governmental agencies are directed to cooperate in providing assistance required by the Board in its studies.

8. During any war in which the United States is a belligerent, or any national emergency, the existing Interdepartment Radio

Advisory Committee shall act as a Committee of the Board, but only in an advisory capacity. While the Interdepartment Radio Advisory Committee is so acting as an advisory committee, all of its reports, recommendations, or communications normally prepared for submission to the President shall instead be submitted to the Board, for consideration from the standpoint of national defense and for disposition.

9. Reports containing the findings and recommendations of the Board shall be submitted to the President for final action through one of his administrative assistants.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 24, 1940.

## BMI FEATURE TUNES
### September 23-October 6

1. THE SAME OLD STORY
2. THERE I GO
3. PRACTICE MAKES PERFECT
4. I GIVE YOU MY WORD
5. MAY I NEVER LOVE AGAIN
6. I HEAR A RHAPSODY
7. YOU WALK BY
8. MADAME WILL DROP HER SHAWL

*Billboard, New York Enquirer, Radio Daily,* and *Variety* all run each week various lists of numbers most played on the radio and of sheet music best sellers, with *Billboard* also carrying the listings for phonograph records. Inasmuch as these different lists are made up on a slightly different basis, it is interesting to compare the ranking of the BMI music in the different sources.

*Radio Daily* lists songs played fifteen times or more over the two NBC networks and CBS between 5:00 P.M. and 1:00 A.M. for week ending on Saturday. On this list, *Practice Makes Perfect* is tied for second place with one other number, *There I Go* is tied for sixth place with one other number, and *The Same Old Story* is tied for eighth place with another number.

The *Variety* sheet is made up from the records of the same stations between 8:00 A.M. and 1:00 A.M. for the week ending on Sunday. On this list *Practice Makes Perfect* stands alone in the number two position, *Same Old Story* and *There I Go* are tied for fourth position, and *We Could Make Such Beautiful Music* is tied with two others in fourteenth position.

*The New York Enquirer,* likewise, uses the same stations but for the week ending on Friday. On this list *Practice Makes Perfect* stands in third position, *There I Go* is tied for ninth position, *Same Old Story* is tied for eleventh position, *We Could Make Such Beautiful Music* is tied for twentieth position, and *I Give You My Word* is tied for twenty-first position.

*Billboard* uses the same stations from 5:00 P.M. to 1:00 A.M. on weekdays, and from 8:00 A.M. to 1:00 A.M. on Sundays. On this list *Practice Makes Perfect* stands third, *There I Go,* eighth, *The Same Old Story* eleventh, *We Could Make Such Beautiful Music,* fourteenth. *Billboard* also lists plugs over the independent stations for songs having ten or more performances on networks. Among the independents on this listing, *Practice Makes Perfect* is tied in ninth position, *Same Old Story* tied in tenth place, *We Could Make Such Beautiful Music* stands seventeenth, and *There I Go,* nineteenth.

These comparisons indicate at least that, no matter how or where you take the count, BMI numbers are among the leaders. On the list of the fifteen best sheet music sellers in *Billboard, Practice Makes Perfect* stands eighth, and in the same list in *Variety,* it stands fourteenth for last week.

*Billboard* also lists the biggest money-makers in the automatic phonographs on the basis of reports received from phonograph operators throughout the country. This section is divided into a list headed "Going Strong" and another list headed, "Coming Up". For the current week, Bob Chester's recording of *Practice Makes Perfect* stands at the head of the "coming up" division. The same record stands ninth on the list of regional best selling retail records on the west coast.

Sheet music sales in most cases follow after the establishment of popularity on the radio, and recordings are seldom made until a song has shown popular appeal. The first records of BMI music only recently reached the market. The fact that one of them appears on a regional list of best sellers and also among the leading money-makers in the coin machines is strong proof of its acceptance by the American public. *Radio Daily* regularly lists five numbers as the "leading recordings of the week" and five others as "future musts." On this week's listing, Eddie Duchin's recording of *Practice Makes Perfect* appears on the former list, and Al Kavelin's recording of his own song, *I Give You My Word,* on the latter.

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BROADCAST MUSIC, INC. welcomes another station to its list of subscribers: WOCB, of West Yarmouth, Mass.

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Evidence of the wide spread among the American people of the urge to express themselves in music continues to accumulate from the 2,000 or more manuscripts which our editors are receiving every week.

During the past week, the mail brought two songs written by prisoners in western state penitentiaries and another by a judge in Old New England.

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Beginning on Monday, October 7, BMI Pacific coast representative will be Eddie Janis of 3636 Somerset Drive, Los Angeles, California.

On Monday, September 30, BMI will give a lunch for band leaders and their representatives at the Waldorf-Astoria. The arrangements for the luncheon were planned in collaboration with Russ Morgan and Paul Specht so that BMI might have an opportunity to present its position to the musicians. Mr. Morgan and Mr. Specht arranged a luncheon for the orchestra leaders at which representatives of ASCAP will seek to explain themselves on September 26th. The BMI luncheon on Monday will serve to clear the atmosphere and to dispel the fog which the Thursday luncheon is likely to produce.

## Labor

### SUSTAINING PERFORMERS

Conferences this week with Wage and Hour Division officials brought out that they had no intention of extending the Act to cover *all* performers on *all* sustaining programs by their memorandum of September 16 (NAB Reports, page 4612).

In the first place they had no intention of attempting to extend the Act's coverage to "public service" programs. For instance, they said it certainly was not their thought to require stations to pay kids the minimum or any other wage for participation in the Saturday morning shows. The same held for college and high school glee clubs, American Legion bands, shows in which well-known artists contributed their services to start the Community Chest drive, church choir broadcasts, etc.

What they were driving at, they said, were hillbilly bands, other orchestras, soloists, etc., who were willing to appear on the air for nothing to advance their own interests. When the broadcasters put such people on the air and didn't pay them, they said, the broadcasters were deriving benefit, were the employers, and should pay at least the minimum wage. They could not give any other opinion, they said, because, if they did, it could be carried over into other industries where chiselers has exploited "learners"—with vague promises of jobs if they would work for nothing while "learning."

When it was explained how a number of stations made "trade deals" with hillbillies—obtaining hillbilly programs in return for plugs for future dance engagements, the Wage and Hour officials said that some sort of deal could be made whereby the hillbillies were paid for their services while the broadcasters were paid for their plugs, coming out even Stephen. Such a plan, however, would involve Social Security taxes and ASCAP payments.

In conclusion, the Wage and Hour officials decided that the memorandum needed revision, and invited the cooperation of the NAB Labor Relations Director in revising it.

### DRAFT EXEMPTIONS

Several members have inquired about the possibility of obtaining conscription exemption for broadcasting employees. The NAB checked this with the Selective Service Administration and found that no industry was exempt, per se, nor any classification of jobs exempt, per se, under the Act.

This is a matter which has been left to the discretion of the local Conscription Boards under Section 5 (e) of the Act. It is felt that because of the relatively small number of men who are being conscripted on the one hand, and the availability of the tremendous number of men on the other, that it would not be necessary to select employees who are regarded by their employers as essential. Therefore, broadcasters may be able to obtain exemptions for essential employees by placing the matter before their local Boards.

Here is the text of the "deferment" section of the Act:

> "Sec. 5 (e) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient or defective. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.
>
> "(f) Any person who, during the year 1940, entered upon attendance for the academic year 1940-41—
>
> > "(1) at any college or university which grants a degree in arts or science, to pursue a course of instruction satisfactory completion of which is prescribed by such college or university as a prerequisite to either of such degree; or
> >
> > "(2) at any university described in paragraph (1) to pursue a course of instruction to the pursuit of which a degree in arts or science is prescribed by such university as a prerequisite;
>
> and who, while pursuing such course of instruction at such college or university, is selected for training and service under this Act prior to the end of such academic year, or prior to July 1, 1941, whichever occurs first, shall, upon his request, be deferred from induction into the land or naval forces for such training and service until the end of such academic year, but in no event later than July 1, 1941."

The other two sections which affect labor relations are section 3, which provides that employers may continue to pay part or all of employees salaries while they are in training, and section 8, which provides that employees must be given back their jobs after their training period "unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so".

Some labor unions are now asking for provisions in new contracts to cover this last point.

## LABOR BOARD POLL SCHEDULED

The Labor Relations Board announced Tuesday that separate collective bargaining elections by secret ballot would be conducted within 30 days among transmitter operators employed by four broadcasting stations in Pennsylvania and Delaware.

The stations are WGAL, Incorporated, Lancaster, Pennsylvania, York Broadcasting Company, York, Pennsylvania, Delaware Broadcasting Company and WDEL, Incorporated, both of Wilmington, Delaware.

The transmitter operators will determine whether or not they desire to be represented by Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers (A. F. of L.).

The union and the companies stipulated that transmitter operators, separate from other employees, constituted an appropriate unit. However, they differed as to the scope of the unit. The union contended that transmitter operators employed by each of the companies, respectively, constituted a separate unit; while the companies contended that all transmitter operators employed by the seven corporations in the Mason Dixon Radio Group constituted a single appropriate unit. The companies pointed to the common ownership of stock, unified business operations, interdependent relations in handling programs, and the supervision of all transmitter operators employed by each of the corporations by a technical director employed by the Mason Dixon Radio Group.

Pointing out there had been no history of collective bargaining on either individual or multiple unit basis, and that the union's organization was limited substantially to transmitter operators of the four companies involved in the present proceedings, the Board stated:

> "The organization of the business of the corporations comprising the Mason Dixon Radio Group is such that either a unit comprising all the transmitter operators in the group or separate units limited in each case to operators employed by a single member thereof could be appropriate for the purposes of collective bargaining. Under these circumstances, and in view of the absence of any bargaining history on either basis, the fact that substantial employee self-organization has not extended beyond the employees of the four Companies here involved, and the request of the only labor organization involved for separate station units, we shall designate the transmitter operators employed, respectively by WGAL, WORK, WILM, and WDEL at their respective stations as seperate appropriate units. Such a determination is subject to revision in accordance with changes in the state of self-organization of the employees concerned."

## WAGE-HOUR COMPLIANCE

Every employer against whom an allegation of violation of the Wage and Hour Law is filed, henceforth will receive a form which he is asked to fill out, giving information indicating his compliance with, or violation of, the Fair Labor Standards Act, "The use of the new form will have the effect of making each complaint a 'live' one, in that action will begin immediately with the filing of the charge," Colonel Fleming said.

"Each employer complained against will receive this form, AD-85, headed 'Information Respecting Compliance with the Fair Labor Standards Act of 1938.' This will serve to advise some employers, who have been inadvertently violating the law, of the existence of the statute and its requirements. Accurately filled out, it will put the employer through a sort of 'examination of conscience' insofar as the Wage and Hour Law is involved. When he has completely filled out the form, he will know whether or not he is complying with the law.

"Should an employer thus discover that he has been violating the law, and he wants to come into compliance immediately and make restitution of back wages due his employees, every assistance will be given him by the nearest Wage and Hour office."

The form summarizes the requirements of the law with respect to minimum wages, overtime, record-keeping requirements, discrimination against employees making complaints and shipment of goods produced in violation of the law.

One part of the form is also designated to indicate immediately whether or not the firm is covered by reason of being engaged in interstate commerce or in the production of goods for commerce.

It clearly states that the information supplied in it to the Wage and Hour Division shall not affect in any way any cause of action arising under the Act. Neither does the submission of this information give the employer immunity in any action, civil or criminal, that may be brought under the Act.

"In no case is this form being used as a substitute for physical or personal inspection of the books of the employer involved," Colonel Fleming said. "It is merely being used to expedite our inspection procedure and should prove of great value in this respect. Inspections will still be made at the faster rate made possible by our increased inspection force now totalling more than 700."

## WAGE-HOUR APPRENTICE REGULATIONS

Revised apprentice regulations were issued by the Wage and Hour Division, U. S. Department of Labor, today. (*Federal Register,* September 24, 1940.)

"These new apprentice regulations will further facilitate and expedite the issuance of apprentice certificates under the Fair Labor Standards Act," Colonel Philip B. Fleming, Administrator of the Wage and Hour Division said.

The revised regulations provide that agreements may be approved "on the spot" by local joint committees as well as by state apprenticeship councils. Immediate exemptions and employment of the apprentices at wage rates lower than the applicable minimum under Section 6 of the Act are made possible.

# National Defense

## DEFENSE PROGRAMS

Of continued primary importance are the following: Alien Registration announcements, Recruiting Programs from the Army, Civil Service Announcements for Skilled Workers.

In the next ten days or so, the Selective Service Administration, in cooperation with NAB, will send out material of an informational character enabling stations to give their listeners authoritative information about "Who's to register, and where and when." The Recruiting Campaign, however, will be continued even after the registration date, October 16. NAB is now in contact with the War Department to bring about a uniform policy for recruiting announcements, covering both National Guard and regular Army enlistments.

Meanwhile, the Civilian Defense Information Bureau, with Headquarters in the Hotel Weston, New York City, has sent out two transcribed speeches made by Lieutenant-Colonel O'Kelliher and Lieutenant-Colonel Hershey of the Joint Army and Navy Selective Service Administration. These are recordings of speeches previously made and give a general background of national conscription. The Civilian Defense Information Bureau is a group of civilian reserve officers who have been cooperating with the War Department in bringing about civilian understanding of Army problems.

The weekly radio news release by the National Advisory Defense Commission is given each Sunday at 6 P.M. to all news services. This is a week by week summary of the statistical progress of the Commission in getting planes, guns and defense equipment in production and in use.

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The United States Committee for the Care of European Children, Inc., Marshall Field, chairman, has sent stations material for use on women's, sports, news and sustaining programs. The Committee, in cooperation with the British, Canadian and United States governments, is endeavoring to secure adequate homes for refugee children as quickly as possible.

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KGBU, Ketchikan, Alaska
KROC, Rochester, Minn.
KSUB, Cedar City, Utah

These three stations have been added to the list which has reported cooperation in the industry's recruiting campaign for skilled national defense workers. The total is now 640.

The United States Civil Service Commission finds that all sections of the country are furnishing workers, a logical expectation in view of the solid industry support.

# Promotion

## LISTEN BEFORE YOU VOTE

Interesting comments are beginning to come in to headquarters from member stations which are sponsoring the "Listen before You Vote" promotion.

Letter from William R. Traum, promotion director, WROK, Rockford, Ill., says that the station is enthusiastically engaged in "Listen before You Vote" promotion. Several daily spot announcements call attention to the campaign.

Imprinted posters, "Listen to the Campaign Speeches over WROK, Mutual Network", are being circulated this week by WROK's own salesmen and by the Central Illinois Electric & Gas Company.

Letters were written to all heads of local political organizations and to prominent party members telling about the campaign.

*The Rockford Register-Republic,* on September 20, carried a ten-inch story next to the radio program listings telling about the campaign. The lead paragraph with headlines reads:

> "WROK STARTS
> VOTE FEATURE
>
> " 'Listen before You Vote'
> "Recommended by Many U. S. Leaders
>
> "In cooperation with the National Association of Broadcasters, radio station WROK is today launching a campaign titled 'Listen before You Vote'—a campaign prompted by the barrage of political oratory which is getting under way throughout the nation."

---

Wayne Welch, sales promotion manager, WMT, Cedar Rapids and Waterloo, KRNT and KSO, Des Moines, Iowa, wrote:

> "The 'Listen before You Vote' posters which you sent us are being posted in prominent places throughout Des Moines.
>
> "Also thanks for the wealth of suggestions for other methods of promoting the campaign. You may be sure we will cooperate."

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E. W. Buckalew, KNX, Los Angeles, arranged for poster distribution through two radio distributors.

> "Both of these organizations," said Mr. Buckalew, "were most enthusiastic over the use of these posters and said that they could assure us of strategic placement of the posters through their dealers."

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McGraw-Hill's RADIO AND TELEVISION RETAILING, which is eagerly read by from twenty-five to thirty thousand radio dealers each month, has consistently carried the story of "Listen before You Vote" to the trade. The current issue has most of a double spread devoted to detailed window displays whereby radio dealers can tie-in with the campaign.

Editor "Mac" MacDonald retained Alfred Harvey of the Alvic Display Service to design three windows. August

RADIO RETAILING carried a full page "Listen before You Vote" story which included a reproduction of the poster.

Major Edney Ridge, manager, WBIG, Greensboro, received a note of appreciation for posters from Margaret Dent, vice president, N. C. Young Republicans. She wrote:

> "We wish to take this opportunity to thank you for the posters brought in to us at Headquarters here on West Market Street, yesterday. We can appreciate the strictly non-partisan act of your radio station in getting voters to the polls by radio, and we will be glad to cooperate with you in any possible way at our command."

"Radio Reaches People in Washington State" is the name of a most excellent promotion piece prepared by Charles A. Bailie, sales promotion manager, KOMO—KJR, Seattle, on behalf of his own stations and KHQ—KGA, KGW—KEX, KPQ, KVOS, KGY, KXRO, KELA, KUJ, KWLK, KVAN, KRLC. The brochure shows "Coverage Data of Pacific Northwest Radio Stations Available for Washington State Political Broadcasts."

Tipped into the front cover is a copy of "Is Your Hat In The Ring?"

## POWER COMPANY COOPERATION

J. S. Bartlett, managing director of the Electric Institute, Washington, D. C., and contact with NAB of the International Association of Electric Leagues, tomorrow finishes a successful three weeks promotion. Set distributors broadcasting stations and the Institute participated.

The event was the Institute's 1941 Radio Exposition. Sixteen announcers from WJSV, WMAL, WOL and WRC appeared in the Potomac Electric Power building in relays "to greet their public" and to cooperate with them in making recordings.

NBC announcers from WMAL and WRC appeared during the first week; Mutual announcers from WOL the second week; while CBS's WJSV announcers took over during the final and concluding week.

When each of the crews took over, their presence was publicized in one of the huge street front windows. Inside the building on the stage was a large panel display of artists' pictures.

Two studios were constructed in the lobby, both of which were utilized for making recordings of visitors. Approximately 125 recordings were made on each of the days of the three weeks, Monday through Friday. On the platters was an appropriate spot for the autograph of the broadcast announcer who M.C.'d the record cutting.

In the middle of the display room was a loud speaker with which other visitors could hear recording being made.

An exhibit of 120 radio sets rounded out the radio exposition picture. In analyzing the medium which atrracted visitors to the exposition it was found that out of one hundred visitors forty-five heard one of the paid radio announcements; fifteen others heard of the exposition from friends; eleven noticed the invitation printed on the face of 50,000 envelopes containing electric bills; eighteen stayed to visit the exposition because they saw the lobby displays. There was no record of the remaining eleven.

The free voice recordings were made from 11:30 A.M. to 2:00 P.M. and from 3:30 to 5:00 P.M. each Monday through Friday for the duration of the show. The radio exposition is one of the ten industry shows sponsored by the Electric Institute every year.

Similar radio shows in all cities having radio stations are suggested as splendid institutional and circulation building events.

## ESSAY WINNER

Neal Axtell Blake, Hartford, Conn., is declared the winner of NAB's $100 cash award for writing the best essay on the "American System of Broadcasting—Why It Is Best for Americans."

Second best essay was written by Myrtle Lu Hammell of Missoula, Mont. Miss Hammell's essay was entered in the national competition by KGVO; that of Mr. Blake by WTIC, Hartford.

Essays were judged by a committee of three Washington, D. C., high school teachers: Miss Fern Duvall, Paul Junior High School; Miss Bertha Lucas, Elliott Junior High School; and Mr. O. W. Trueworthy, Paul Junior High School. They were appointed by Lawson J. Cantrell, assistant superintendent, Public Schools of the District of Columbia.

Commenting upon the quality of the essays submitted, the judges expressed official regret that they did not have additional prizes to award the entrants.

Stations forwarding essays receiving "Honorable Mention," together with the student contestants, were:

WICC, WDRC, WTHT, WTIC, WNBC, WELI, WNLC, WATR and WBRY, all in Connecticut: Robert Gilbert and Edward Winnuk, New Haven; Edward Walsh, Milford; Ruth M. Cunningham, East Hartford; Jane Purtill, S. Glastonbury; Robert Shapiro, Middletown; and Geraldine Scheibl, Newport, R. I.

WEEI, Boston: Mildred McManus, West Newton; John J. Burke, Boston; Martin Dietel, Woburn.

WRNL, WMBG and WRVA, Richmond: Kathryn Robinson.
WDBJ, Barbara Jeanne Lucas, Roanoke.
WBIG, Roberta E. Favore, Greensboro.
WMAQ, Eleanor Gaworski, Chicago.
WHEC, Robert Crampton, Rochester.
KFEL, KOA and KVOD, Charles F. Baes, Jr., Lakewood, Colo.

A joint competition is indicated in the case of Connecticut, Denver and Richmond.

Neal Axtell Blake's prize-winning essay reads:

> "The time is Memorial Day, 1940; the place beautiful New England, U. S. A.; the scene a typical boy's room in a rather old and somewhat dingy house; but the action, as the world drama unfolds from my radio, is modern, thrilling and dynamic. Yes, I am glad I'm an American! Where else in all this world could I sit so comfortably today and listen so happily to the story of a baseball game—the Phillies are taking the Boston team into camp

to the tune of 5 to 1—gee, that was a perfect hit, just in time to save the man on second and score the fifth run!

"The scene (radio) changes. Truly, that speaker is right. America is great—here we have life, liberty, property, happiness, freedom of speech, of the press and religion—and a free radio to report these precious privileges of all of us—Americans.

"Often I think that the radio has become so thoroughly a part of us that we fail to realize how much we owe to its mysterious power. It enters our homes at will—past locked doors and barred windows—but it is always welcome, for it has been entertainment, instruction, scientific achievement, the truth into 84 per cent of the homes in this country has made every citizen more sensitive to the changes that threaten, more determined to keep America what our forefathers made it, "The land of the free." The American broadcast system has made this country stronger and safer. The 'American Town Meeting of the Air' means much; this is real democracy, for now even a humble citizen may speak to millions of his countrymen—provided his message is worthwhile—for this is the policy of American broadcasters.

"Limited only by those conventions which regulate the relations of good neighbors, this miracle of communication takes the humblest into the presence of kings and councils. We become intimate with great authors, scientists and inventors. We realize more deeply the goodness of God, for his blessings bear in upon so closely that none can fail to understand the joys and sorrows, the defeats and victories of all peoples, the art and the wisdom of the noblest minds.

"It is commonplace now for the humble citizen to be well informed.

"How different the scene abroad, where government restricts and hampers! How cramped is the opportunity to learn, to understand either the new or the best in life! There the dictator argues, 'Am I not the supreme wisdom? Should not my people learn from me!' The account is no longer of sports, of happy homes, of freedom, but of hate, destruction and death. I am devoutly thankful that I live in America, for here the radio—with all its power for good or evil—is the instrument of democracy. Long may the American system last! American broadcasting policy helps to keep this continent 'The Promised Land.'"

## CENSUS DATA

Since last week's REPORTS, the Bureau of the Census has completed its preliminary population figures for all states and has released figures on occupied dwelling units for three additional states. The revised population and occupied dwelling unit figures are as follows:

### PRELIMINARY 1940 CENSUS DATA

| *State* | *Population* | *Occupied Dwelling Units* |
|---|---|---|
| Alabama | 2,830,285 | ....... |
| Arizona | 497,789 | ....... |
| Arkansas | 1,948,268 | ....... |
| California | 6,873,688 | ....... |
| Colorado | 1,118,820 | ....... |
| Connecticut | 1,710,112 | ....... |
| Delaware | 264,603 | 70,549 |
| District of Columbia | 663,153 | ....... |
| Florida | 1,877,791 | 519,436 |
| Georgia | 3,119,953 | 750,633 |
| Idaho | 523,440 | 140,742 |
| Illinois | 7,874,155 | ....... |
| Indiana | 3,416,152 | ....... |
| Iowa | 2,535,430 | 700,173 |
| Kansas | 1,799,137 | 512,090 |
| Kentucky | 2,839,927 | ....... |
| Louisiana | 2,355,821 | 590,722 |
| Maine | 845,139 | ....... |
| Maryland | 1,811,546 | 462,591 |
| Massachusetts | 4,312,332 | ....... |
| Michigan | 5,245,012 | ....... |
| Minnesota | 2,785,896 | ....... |
| Mississippi | 2,181,763 | 537,359 |
| Missouri | 3,775,737 | ....... |
| Montana | 554,136 | ....... |
| Nebraska | 1,313,468 | 360,255 |
| Nevada | 110,014 | 33,326 |
| New Hampshire | 489,716 | ....... |
| New Jersey | 4,148,562 | ....... |
| New Mexico | 528,687 | ....... |
| New York | 13,379,622 | ....... |
| North Carolina | 3,563,174 | ....... |
| North Dakota | 639,690 | ....... |
| Ohio | 6,889,623 | ....... |
| Oklahoma | 2,329,808 | 609,094 |
| Oregon | 1,087,717 | 335,944 |
| Pennsylvania | 9,891,709 | ....... |
| Rhode Island | 711,669 | 187,610 |
| South Carolina | 1,905,815 | ....... |
| South Dakota | 641,134 | 165,113 |
| Tennessee | 2,910,992 | 713,853 |
| Texas | 6,418,321 | ....... |
| Utah | 548,393 | ....... |
| Vermont | 357,598 | ....... |
| Virginia | 2,664,847 | ....... |
| Washington | 1,721,376 | ....... |
| West Virginia | 1,900,217 | ....... |
| Wisconsin | 3,125,881 | ....... |
| Wyoming | 246,763 | 69,227 |

Total state figures .............................. 131,284,881

Estimated allowance for supplementals not distributed by state .............................. 125,000

U. S. Total .............................. 131,409,881

## SERVICE MEN PROMOTION

Since August WFIL and the Philadelphia Radio Service Men's Association have been engaged in a cooperative promotion. According to Roger W. Clipp, WFIL's general manager, who worked out the details of the tie-up, circulation has been greatly stimulated.

Each Saturday night WFIL broadcasts a 15-minute program of studio organ music, under sponsorship of the service men. The program has the promotional benefit of five of the station's billboard locations. Additional program promotion is given in the form of cards in transportation buses which ply in and around the listening area of the station.

One unusual feature of the public service program is that provision is made on each Saturday night for the listener to test his radio set. During the course of the program, Mr. Clipp explained, a series of three musical notes are sounded, each of a different frequency. Set owners are told to listen closely. If the radio is capable of reproducing all three series of vibrations the listener is advised that his receiver is operating satisfactorily. If not he is invited to contact the nearest member of P.R.S.M.A. for repairs or adjustments.

Mr. Clipp said that the program had proved of great interest to the listening public because, for the first time, it is possible for anyone to test the performance of his own radio set. Newspaper publicity featuring this unusual angle has been released and the members of the association have cooperated most generously in publicizing the testing opportunity to their customers.

Since the majority of the 300 members of the Philadelphia Radio Service Men's Association are independent radio dealers with stores, including display windows, counters and so forth, Mr. Clipp provided display cards for both window and counter use.

Each member of the Association, according to the arrangement, has pledged himself to use at least two cards in the windows and two in the store. They are adaptations of billboards and bus cards.

The deal between WFIL and the Service Men further provides for the distribution of folders, booklets and pamphlets prepared by the station from time to time. Such literature is delivered with new radios and left when old radios are repaired. It is also inserted with monthly invoices and included with minor store purchases.

### NEW BUSINESS

The Republican National Committee has prepared a series of 93 one-minute spot political announcements available for sponsorship by Republican State Central Committees. Seven of these announcements are made by Wendell Willkie.

Republican State Central Committees have been advised by the National Committee that these transcriptions are now available. They have been prepared in harmony with the NAB Code, consisting of straight announcements and interviews.

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC this week announced adoption of its Final Decision granting the application for the renewal of license for KIEV, **Glendale, California,** operated by Cannon System, Ltd., on **850 kilocycles,** 100 watts, daytime only.

The renewal application was designated for hearing on issues involving principally the program service of this station. The record shows that attempts to improve programs have been made. There is, therefore, ground for expecting that the present trend of improvement in program service will be carried forward. The facts developed in the hearing, however, will be given cumulative weight in dealing with any future questions involving the conduct of this station.

### PROPOSED FINDINGS

The Commission has announced its Proposed Findings of Fact and Conclusions proposing to *deny* without prejudice the application of KFIO, **Spokane, Washington,** for a construction permit to install a new transmitter, new antenna, to change its frequency from **1120** to **950 kilocycles,** and to increase its power from 100 watts daytime to 1000 watts unlimited time.

FCC this week also announced its Proposed Findings of Fact and Conclusions proposing to *grant* the application of the Mason City Globe Gazette Company (Station KGLO), **Mason City, Iowa,** for a construction permit to change frequency from **1210** to **1270 kilocycles;** increase power from 100 watts night, 250 watts LS, to 1000 watts, unlimited time (the facilities of KGCA and KWLC), and install new equipment including a directional antenna for nighttime operation. The application of Charles Walter Greenley for renewal of license of KGCA, **Decorah, Iowa,** was *denied* as in default, and the application for renewal of license of Luther College (KWLC), **Decorah,** to use the frequency **1270 kilocycles** was also *denied.* However, this finding will not prejudice consideration of an application by Luther College for authority to operate station KWLC upon another frequency.

### FCC RULES EXTENDED

FCC has announced that the effective date of Section 3.32(b) of Standard Broadcast Rules which prohibits broadcasting of commercial programs under experimental authorizations, was advanced from October 1, 1940, to March 29, 1941.

### FCC APPROPRIATIONS

The House of Representatives this week passed H.R. 10539 which is the first supplemental civil functions appropriation bill for 1941 containing additional appropriations for the FCC.

As the bill passed the House, it provided $125,000 additional for salaries and expenses of the FCC and also $175,000 for the reallocation of monitoring stations. In connection with the latter, the bill provides:

> "For the relocation of radio monitoring stations at sites to be selected by the Federal Communications Commission in the States of Oregon, California, Michigan, Maryland, Georgia, and Massachusetts, including the purchase of land, provided suitable sites now owned by the Government cannot be made available, construction of suitable buildings or modification or reconstruction of existing buildings, the providing for necessary apparatus and equipment, erection of goniometric apparatus, the construction and installation of roadways, power, water and sanitary facilities, associated antenna systems, and other necessary expenses."

### CLEVELAND SCHOOLS TO USE FM

The Cleveland City Board of Education has been granted authority by the FCC to change that school system's non-commercial education radio service from amplitude modulation to frequency modulation.

The specific grant involves the education board's station WBOE shifting from 41,500 kilocycles frequency, 500 watts power night and day, A3 emission, to 42,500 kilocycles and increasing day and night power to 1000 watts for FM transmission.

Extensive use has been made of the facilities of WBOE in serving 156 receivers in the Cleveland school system.

The Board of Education states that the objective to be attained with FM is higher fidelity and less noise in classroom instruction and public education.

In August the Commission authorized the San Francisco Board of Education to use FM for like service in that area. The New York City Board of Education has been using amplitude modulated noncommercial educational broadcasts for some time, and the University of Kentucky was more recently licensed to give similar service to local mountain schools.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, September 30. They are subject to change.

### Monday, September 30

NEW—George F. Meyer, Medford, Wis.—C. P., **1500 kc.**, 100 watts night, 100 watts LS, unlimited time.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.**, 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WING—Stanley M. Krohn, Jr., Dayton, Ohio (Transferor), Charles Sawyer (Transferee), Dayton, Ohio.—Granted authority to transfer control of WSMK, Inc., licensee of station WING, from Stanley M. Krohn, Jr., to Charles Sawyer (408 shares of common stock for $51,000, and has a five-year option to purchase the remaining 392 shares for the sum of $75,000). Station operates on **1380 kc.**, 250 watts night, 500 watts day, unlimited time (B2-TC-236).

W2XOR—Bamberger Broadcasting Service, Carteret, N. J.—Granted construction permit to make changes in equipment and change location of high frequency broadcast station W2XOR from Carteret, N. J., to 444 Madison Avenue, New York City (B1-PHE-281).

WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted construction permit for non-commercial educational broadcast station authorizing change in frequency from **41500** to **42500 kc.**, increase in power from 500 watts to 1 KW, and change emission from A3 to special for frequency modulation; also install new equipment (B2-PED-16).

The Commission granted the following applications for renewal of relay broadcast station licenses for the period beginning 3 a. m., Eastern Standard Time, October 1, 1940, and ending 3 a. m., Eastern Standard Time, October 1, 1941.

| *Applicant and Location* | *Call Letters* |
|---|---|
| The Crosley Corporation, Area of Cincinnati, Ohio. | WLWA |
| Florida West Coast Broadcasting Company, Inc., Area of Tampa, Florida. | WGHB |
| The Fort Industry Company, Area of Toledo, Ohio. | WAAJ |
| Harris County Broadcast Company, Area of Houston, Texas. | KIIS |
| Indianapolis Broadcasting, Inc., Area of Indianapolis, Indiana. | WATB |
| KSTP, Inc., Area of St. Paul, Minnesota. | KABE |
| KSTP, Inc., Area of St. Paul, Minnesota. | KAIE |
| KSTP, Inc., Area of St. Paul, Minnesota. | KIGA |
| KFAB Broadcasting Company, Area of Lincoln, Nebraska. | KIIH |
| KLZ Broadcasting Company, Denver, Colorado. | KAAR |
| McClatchy Broadcasting Company, Area of Sacramento, California. | KSCR |
| Ben S. McGlashan, Area of Los Angeles, California. | KABG |
| Missouri Broadcasting Corporation, Area of St. Louis, Missouri. | KIFF |
| The National Life and Accident Insurance Company, Inc., Area of Nashville, Tennessee. | WADQ |
| Nichols and Warinner, Inc., Area of Long Beach, California. | KADB |
| Nichols and Warinner, Inc., Area of Long Beach, California. | KIFO |
| Nichols and Warinner, Inc., Area of Long Beach, California. | KBLE |
| Paducah Broadcasting Company, Inc., Area of Paducah, Kentucky. | WAHL |
| Radio Station WMFR, Incorporated, Area of High Point, North Carolina. | WHPT |
| Radio Station WSOC, Inc., Area of Charlotte, North Carolina. | WAAK |
| Joe L. Smith, Jr., Area of Beckley, West Virginia. | WAIE |
| Tarrant Broadcasting Company, Area of Fort Worth, Texas. | KAAD |
| Vee Bee Corporation, Area of Portsmouth, Ohio. | WAVB |
| WBNS, Incorporated, Area of Columbus, Ohio. | WGBD |
| WBNS, Incorporated, Area of Columbus, Ohio. | WJLF |
| WCBS, Incorporated, Area of Springfield, Illinois. | WMFZ |
| WDZ Broadcasting Company, Area of Tuscola, Illinois. | WAAC |
| WDZ Broadcasting Company, Area of Tuscola, Illinois. | WAIO |
| WDZ Broadcasting Company, Area of Tuscola, Illinois. | WAAE |
| WFBM, Inc., Area of Indianapolis, Indiana. | WIPL |
| WGN, Incorporated, Area of Chicago, Illinois. | WAIH |
| WGN, Incorporated, Area of Chicago, Illinois. | WGNA |
| WJHL, Incorporated, Area of Johnson City, Tennessee. | WAIX |
| WKY Radiophone Company, Oklahoma City, Oklahoma. | KAZA |
| WKY Radiophone Company, Area of Oklahoma City, Olkahoma. | KAXB |
| WSIX, Incorporated, Area of Nashville, Tennessee. | WAUB |
| The Birmingham News Company, Area of Birmingham, Alabama. | WAXD |
| Florida West Coast Broadcasting Company, Inc., Area of Tampa, Florida. | WTHB |
| Lamar Life Insurance Company, Area of Jackson, Mississippi. | WAXJ |
| Queen City Broadcasting Company, Inc., Area of Seattle, Washington. | KQCB |
| West Virginia Broadcasting Corporation, Area of Wheeling, West Virginia. | WAAH |
| The WGAR Broadcasting Company, Area of Cleveland, Ohio. | WAAI |
| The WGAR Broadcasting Company, Area of Cleveland, Ohio. | WAAQ |

| *Applicant and Location* | *Call Letters* |
|---|---|
| Rockford Broadcasters, Inc.,<br>Area of Rockford, Illinois. | WAAR |
| Southern Minnesota Broadcasting Company,<br>Area of Rochester, Minnesota. | KAAN |

In the following cases the Commission directed pursuant to Section 1.381 of the Rules and Regulations that the applications for renewal of licenses of the above-mentioned relay broadcast stations be granted in part and said licenses be issued for the period beginning 3 a. m., Eastern Standard Time, October 1, 1940, and ending in no event longer than 3 a. m., Eastern Standard Time, October 1, 1941, deleting the frequency **2022 kilocycles**, heretofore assigned said stations and substituting the frequency **2074**, subject to the condition that no interference is caused to the Government stations on adjacent channels.

| *Applicant and Location* | *Call Letters* |
|---|---|
| The Crosley Corporation,<br>Area of Cincinnati, Ohio. | WLWJ |
| The Crosley Corporation<br>Area of Cincinnati, Ohio. | WLWB |
| Central States Broadcasting Company,<br>Area of Omaha, Nebraska. | KABJ |
| The Evening News Association,<br>Area of Detroit, Michigan. | WKFB |
| Arthur Malcolm McGregor and<br>Dorothy Charlotte McGregor,<br>Area of Bloomington, Illinois. | WAAO |
| The National Life and Accident Insurance Company, Inc.,<br>North of Franklin, Tennessee. | WADP |
| The National Life and Accident Insurance Company, Inc.,<br>Area of Nashville, Tennessee. | WBPA |
| Richmond Radio Corporation,<br>Area of Richmond, Virginia. | WAHM |
| WDAY, Incorporated,<br>Area of Fargo, North Dakota. | KBRG |
| Westinghouse Electric & Manufacturing Co.,<br>Area of Pittsburgh, Pennsylvania. | WEMC |
| Westinghouse Electric & Manufacturing Co.,<br>Area of Boston, Massachusetts. | WHER |
| WSMB, Incorporated,<br>Area of New Orleans, Louisiana. | WSMA |
| WSMB, Incorporated,<br>Area of New Orleans, Louisiana. | WSMC |

In the following cases the Commission directed that the licenses of the above-mentioned relay broadcast stations, expiring 3 a. m., Eastern Standard Time, October 1, 1940, be extended upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, in no event longer than 3 a. m., Eastern Standard Time, November 1, 1940.

| *Applicant and Location* | *Call Letters* |
|---|---|
| Charleston Broadcasting Company,<br>Area of Charleston, West Virginia. | WADA |
| City of New York, Municipal Broadcasting System,<br>Area of New York, New York. | WASJ |
| City of New York, Municipal Broadcasting System,<br>Area of New York, New York. | WNYK |
| City of New York, Municipal Broadcasting System,<br>Area of New York, New York. | WNYL |
| City of New York, Municipal Broadcasting System,<br>Area of New York, New York. | WNYN |
| City of New York, Municipal Broadcasting System,<br>Area of New York, New York. | WNYO |
| Community Broadcasting Service, Inc.,<br>Area of Bangor, Maine. | WEHL |
| Eagle Broadcasting Company, Inc.,<br>Area of Brownsville, Texas. | KIJG |
| A. Bruce Fahnestock, Director,<br>Fahnestock South Sea Expedition,<br>Aboard Yacht *Director II.* | KFAH |
| Edwin A. Kraft,<br>Area of Juneau, Alaska. | KBQB |
| KVOX Broadcasting Company,<br>Area of Moorhead, Minnesota. | KAAJ |
| Mason City Globe-Gazette Company,<br>Area of Mason City, Iowa. | KDJB |
| Mason City Globe-Gazette Company,<br>Area of Mason City, Iowa. | KQHS |
| Miami Valley Broadcasting Corp.,<br>Area of Dayton, Ohio. | WMVB |
| Mosby's, Inc.,<br>Area of Missoula, Montana. | KAAW |
| May Seed & Nursery Company,<br>Area of Shenandoah, Iowa. | KEMA |
| McClatchy Broadcasting Company,<br>Area of Sacramento, California. | KABF |
| Onondaga Radio Broadcasting Corp.,<br>Area of Syracuse, New York. | WAID |
| Onondaga Radio Broadcasting Corp.,<br>Area of Syracuse, New York. | WAUQ |
| Onondaga Radio Broadcasting Corp.,<br>Area of Syracuse, New York. | WGBE |
| Juan Piza,<br>Area of San Juan, Puerto Rico. | WABV |
| Puget Sound Broadcasting Co., Inc.,<br>Area of Tacoma, Washington. | KNEB |
| Puget Sound Broadcasting Co., Inc.,<br>Area of Tacoma, Washington. | KNEC |
| Allen T. Simmons,<br>Area of Akron, Ohio. | WATS |
| South Bend Tribune,<br>Area of South Bend, Indiana. | WATD |
| State of Wisconsin, University of Wisconsin,<br>Area of Madison, Wisconsin. | WDAC |
| Wescoast Broadcasting Company,<br>Area of Wenatchee, Washington. | KAOD |
| WODAAM Corporation,<br>Area of New York, New York. | WABA |
| Peoria Broadcasting Company,<br>Area of Peoria, Illinois. | WAIN |
| Peoria Broadcasting Company,<br>Area of Peoria, Illinois. | WEKH |
| Southeastern Broadcasting Company, Inc.,<br>Area of Macon, Georgia. | WAEB |

In the following cases the Commission directed that the licenses of the above-mentioned relay broadcast stations, expiring 3 a. m., Eastern Standard Time, October 1, 1940, be extended upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, in no event longer than 3 a. m., Eastern Standard Time, November 1, 1940, said extensions to contain the following clause:

Pursuant to Section 1.381 of the Rules and Regulations this extension of license is granted upon the condition that the frequency **2022** be deleted and frequency **2074 kilocycles** be substituted therefor, subject to the condition that no interference is caused to the Government stations on adjacent channels.

| *Applicant and Location* | *Call Letters* |
|---|---|
| Airfan Radio Corporation, Ltd.,<br>Area of San Diego, California. | KIEO |
| The Champaign News-Gazette, Inc.,<br>Area of Champaign, Illinois. | WAHJ |
| The Champaign News-Gazette, Inc.,<br>Area of Champaign, Illinois. | WBGN |
| The Evening News Association,<br>Area of Detroit, Michigan. | WAAS |
| The Evening News Association,<br>Area of Detroit, Michigan. | WENM |
| General Electric Company,<br>Area of Schenectady, New York. | WOEG |
| Intermountain Broadcasting Corporation,<br>Area of Salt Lake City, Utah. | KALO |
| Memphis Commercial Appeal Company,<br>Area of Memphis, Tennessee. | WABG |
| Martin R. O'Brien,<br>Area of Aurora, Illinois. | WAOE |

## RENEWAL OF LICENSES

Licenses for the following stations were extended for the period October 1, 1940, to March 29, 1941, pending further consideration of applications for renewal:

KYCA, Prescott, Ariz.; WFPG, Atlantic City, N. J.; WGTC, near Greenville N. C.; WLBJ, near Bowling Green, Ky.; WPAB, Ponce, P. R.; WSAM, Saginaw, Mich.; KWT, Seattle; WFAS (auxiliary), White Plains, N. Y.; WNEW (auxiliary), New York City.

KSUB—Leland M. Perry, Cedar City, Utah.—Present license further extended upon a temporary basis only, pending receipt of and determination upon the application for renewal, for the period October 1 to November 1, 1940.

WDAK—Valley Broadcasting Co., West Point, Ga.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

WJHP—The Metropolis Company, Jacksonville, Fla.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

## DESIGNATED FOR HEARING

WMBD-WEKI-WPEO-WEKH-WAIN—WMBD Broadcasting Co., Assignor, Peoria, Ill., Peoria Broadcasting Co., Assignee.—Application for voluntary assignment of license of broadcast station WMBD and four associated relay stations, WEKI, WPEO, WEKH, and WAIN, from WMBD Broadcasting Co. to Peoria Broadcasting Co.; **1440 kc.,** 1 KW night, 5 KW day, unlimited time (for broadcast station WMBD) (B4-AL-282)

Harbenito Broadcasting Co., Harlingen, Texas.—Application for construction permit for new broadcast station to operate on **1420 kc.,** 250 watts, unlimited time (B3-P-2747).

Stephen R. Rintoul, Stamford, Conn.—Application for construction permit for new broadcast station to operate on **1370 kc.,** 250 watts, unlimited time, Class IV (B1-P-2789).

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Application for construction permit to install new transmitter and change operating assignment from **1220 kc.,** 250 watts daytime, to **1370 kc.,** 250 watts day and night, unlimited time (B1-P-2948).

KOVO—Clifton A. Tolboe, tr/as Citizens Voice & Air Show (Assignor), KOVO Broadcasting Co. (Assignee), Provo, Utah.—Application for voluntary assignment of license of station KOVO from Clifton A. Tolboe, tr/as Citizens Voice and Air Show, to KOVO Broadcasting Co.; **1210 kc.,** 250 watts, unlimited time (B5-AL-278).

## MISCELLANEOUS

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m. CST, September 17, 1940, in order to broadcast the Singing Convention only and from 8:30 p. m. to 10:30 p. m., September 20, 27, October 2 and 11, 1940, in order to broadcast football games only and to operate from 7:30 p. m. to 9 p. m. CST, October 7, 1940, in order to broadcast Texas Forest Festival Pageant only.

WABJ—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted special temporary authority to operate aircraft transmitter, call letter KHAMM, licensed to Stanley W. Bath on frequency **2790 kc.,** in order to conduct tests between 2 p. m. and 6 p. m. EDST, September 18, 1940, and in order to relay broadcast programs to radio station WTAG from 6:45 p. m. to 7 p. m. EDST, September 18, 1940, in connection with CAA program.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:30 p. m. to 8 p. m. CST, September 20, 1940, in order to permit WGBF to broadcast a speech by Governor James.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast a speech by Governor James.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF with power reduced to 250 watts from 7:30 p. m. to 8 p. m. CST, September 27, 1940, in order to permit WGBF to broadcast an NBC program of the Democratic National Committee.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast an NBC program of the Democratic National Committee.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 3:30 p. m. to 4:30 p. m. CST, September 21, 28, and October 12, 1940, in order to broadcast football games only (provided KGCA remains silent).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m. PST, September 27, October 4, 11, and 18, 1940, in order to broadcast football games only.

WAKR—Summit Radio Corp., Akron, Ohio.—Granted modification of construction permit as modified which authorized erection of new station, for authority to change type of transmitter; **1530 kc.,** 1 KW, directional antenna for use day and night, unlimited time (B2-MP-1062).

WBRW—McDowell Service Co., Welch, W. Va.—Granted license to cover construction permit as modified, which authorized construction of new station; **1310 kc.,** 250 watts, unlimited time (B2-L-1220). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-474).

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted license to cover construction permit which authorized changes in transmitter and increase in power to 250 watts; **1500 kc.,** unlimited time (B1-L-1234).

W2XBU—National Broadcasting Co., Inc., Portable Mobile (area of New York City).—Granted license to cover construction permit as modified, which authorized new television relay broadcast station; frequencies, Channels 17 and 18, **282000-288000, 288000-294000 kc.;** 15 watts visual power, A5 emission; granted upon an experimental basis only, conditionally (B1-LVB-22).

WEJJ-WEJR-WEJI—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast stations WEJJ, WEJR, and WEJI for communication purposes in connection with the antenna and transmitter adjustment of standard broadcast station WEAF for a period from September 20, 1940, to not later than September 29, 1940, subject to the condition that no interference results to the transmission of any other relay broadcast station.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with Station KXL from 7:30 p. m. PST, to the conclusion of football games on October 25, November 1, 11, 15, 18, and 21, 1940, in order to broadcast football games only; to operate from 9 p. m. to 12 midnight PST, on November 5 and 9, 1940, in order to broadcast election returns only.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with Station KLX from 7:30 p. m. PST, to the conclusion of football games on September 20, 27, October 4, 11, and 18, 1940, in order to broadcast football games only.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. CST, on October 15, 16, 17, 22, 23, 24, 29, 30, and 31, 1940, and from 2 to 3:15 p. m. CST, October 14, 21, and 28, 1940, in order to permit WNAD to broadcast educational programs only.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m. CST, October 15, 16, 17, 22, 23, 24, 30, and 31, 1940, and from 2 to 3:15 p. m. CST, October 14, 21, 28, 1940, in order to broadcast educational programs only (provided KGGF remains silent).

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 7:30 p. m. to 8 p. m. CST, October 24, 25, November 1, 2, 7, 8, 15, 16 and 21, 1940, in order to broadcast football games only.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m. CST, September 21, 27, October 4, 1940, in order to broadcast football games only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 9 p. m. EDST, September 21, 1940, in order to broadcast Defense Day and National Guard Day programs only.

W2XOR—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate high frequency experimental transmitter at 444 Madison Ave., New York City from September 28, 1940, to not later than October 27, 1940, pending action on formal application for such authority.

WGNY—WGNY Broadcasting Co. Inc.,—Granted construction permit to install new transmitter (B1-P-2968).

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted modification of construction permit (B1-P-1877, which authorized a new station), for new transmitter, changes in directional antenna system, and move of transmitter from Elm Street, Valley Falls, to John Street, Lincoln, R. I.; extend commencement date 30 days after grant and completion date to 180 days thereafter (B1-MP-1055).

WJPF—Orville W. Lyerla, Herrin, Ill.—Granted license to cover construction permit (B4-P-2097), authorizing a new station to operate on **1310 kc.**, 250 watts, unlimited time (B4-L-1221). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-475).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate from 4 to 5:30 p. m., PST, September 26, 27, October 4, 5, 11, 12, 17, 18, 24 and 25, in order to broadcast football games only (B5-S-62).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 5:45 to 6:30 p. m., EST, October 5, 12, 19 and 26, in order to broadcast football games only (B2-S-855).

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 6:15 to 11 p. m., CST, September 27, in order to broadcast football games.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 7 to 9 p. m., EDST, September 24, in order to broadcast a description of the American Legion Parade only (B1-S-205).

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 4:30 p. m., CST, September 21 (instead of 7:45 to 10:30 p. m., CST, as authorized by grant of September 18), in order to broadcast football game only (B4-S-645).

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., CST, November 5, to 4 a. m., CST, November 6, in order to broadcast election returns only (B4-S-591).

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to broadcast incidental nonsponsored music during intervals occurring between campaign speeches November 4 and election returns November 5, in addition to the authority granted September 9, permitting simultaneous operation with KTHS on **1060 kc.** on above dates, in order to broadcast speeches and election returns (B1-S-152).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with KRKO from 4 to 5:30 p. m., PST, November 1, 2, 8, 9, 14, 15, and 21, in order to broadcast football game only (B5-S-62).

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted application for extension of time within which to file answers to the petitions for rehearing of Greater New York Broadcasting Corp. (WOV) and International Broadcasting Corp. (KWKH), the time within which WDGY may file opposition was extended for 15 days from and including September 13, 1940.

W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Adopted order denying renewal of high frequency broadcast station licenses for stations W6XKG and W6XRE, proposed findings on which were entered by the Commission April 4, 1940.

WTAL—Florida Capital Broadcasters, Inc., Tallahassee, Fla.—Hearing on application for renewal of license for WTAL, now scheduled to be heard in Washington, D. C., on November 19, will be held in the city of Tallahassee instead, and elsewhere which may be found necessary by the Commission's representative.

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Granted further extension of temporary license for period of 60 days from September 24, authorizing use of the time previously utilized by station WMBQ.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Denied petition of KEVR for waiver of Rule 1.368, and dismissed application for modification of license requesting unlimited time on **1370 kc.**

WRTD—Times-Dispatch Radio Corp., Richmond, Va.—Cancelled license heretofore issued for operation of WRTD and deleted call letters WRTD, and dismissed pending application (B2-P-1929), asking change in frequency from **1050** to **590 kc.**, increase in power from 500 watts to 1 KW, change transmitter site and name.

KUJ—KUJ, Inc., Walla Walla, Wash., and KRLC—H. E. Studebaker, Lewiston, Idaho.—Granted petition to reconsider and grant the applications of KUJ and KRLC, which in substance is an exchange of frequencies between these two stations. KUJ is now authorized to use **1370 kc.**, with 100 watts, unlimited time, and proposes to operate on **1390 kc.**, with 1 KW; KRLC, now licensed to use **1390 kc.**, with 250 watts, unlimited time, proposes to use **1370 kc.** without change in power or hours.

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Granted modification of construction permit as modified which authorized change in frequency, increase of power, move transmitter, install new transmitter and antenna, for extension of completion date from October 20, 1940, to December 1, 1940; **590 kc.**, 5 KW, unlimited (B-MP-1059).

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Denied special temporary authority to operate unlimited time, using 250 watts power after local sunset (September, 6:15 p. m.; October, 5:15 p. m., EST), with non-directional antenna, for a period not to exceed 30 days, in order to broadcast programs of outstanding public interest, particularly the discussion of public questions, political broadcasts and war news.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts local sunset (October, 5:15 p. m., CST) to 11 p. m., CST, October 4, 11, 18, and 25, 1940, in order to broadcast football games only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of football games on September 27 and October 4, 1940, in order to broadcast football games only.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period September 15, 1940, to not later than October 14, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m., CST, October 5, 12, and 26, 1940, in order to broadcast football games only.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted modification of construction permit which authorized installation of new transmitter and new antenna, increase in power, change hours of operation, and move transmitter, for approval of present licensed antenna, and approval of transmitter site; **970 kc.**, 1 KW, limited to WCFL; authority granted for operation after local sunset is granted upon a temporary basis only conditionally (B2-MP-1058).

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted license to cover construction permit which authorized installation of new vertical antenna and move of transmitter; **1120 kc.**, 500 watts, specified hours (B3-L-1232).

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted modification of license to move main studio from 41 South Main St., Logan, Utah, to North State Road, 1 mile north of city, Logan, Utah; **1200 kc.**, 250 watts, unlimited time (B5-ML-1031).

KIIQ—KMTR Radio Corp., Portable-Mobile (area of Los Angeles, Calif.).—Granted license to cover construction permit which authorized reinstatement of station; frequencies **1622, 2058, 2150, 2790 kc.**, 200 watts, A3 emission.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to make changes in antenna system; move transmitter from Sweethome Road, Tonawanda, N. Y., to Big Tree Road, Township of Hamburg, N. Y. Amended to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 560 Kilocycles

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power—main transmitter.

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power—auxiliary transmitter.

### 680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit (B3-R-2216) for a new transmitter, increase in power, change in hours of operation and changes in directional antenna; further requesting authority to install new transmitter.

### 820 Kilocycles

WCBD—WCBD, Inc., Chicago, Ill.—Modification of license to change frequency from **1080 kc.** to **830 kc.,** and hours of operation from limited, S-WMBI, to daytime only, using 5 KW power. Amended to change from a modification of license (B4-ML-917) to a construction permit requesting changes in equipment, change frequency from **830 kc.** to **820 kc.** under Havana Treaty, and change power from 5 KW to 10 KW, daytime.

### 830 Kilocycles

WRUF—University of Florida, Gainesville, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 860 Kilocycles

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to install auxiliary transmitter for emergency use only, using 5 KW power; located at Little Pea Island, New Rochelle, N. Y.

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-P-2855) for new transmitter, new vertical antenna, move of transmitter; further requesting authority to install new transmitter and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

### 920 Kilocycles

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 to 5 KW, install directional antenna for day and night use, Class III-A station. Amended to change type of transmitting equipment.

### 940 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) which authorized installation of new transmitter, directional antenna for night use, change in hours of operation, increase in power and move of transmitter, requesting installation of new transmitter.

### 1100 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

NEW—Willard Carver, Thomas B. Williams and Byrne Ross, Lawton, Okla.—Construction permit for a new broadcast station to be operated on **1120 kc.,** 250 watts, daytime. Amended to omit name of Thomas B. Williams from partnership.

### 1170 Kilocycles

NEW—Contra Costa Broadcasting Co., Richmond, Calif.—Construction permit for a new broadcast station to be operated on **1170 kc.,** 500 watts, limited time. Class II station.

### 1190 Kilocycles

WOAI—Southland Industries, Inc., San Antonio, Tex.—License to cover construction permit (B3-P-2759) for changes in equipment.

### 1200 Kilocycles

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Authority to determine operating power by direct measurement of antenna power.

KPHO—M. C. Reese, Phoenix, Ariz.—Modification of construction permit (B5-P-2182) as modified for a new station, requesting change in type of transmitting equipment.

### 1210 Kilocycles

WCRW—Clinton R. White, Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 1280 Kilocycles

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for a new broadcast station to be operated on **940 kc.,** 500 watts night, 1 KW day, unlimited time. Amended to change frequency from **940 kc.** to **1280 kc.,** and make changes in antenna (**1310 kc.** under N.A.R.A.)

### 1310 Kilocycles

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modification of construction permit (B3-P-1871) which authorized increase in power, change in frequency, change in hours of operation, new transmitter, changes in antenna, and move of transmitter, requesting authority to change type of transmitter to be installed.

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—License to cover construction permit (B2-P-2588) as modified for a new station.

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Construction permit to change frequency from **1370** to **1040 kc.** (**1080 kc.** if North American Regional Agreement becomes effective prior to action); increase power from 250 watts to 5 KW; install new transmitter and directional antenna for day and night use; move studio from New Albany to Louisville, Ky., move transmitter locally. Amended to make changes in directional antenna.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to change frequency from **1370** to **1050 kc.** Amended: To request **1140 kc.**

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Texas.—License to cover construction permit (B3-P-2741) for new transmitting equipment.

WDEF—Joe W. Engel, Chattanooga, Tenn.—Modification of construction permit (B3-P-2483) for a new station, requesting authority to install new transmitter, approval of antenna and approval of studio and transmitter site at Volunteer State Life Building, Chattanooga, Tenn.

### 1470 Kilocycles

WMEX—Joe W. Engel, Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.

WMEX—The Northern Corp., Boston, Mass.—License to cover construction permit (B1-P-1167) as modified, for new transmitter, directional antenna day and night, increase in power, change in frequency and move of transmitter.

### 1480 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to change hours of operation from specified hours to unlimited time, employing directional antenna day and night. Amended: To make changes in directional antenna.

### 1500 Kilocycles

KXO—F. M. Bowles, El Centro, Calif.—Voluntary assignment of license from F. M. Bowles to Valradio, Inc.

KAWM—A. W. Mills, Gallup, N. Mex.—Voluntary assignment of license from A. W. Mills to A. W. Barnes.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—License to cover construction permit (B5-P-2892) for new equipment and increase in power.

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—Authority to determine operating power by direct measurement of antenna power.

### 1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Modification of construction permit (B2-PSB-14) as modified for a new station, requesting authority to change type of transmitter.

### 1550 Kilocycles

NEW—West Publishers, Inc., Dallas, Tex.—Construction permit for a new broadcast station to be operated on **1550 kc.**, 5 KW, unlimited time, Class III-A station. Amended to specify transmitter site as southeast of Dallas, Tex.

## FM APPLICATION

NEW—William G. H. Finch, New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**; coverage, 4,400 square miles; population, 10,600,000.

## MISCELLANEOUS

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to change frequencies to comply with amended Section 4.154(a), **1614, 2398, 3492.5, 4797.5, 6425, 8650, 8660, 9135, 12862.5, 17310, 23100, 30660, 31020, 31140, 31180, 31540, 33340, 33460, 33620, 35060, 35460, 37060, 37140, 37540, 39140, 39540, 39460, 116050, 116250, 116450, 116850, 117050, 117250, 117650, 118050, 118250, 118450, 118650, 118850, 156525, 156975, 157425, 157725, 158175, 159075, 160425, 161325, 161775, 162000-168000, 210000-216000, 264000-270000, 300000-400000, 401000 kc.** and above. Amended: To delete frequencies **8650** and **8660 kc.**

NEW—Henry J. Walczak, tr/as Walczak Laboratory, Springfield, Mass. Construction permit for a new television broadcast station to be located at 360 Worthington Street, Springfield, Massachusetts, to be operated on **1604-1624 kc.**, 250 watts, unlimited time, special and A-3 emission. Amended: To change location to 458 Bridge Street, Springfield, Massachusetts.

WEKW—Travelers Broadcasting Service Corp., Mobile, Ala.—Construction permit to install new equipment and decrease power from 25 to 15 watts.

W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PFB-19) for local move or transmitter.

W2XJI—Bamberger Broadcasting Service, Inc., Newark, N. J.—License to cover construction permit (P1-PHB-183) for local move of transmitter.

NEW—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be operated on **78000-84000 kc.**, 1000 watts visual and aural, emission A-3 and A-5. Class II Television station. Amended: Re: transmitter site to be determined.

W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (B5-PVB-19) which authorized a new television station, requesting approval of transmitter site and antenna.

W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to change frequencies to comply with amended Section 4.154(a), **1614, 2398, 3492.5, 4797.5, 6425, 8650, 8660, 9135, 12862.5, 17310, 23100, 30660, 31020, 31140, 31180, 31540, 33340, 33460, 33620, 35060, 35460, 37060, 37140, 37540, 39140, 39540, 39460, 116050, 116250, 116450, 116850, 117050, 117250, 117650, 118050, 118250, 118450, 118650, 118850, 156525, 156975, 157425, 157725, 158175, 159075, 160425, 161325, 161775, 162000-168000, 210000-216000, 264000-270000, 300000-400000, 401000 kc.** and above. Amended to delete **8650, 8660 kc.**

WLWO—The Crosley Corporation, Cincinnati, Ohio.—Modification of license to change frequencies and hours of operation as follows: Delete frequency **11870 kc.** and add **11710 kc.** (unlimited time); effective 11-1-40 delete frequency **15270 kc.** and add **15250 kc.** (unlimited time), and operate unlimited time on **9590 kc.**

NEW—University of Illinois, Farm Area, south of Champaign, Ill. Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190** and **2830 kc.**, power 20 watts, emission A3. Amended re frequency monitor.

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PRE-340) as modified, for move of transmitter.

W3XWT—Allen B. DuMont, Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) for a new television broadcast (experimental) station, requesting extension of commencement and completion dates from 9-19-40 and 3-19-41 to 1-1-41 and 7-1-41 respectively.

KAOY—Don Lee Broadcasting System, area of Los Angeles, Calif. Modification of construction permit (B5-PRE-297) as modified for a new relay broadcast station, requesting change of frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.**, and extend commencement and completion dates from 6-10-40 and 12-10-40 to 60 days after grant and 180 days thereafter respectively.

NEW—L. B. Wilson, Inc., area of Cincinnati, Ohio.—Construction permit for a new relay broadcast station to be operated on **31220, 35620, 37020, 39260, kc.**, 2 watts, A-3 emission, unlimited time.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Detroit Candy & Tobacco Jobbers Assn., Inc.**—A complaint has been issued against the Detroit Candy & Tobacco Jobbers Association, Inc., Detroit, and its officers and members, alleging a combination and agreement to restrain trade in the sale of candies, tobaccos and groceries.

Association officers named respondents are: Calvin J. Gauss, president; Vene G. Perry and Jacob Starkstein, vice presidents; Archie Cherrin and Harry T. Bump, secretaries, and Joseph Bianco, treasurer. Respondents directors are: Charles Nalbandian, B. J. Mendel, Joel Levy, and V. H. Nalbandian.

The association membership, according to the complaint, comprises a majority of the Detroit area's buyers and sellers of candies and tobaccos in wholesale quantities. The complaint names as representative of the association membership: Morris, William and Jacob Starkstein, trading as General Tobacco & Grocery Company, 5280 Fourteenth St.; Archie Cherrin, trading as Joseph Kohn & Co., 1365 Gratiot Ave.; Joseph Bianco, trading as B. & G. Candy Company, 444 E. Jefferson St.; Charles Nalbandian, trading as N. Nalbandian, 9111 Joseph Campau Ave.; Joel Levy, trading as Auto City Candy Company, 2937 St. Aubin St.; V. H. Nalbandian, trading as Chaffee & Co., Inc., 11736 E. Jefferson St.; Vene G. Perry, trading as Detroit Candy Company, 1528 Gratiot Ave., and Calvin J. Gauss, trading as Charles Gauss Company, 2155 Grand River Ave.

Pursuant to their combination and agreement, the respondents, according to the complaint, limit the number of buyers and sellers of candies, tobaccos and groceries in wholesale quantities, by (1) determining and agreeing among themselves as to who shall enter or remain in such business; (2) interfering with the sources of supply of those whom they determine should not enter or remain in the business, by boycotting, intimidating, and threatening to boycott the manufacturers and suppliers, and persuading them not to sell to such concerns; (3) refusing to sell to persons, firms and corporations not selected by the member respondents to enter or remain in the business, and (4) coercing and persuading jobbers, wholesalers and suppliers of candies, tobaccos and groceries located in cities adjacent to Detroit and in States other than Michigan, to refrain from making or soliciting sales in Detroit and the surrounding trade area.

The complaint further alleges that the member respondents concertedly classify customers, allocate business, fix discounts and enter into numerous understandings and agreements regarding their respective business and sales problems, and have concertedly enforced adherence to agreements and understandings; have harassed competitors and interfered with the conduct of their businesses by spying on their shipments, sent or received, and upon their truck deliveries and other business operations, and have used the respondent association, together with its officers and directors, as a vehicle or implement for the furtherance of their joint purposes, plans and activities.

According to the complaint, the respondent association and its officers and directors have cooperated with member respondents in carrying out and furthering the understanding and agreement. (4321)

**Eastman Kodak Company**, Rochester, N. Y., is charged with violation of the Federal Trade Commission Act in the sale of certain of its amateur photographic film products, in a complaint.

Since February, 1938, the complaint alleges, in connection with the sale of its "Kodachrome" film for the taking of colored still and motion pictures, and its "Magazine Cine-Kodak Film" or so-called "Magazine" film, both black and white and colored, the respondent corporation has used and is now using a resale price maintenance policy and system for fixing and controlling the prices at which retail dealers resold and resell the two classes of film to the public, and for causing such products to sell at prices uniform among such dealers.

In carrying out its price maintenance policy, according to the complaint, the respondent corporation and those cooperating with it prevent retail dealers from selling at less than the established prices by entering into agreements and understandings with the respondent's dealer customers in the 44 States having Fair Trade Acts to the effect that they will sell Kodachrome and Magazine film to the public at prices fixed by the agreements and understandings and as fixed from time to time by the respondent corporation, such prices to be uniform as among the respondent's dealer customers.

The complaint alleges that in carrying out its price maintenance system the respondent makes it generally known to the trade by its salesmen general trade notices, letters and other means, that it expects and requires dealers handling its Kodachrome and Magazine film to maintain and enforce its resale prices, and that it will refuse to further sell and supply such products to dealers failing to maintain and enforce such prices.

In connection with the execution of its system and policy, the complaint alleges, the respondent seeks and receives from dealers handling its products reports of the failure of other dealers handling such products to observe and maintain its resale prices.

The direct effect and result of the respondent's system, methods and practices, the complaint alleges, have been to suppress competition in the sale of Kodachrome and Magazine film; to prevent dealers from selling such products at prices lower than those fixed by the respondent, if they so desire, and to deprive ultimate purchasers of advantages in price they would otherwise obtain under conditions of free competition.

The complaint alleges that the respondent's Kodachrome and Magazine films are not sold in free and open competition with commodities of the same general class produced or distributed by others. The respondent, according to the complaint, is the only manufacturer and distributor of film for colored motion pictures in the United States, and there is a single competing distributor of film manufactured abroad for use in taking colored still pictures, the sale of which are negligible with reference to sales of the respondent corporation's film for taking colored still pictures. (4322)

**McK. Edwards**, Valley, Wash., according to the complaint, advertised that "McK. Edwards' Eczema Remedy" constitutes a cure or remedy for, and has substantial therapeutic value in the treatment of eczema, poison oak and poison ivy; that eczema is caused by microbes in the skin and that a cure may be affected by destroying such microbes through the external application of the respondent's preparation, and that the product is entirely safe and harmless for use except in the case of infants, when such are not the facts.

The respondent's preparation, the complaint continues, is not safe or harmless in that it contains an unusually high percentage of salicylic acid and its frequent repeated application to the skin, as directed, has the effect of dissolving and destroying skin tissues. Moreover, the complaint continues, the use of the preparation is highly irritating and painful in cases where the surface epithelium is denuded, raw or inflamed.

The complaint further charges that the respondent's representations constitute false advertisements in that they fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in injury to health. (4317)

**Gene Hughes Drug Stores, Inc.**, and Eugene P. Hughes, its president, both trading as Sacramento Pharmacal Company, Sacramento, Cal., according to the complaint, represented that the preparation "Slendoids," also known as "Slendoids Nu-Form Capsules," is a cure or remedy and a safe, competent and effective treatment for obesity, and that its use will tone up the entire system, turn ugly fat into energy, and relieve the body of excess fat without harmful effects, when such are not the facts. The complaint alleges that the preparation's properties are limited to effecting weight reduction because of the cathartic dehydration resulting from its use and that because of such action its use may irritate the colon and rectum and tend to produce an irritation of the nervous system resulting in serious injury to health. (4316)

**Lo-Well Pencil Company**—Alleging misrepresentation, complaint has been issued against James R. Kaye, trading as The Lo-Well Pencil Company and The Lo-Well Company, 40 West 24th St., New York, a dealer in pencils, carbon paper and other merchandise.

The complaint alleges that the respondent advertises that certain of his fountain pens offered as premiums have points or nibs made of or covered with iridium or "durium", and that such pens are of high quality, when in fact the points of the respondent's fountain pens are not tipped or covered with substances known as iridium or "durium", and are not of fine quality. The complaint alleges that there is no metal or substance known to science or industry as "durium".

Further typical of the respondent's methods, the complaint continues, is the practice of placing in circulars pictorial representations purporting to illustrate cameras offered as premiums, when in fact the cameras actually sent to customers are not of the grade and quality pictured.

The respondent, according to the complaint, misleadingly represents the quality of pencils by use of the words and phrases: "100% first quality in every respect"; "New"; "Better"; "Outwears ordinary pencils", and "New record-breaking price reduction", when in fact, the pencils so designated are not 100 per cent first quality but are of the type ordinarily selling at retail for 2½ cents each, while first grade pencils generally sell for 5 cents each. (4310)

**Morton Salt Company**, 208 West Washington St., Chicago, is charged with price discrimination in violation of the Robinson-Patman Act in a complaint.

The complaint alleges that the respondent corporation has discriminated in price between different purchasers by selling its products to some customers at lower prices than it sells products of like grade and quality to other customers competitively engaged with the favored customers.

One of the discounts granted by the respondent, the complaint continues, amounts to approximately five per cent of the list price to customers purchasing a carload of salt. In addition, it is alleged, a five per cent discount is allowed to customers whose purchases of salt during a 12-month consecutive period equal or exceed $50,000. This discount, according to the complaint, is allowed on a "split business" basis to customers who do not purchase from the respondent $50,000 worth of salt during a 12-month consecutive period, provided, however, that the total purchases of salt from all sources made by such customer total $50,000 during that period of time.

In lieu of but not in addition to these discounts, the complaint continues, the respondent grants to customers who purchase during a 12-month consecutive period 5,000 or more cases consisting of 24 packages to a case of "free running" table salt and "iodized" salt, a discount of 10 cents a case, and to customers who purchase 50,000 or more cases of this type of salt, a discount of 15 cents a case.

In addition, the complaint continues, discriminations in price between different purchasers of the respondent's products result from the respondent's "combine selling" of salt to an individual customer where the delivery is made to the customer's several branches or outlets at prices based upon the total quantity or volume delivered to all of that customer's separate branches or outlets, provided that such total quantity or volume amounts to the required minimums during the 12-month consecutive period and is not based upon the quantity or volume which the respondent delivers to the respective branches or outlets. (4319)

**Sacramento Pharmacal Company**—See Gene Hughes Drug Stores, Inc.

**Salt Producers Association**—A complaint has been issued against the Salt Producers Association, 2137 Book Building, Detroit, 20 salt companies which sell and distribute a large percentage of the national salt production, and a New York business management and engineering organization, charging combinations and conspiracies for prevention of price competition in the sale of salt.

Respondent salt companies are: Avery Salt Company (a subsidiary of International Salt Company), and Myles Salt Company, Ltd., both of New Orleans; Barton Salt Company and Carey Salt Company, Hutchinson, Kans.; Cayuga Rock Salt Company, Myers, N. Y.; Colonial Salt Company, Akron, Ohio; Detroit Rock Salt Company and Mulkey Salt Company, Detroit; Diamond Crystal Salt Company, Inc., and Worcester Salt Company, New York; International Salt Company, Scranton, Pa.; Jefferson Island Salt Company, Inc., Louisville, Ky.; Hardy Salt Company, St. Louis; Morton Salt Company and its subsidiary Ruggles & Rademaker Salt Company, Chicago; Ohio Salt Company, Wadsworth, Ohio; Saginaw Salt Products Company, Saginaw, Mich.; Union Salt Company, Cleveland; Watkins Salt Company, Watkins Glen, N. Y., all of which are members of the respondent Salt Producers Association, and American Salt Corporation, Kansas City, Mo.

The respondent business management and engineering organization consists of the Stevenson Corporation, Charles R. Stevenson, T. M. Harrison, C. H. Ferris, N. M. Perris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, Howard Marvin and D. M. Metzger, partners in business under the firm name of Stevenson, Jordan and Harrison, 19 West 44th St., New York, who, according to the complaint, have recommended, directed and supervised the respondent salt companies' activities in furtherance of the alleged combinations and conspiracies.

The complaint alleges that pursuant to their understandings, agreements and conspiracies, beginning about October, 1935, the respondent salt companies have fixed and maintained uniform prices, terms and conditions in the sale of salt; established a national system of zones to aid in the establishment and fixing of such prices, and cooperated in the maintenance of the various prices determined for particular zones; curtailed the production of salt, and, for the purpose of enforcing the agreement to curtail production, filed invoices and other reports with the respondent Salt Producers Association; through that association, exchanged price lists in order to establish the prices at which salt is to be sold; and exchanged information to be used in connection with the fixing of prices, discounts, terms and conditions of sale of salt.

Salt Producers Association, the complaint continues, collects from and distributes among the member respondents and other participants in the alleged agreements, statistical information used in carrying out the agreements, and they distribute among the member respondents and participating non-members lists showing the current prices, terms and conditions of sale, dealers and distributors to be allowed special discounts, and other information. (4320)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Brown Drug Company,** 212 East Tenth St., Sioux Falls, S. D., has made a stipulation in which it agrees to cease and desist from certain representations in the sale of "Spencer's Cold Ointment".

The respondent corporation stipulates that it will desist from advertising its preparation as having a wool fat base, as containing double strength or extra strength medication, and as being capable of penetrating the skin.

Other representations which the respondent corporation agrees to discontinue are that its preparation is manufactured by a laboratory; that it is a competent remedy or an effective treatment for colds, and that cold ointments made with a mineral jelly base stay on the surface of the skin because of the presence of the mineral jelly. (02635)

**Chinese Linen Importing Company**—Two New York importers have entered into stipulations to cease and desist from certain representations in the sale of Chinese and Japanese linens, laces and handkerchiefs. The respondents are Charles Mamiye and Jacob Hidary, a co-partnership trading as Chinese Linen Importing Company, 7 West 30th St., and Salim S. Dweck, 15 West 30th St.

True Tuscany lace, the stipulation points out, is a hand-made filet lace of grape design produced from linen thread in the Tuscany district of Italy.

Each respondent agrees to cease using the word "Tuscany" or words of similar meaning (either with or without the explanation "Made in China" in the case of the Chinese Linen Importing Company) as descriptive of the laces or other articles sold by them which are not in fact true Tuscany lace actually made in Tuscany of linen thread; or in any way, by assertion or inference, misrepresenting the type, quality or origin of an article offered for sale. (2930-2931)

**Continental News, Inc.**—Walter C. Rathke, trading as W. C. Rathke Laboratories, 303 Oppenheim Building, St. Paul,, and The Continental News, Inc., 402 Corn Exchange Building, Minneapolis, have entered into stipulations in which they agree to cease and desist from certain representations in the sale of cosmetics. The respondent Rathke is a cosmetics dealer and Continental News, Inc., publishes a magazine called "True Mystic Science" and sells cosmetic products under the trade designation "Mystic Glow."

Each respondent agrees to cease quoting any marked-up or fictitious prices for products; advertising an article as being "free" when the cost is included in the price charged for a combination offer of such article with some other commodity, as a magazine subscription; designating a complexion cream as a "tissue cream" or representing that any of the creams sold by the respondents is a skin "normalizer" or that it "penetrates deep" into the pores or promotes skin health, or otherwise that it has any beneficial effect upon the tissues of the skin cell structure.

The respondents also agree to desist from representing that a cleansing cream "revitalizes" the skin or otherwise affects it beyond the normal result of cleansing its surface, and to discontinue representing that the cactus plant has any recognized curative or mystic healing properties; that an "oil" extracted from cactus has been known since ancient civilization to possess any unusual healing qualities; that such cactus product, or any other ingredient in the respondents' preperations lubricates withered skin to suppleness, stimulates fatigued glands into releasing the precious drop of moisture confined at the bottom of each pore, or penetrates into sluggish or atrophied glands or nourishes them into activity.

The respondent Rathke stipulates that he will cease using the word "Laboratories" as part of his trade name or as descriptive of his business. The stipulation points out that the respondent neither owns, operates nor controls any laboratory for making the preparations he sells, but compounds them in his home. (2927-2928)

**W. T. Hanson Company,** 31 Lafayette St., Schenectady, N. Y., has entered into a stipulation in which it agrees to cease advertising that "Dr. Williams Pink Pills" build blood, aid breathing, restore underweight persons to normal weight, render one less susceptible to colds or diseases, enable every gland, organ or muscle to function better, and are a competent treatment or effective remedy for fatigue, "fatigue anemia," and certain conditions caused by the menopause or puberty. The respondent corporation stipulates that it will cease representing that a low blood count is due entirely to red corpuscle deficiency; that pimply skin indicates an iron deficiency, or that the use of Dr. Williams Pink Pills will clear the skin. (02637)

**Midwest Optical Supply**—Trading as Midwest Optical Supply, Joseph T. Cline, Harriet T., Carol H. and Robert L. Cline, co-partners, 16 East Fourth St., Dayton, Ohio, have entered into a stipulation to cease and desist from certain representations in the sale of optical goods.

They agree to cease designating spectacle frames or other products as "rhodium" when not composed throughout of rhodium, and to clearly indicate in their trade designations when the article advertised consists of some metal other than rhodium, and only the surface has been finished or coated with rhodium.

The respondents also stipulate that they will cease employing the term "semi-precious" as descriptive of products made of so-called "villadium" which are not composed in part at least of the precious metals, and that they will cease using the word "precious," either alone or in connection with the word "semi," or with any other words, so as to imply that such products are made of an alloy composed of metals, one or more of which are "precious" metal.

The respondents further agree to discontinue use of the word "Certified" as applied to or descriptive of an article which has not been analyzed or appraised by an authorized impartial agency, its quality being duly attested in writing by such agency to be as represented. (2929)

**Ohio Airway Surgical Company**—See Ohio Truss Company.

**Ohio Truss Company,** trading as Ohio Airway Surgical Company, 10 East Ninth St., Cincinnati, engaged in selling girdles designated "Air-way Reducing Girdles," has entered into a stipulation in which it agrees to cease and desist from representing that the action of an Air-Way Girdle upon the wearer is massage-like or otherwise representing that the girdle will massage the body of the wearer; that wearing an Air-Way Girdle will cause one to reduce or will effect a definite reduction in weight or measurement, or result in the loss of fatty tissue; that Air-Way Girdles are non-absorbent; that the possibility of skin infection from excreted waste matter absorbed by a girdle is eliminated by wearing an Air-Way Girdle; that Air-Way Girdles are the only girdles having none of the objectionable features of rubber girdles, or that they are the only girdles which may be worn next to the body with complete comfort, or that the material used in Air-Way Girdles shrinks with wearing or laundering. (02636)

**W. C. Rathke Laboratories**—See Continental News, Inc.

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**W. C. Allen Candy Company, Inc.,** 1028 East Burnside St., Portland, Oreg., and Queen City Candy Company, Inc., 531 Bruns Ave., Charlotte, N. C., have been ordered to discontinue the use of lottery methods in the sale of candy.

The orders prohibit the respondents from selling and distributing candy or any other merchandise so packed and assembled that sales to the general public may be made by means of a lottery; supplying others with candy or any other merchandise, together with lottery devices which may be used in selling or distributing such candy or merchandise to the public; supplying others with lottery devices, either with assortments of merchandise or separately, which devices may be used in selling merchandise to the public or selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4156-4220)

**American Drug and Chemical Company,** 420 South Sixth St., Minneapolis, has been ordered to cease and desist from misrepresentations in the sale of its preparations designated "Ardanol," "Chloro-Zol" and "Germ-I-Tabs."

The order directs that the respondent corporation cease and desist from representing that its preparation "Ardanol," which has been advertised for use in cases of Vitamin E deficiency, is a cure or remedy for sterility or will restore or beneficially affect fertility or possesses any value as a preventive of abortion; that the preparations "Chloro-Zol" and "Germ-I-Tabs" constitute competent or effective antiseptics or germicides or a reliable or effective means of feminine hygiene, and that "Chloro-Zol" constitutes a competent or effective treatment for bromidrosis, tetter, itching and irritations of the skin, blisters on the feet, acne, boils, halitosis or body odors.

Commission findings are that the respondent's products do not generally accomplish the results claimed and that while "Chloro-Zol" and "Germ-I-Tabs" possess antiseptic properties of a low toxicity, they are not competent or effective antiseptics or germicides. (4200)

**Benton Announcements, Inc.,** engaged in the business of printing stationery for social and business purposes, with its principal place of business located at 16 East Tupper St., Buffalo, N. Y., has been ordered to cease and desist from misrepresentation of its products.

Findings of the Commission are that the respondent, in circular letters and literature, has represented, among other things, that "Benton craftsmen have evolved the most economic method devised for producing genuine plate engraving." In its various catalogs, letters and other literature, there appear numerous statements wherein the respondent refers to the process by which it prints letters, words and designs on stationery as a process of engraving, and refers to the products manufactured by it as being genuine plate engraving, and to the respondent as an engraver, according to findings.

The word "engraving," as it is used in the graphic arts, the Commission finds, may be applied either to an engraved intaglio plate upon which letters, words or designs have been incised or cut, or to the impressions made from such a plate.

In truth, the findings continue, the respondent is not an engraver and the stationery offered for sale and sold by it is not engraved stationery, but is in fact a printed product. The respondent's stationery is produced by printing on a printing press, and after it is printed it is allowed to dry for a day, and then the printing is "bumped up" or embossed by the use of a plate. The Commission finds that it is absolutely essential to the true engraving process that the plate be inked and the impression taken on a blank paper from the inked plate in one operation. The respondent's products, according to findings, are not produced in this manner, and cannot properly be represented or described as "engraved," but rather as "raised printing."

The respondent is ordered by the Commission to cease and desist from (1) using the words "engraved", "engraving" or "engravers", either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products on which the lettering, inscriptions or designs have been printed from inked type faces, electrotypes or similar devices, and which lettering, inscriptions or designs have been given a raised letter effect by an embossing process wherein the plates used have not been previously inked so as to make an inked impression on the paper stock at the time the embossing impression is made; (2) using the words "engraved," "engraving" or "engravers," either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products, or the nature or character of the respondent's business, unless and until the respondent produces the stationery products so designated, described or referred to by a process which consists essentially in the application of blank stationery to an inked intaglio plate under pressure sufficient to force the surface of the stationery into the letters or designs, which are cut or incised on the plate, so that the ink in such plate adheres to the stationery to form letters, words, characters or designs which are in relief and raised from the general plane of the surface of the stationery. (3425)

**Cohen's Cut Rate Drug Store**—Louis, Sol and Marvyn Cohen, trading as Cohen's Cut Rate Drug Store, as Cohen Drug Co., and as Cohen's operators of a chain of drug stores in West Virginia, with their main store located at 160 Summers St., Charleston, W. Va., have been ordered to cease and desist from misrepresentation of a drug preparation designated as "Soluble Gelatin Capsules No. 5, Apiol and Ergotin Compound", and sold as "Lady Lydia Capsules".

The Commission finds that the respondents, in false advertisements distributed through the U. S. Mails and by other means, have represented that the preparation is a competent and effective treatment for delayed menstruation, and that it is safe and harmless. These statements and representations, the findings continue, are false and misleading, as the preparation is not a competent or effective treatment for delayed menstruation, and contains certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual. The advertisements are also false, the findings continue, in that they fail to reveal that the use of the preparation under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health.

The respondents are ordered to cease and desist from further dissemination of any advertisements which represent that the preparation is a competent or effective treatment for delayed menstruation or that it is safe or harmless, or which advertisements fail to reveal that its use may result in serious or irreparable injury to the health of users. (4202)

**Empire Style Designers League, Inc.**—An order to cease and desist from certain acts and practices was issued against Empire Style Designers League, Inc., 276 Fifth Ave., New York, and its members: Sol Vogel, trading as Sol Vogel Fashion Imports, and Octave Golos, both of 330 Seventh Ave.; Alexander Greenstein and Abraham Fessler, doing business as Greenstein Fur Modes, 345 Seventh Ave.; Samuel Handelman, Mendel Levine, and Anthony T. Sozio, all of 333 Seventh Ave.; Lazare T. Sherman, 370 Seventh Ave.; Evangelista Petrocelli, trading as Van-Celli Fur Fashion Company, 127 West Thirtieth St.; Benedict Savio, trading as Savio Fur Modes, 352 Seventh Ave., and Bern Publishers, Inc., trading as American-Mitchell Fashion Publishers, 360 Seventh Ave., all engaged in the creation of styles and the designing and making of patterns for women's fur coats, and the grading, copying and sale and distribution of such patterns in interstate commerce.

Findings of the Commission are that the membership of Empire Style Designers League, Inc., is composed of the corporations, partnerships, firms and individuals named as respondents, and that the League was formed with the purpose and effect of serving as a clearing house for, and with the joint cooperation of, its members.

The Commission further finds that the respondents, during the last three years, had entered into and carried out an agreement, combination and conspiracy with each other and with others to hinder and suppress competition in the interstate sale and distribution of their products, and that pursuant to the agreement and conspiracy the respondents have collectively and cooperatively arranged for and fixed uniform prices at which their products were to be sold; published such prices in newspapers and periodicals, and adhered to uniform prices at which their products were and are to be sold, as set forth in their published price lists.

The respondents are ordered to cease and desist, pursuant to their agreement or understanding, from arranging for and fixing uniform prices at which their products are to be sold; publishing or causing such fixed prices to be published in lists, newspapers, magazines or other periodicals and circulars, and adhering to fixed prices at which their products are to be sold. (4136)

**Fresh Grown Preserve Corp.**—See Sun Distributing Company, Inc.

**Galvin Manufacturing Company**—See Radio Manufacturing Company, Inc.

**Hills Brothers Company**—An order has been issued requiring three distributors of dates to cease and desist from practices deemed to be in restraint of competition. The respondents are The Hills Brothers Company, 110 Washington St., New York, importer; E. Suren, London, Eng., importer of dates into the United States, and Persian Gulf Products, Inc., 67 Wall St., New York, seller and distributor.

Commission findings are that early in 1939, the Kingdom of Iraq, which has produced approximately 83 per cent of the dates consumed in the United States in the last four or five years, entered into a five-year agreement with Andrew Weir & Co., London, Eng., which provided, among other things, that the Weir firm should have the exclusive right to purchase, and to grant permits to purchase, all dates grown in Iraq and packed in boxes, and that that firm in turn should buy from the growers in Iraq specified quantities of such dates at specified prices, for export.

The findings further relate that on or about May 15, 1939 an understanding was reached among Andrew Weir & Co., E. Suren, African & Eastern (Near East), Ltd., of London, Eng., an exporter of Iraq dates to the United States, and The Hills Brothers Company, whereby the Weir firm was to grant permission to the three other companies, their agents and representatives, to purchase and pack for importation into the United States and Canada, dates of the 1939 crop grown in Iraq and packed in boxes, and to refrain from granting such permission to any others. It was further understood, the findings continue, that Andrew Weir & Co. would not permit a greater quantity of such dates to be exported from Iraq to the United States and Canada than the average annual quantity that had been so exported from Iraq in the previous five-year period.

The understanding was carried out, according to the findings, and other firms, some of which had formerly obtained dates grown in Iraq for importation into the United States, in attempting to obtain such dates, met with the refusal of Andrew Weir & Co. to grant them the necessary permission and rights, and were unable to obtain such dates for importation.

The Commission order directs The Hills Brothers Company, E. Suren and Persian Gulf Products, Inc., their officers, agents and employees, to cease and desist from entering into, participating in, carrying out or being party to any plan, arrangement, understanding or agreement to: (1) limit, restrain, lessen or hinder competition in trade and commerce in dates between and among the States of the United States and between and among the United States and foreign countries, or to monopolize the sale and distribution of dates in such trade and commerce; (2) curtail or limit the number of persons, partnerships, corporations or individuals importing dates into the United States; (3) hinder such importers in the conduct of their respective businesses, either by cutting off sources of supply or by any other similar means, or (4) limit or restrict date importations into the United States, or fix or determine the quantities that may be imported annually from Iraq or any foreign country.

The Commission ordered that its complaint in this proceeding be dismissed as to the respondents Joseph Essaye, and Hund Steinhardter and Lester Nordlinger, copartners, trading as Steinhardter & Nordlinger, all of New York, agents for E. Suren; The United Africa Company, Ltd., London, Eng.; African & Eastern (Near East), Ltd., London, Eng., exporter which, although not named as a respondent in the complaint, stipulated that it could be considered as so named, and W. A. West, its employees, and Balfour, Guthrie & Co., Ltd., New York, its selling agent; and Alexander Weir, of the firm of Andrew Weir & Co. (4105)

**Kant-Slip Manufacturing Company**—Samuel Benensohn and L. Benensohn, trading as Kant-Slip Manufacturing Company, engaged in the sale and distribution of a belt dressing known as "Kant-Slip Belt Dressing," 451 East 63rd St., Chicago, have been ordered to cease and desist from misrepresentation of their product.

In advertisements distributed throughout the various States by means of circulars, pamphlets and otherwise, the respondents have represented, the Commission finds, that their product is a positive preservative; that its use will prolong the life of leather, canvas and fiber belts, and that it will make and keep belts made of such material soft and pliable.

In truth, the Commission finds, the product consists principally of resin and denatured alcohol, neither of which is a preservative, and in fact use of the product on leather belts has a solvent action on the oils and greases in the leather and tends to remove them and cause the leather to become dry and brittle.

The respondents are ordered to cease and desist from representing that the belt dressing will preserve or prolong the life of leather, canvas and fiber belts or that the belt dressing will make such belts soft or pliable. (3963)

**Persian Gulf Products, Inc.**—See Hills Brothers Company.

**Queen City Candy Company, Inc.**—See W. C. Candy Company, Inc.

**Radio Manufacturing Company, Inc.**—An order has been issued requiring Automatic Radio Manufacturing Company, Inc., Boston, Galvin Manufacturing Corporation, Chicago, and the Pep Boys—Manny, Moe and Jack, Inc., Philadelphia, to cease and desist from unauthorized use of the trade name "Remington" to designate radios, tubes and other radio parts.

Commission findings are that the Automatic and Galvin companies, manufacturers, sold radio sets and parts bearing the name Remington exclusively to the Pep Boys organization, which operates a chain of 52 stores in various cities, and that the two manufacturing corporations have cooperated with the Pep Boys company in adopting and using the name Remington to identify and designate radios sold by them to the Pep Boys company for resale to the purchasing public.

The name Remington, according to findings, is the name or part of the name of a number of corporations well known and long established, some of which employ it as a trade name, mark or brand for the products they make and sell; and the respondents' use of the name has been without the authority or consent of any of the corporations which have heretofore so used it.

The Commission order directs the Automatic Radio Manfacturing Company, Inc., Galvin Manufacturing Corporation, and the Pep Boys—Manny, Moe and Jack, Inc., in connection with the sale of radio sets, tubes and parts, to cease and desist from using the word Remington or any simulation of it, whether spelled the same or not, as a brand or name to mark, designate, describe or refer to radios, radio tubes or other radio parts.

The Commission further ordered that its complaint in this proceeding be dismissed as to the Ferguson Radio and Television Company, Inc., New York, which was named as a respondent in the complaint, but which is no longer in business. (3762)

**Rite Packing Corporation**—See Sun Distributing Company, Inc.

**Sekov Corporation,** and Edwin H. and Hazel Ruth Vokes, its officers, trading as Sekov Reducing Studios, 6404 Hollywood Blvd., Hollywood, Calif., has been ordered to cease and desist from misrepresentations in the sale of a medicinal preparation for treatment of obesity advertised as "Sekov Reducer" and "Sekov."

Commission findings are that, contrary to the respondents' representations in newspaper, periodical or circular advertising, their preparation is not a scientific treatment for obesity when administered without a thorough medical examination and without scientific care and observation; that it does not guard the health of the user, does not act on a corrective principle, and does not reduce by normalizing the body, and that, contrary to such representations, the preparation does contain cathartics and dangerous drugs. The Commission order prohibits the representations made by the respondents.

Findings are further that "Sekov Reducer" constitutes a treatment for obesity only when used by persons suffering from hypothyroidism. Obesity, the findings continue, may be due to several causes, including the dysfunctioning of the pituitary gland and to excess intake of food, in which cases the use of the respondens' preparation would be improper and ineffective.

Further, the findings continue, the use of the preparation, although it may result in taking off fat by accelerating the rate of metabolism, may seriously weaken the body and its organs, including the heart, and the preparation contains the dangerous drug, extract of thyroid.

The Commission order further forbids dissemination of advertisements which fail to reveal that use of the respondents' preparation under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health.

The respondents, on petition of the Commission, were restrained last February by the United District Court for the Southern District of California from further dissemination of false advertisements of their preparation until such time as the Commission's complaint had been issued and final disposition of its proceeding made. (4061)

**Sun Distributing Company, Inc.**—An order has been issued against Fresh Grown Preserve Corporation, Sun Distributing Company, Inc., and Rite Packing Corporation, all of Lyndhurst, N. J., and formerly located at 32 Thirty-third St., Brooklyn, and Murray and Leo Greenberg, officers and directors of the three corporations, requiring them to cease and desist from misrepresentation in the sale of preserve products designated "Nature's Own," "Top Notch" and "Mardi Gras."

Commission findings are that by means of labels, tags and markers and by statements in price lists and other advertising material, the respondents have represented their products as being fruit preserves or "pure" fruit preserves when in fact they were not preserves or pure preserves within the meaning and popular acceptation of such words but were imitation or sub-standard preserves so closely simulating an unadulterated preserve made from the accepted commercial formula that ordinary inspection would not reveal the difference in fruit content between the two products.

The minimum standard formula used by manufacturers for "preserves" and "pure preserves" (which are the same product in fruit and sugar content), according to findings, is a fruit content of 45 pounds of fruit to 55 pounds of sugar, cooked to a consistency of approximately 68 per cent water soluble solids, such formula being a commercial adaptation of the ordinary cookbook formula of "a cup of fruit to a cup of sugar." A preserve product falling below that standard, the findings continue, constitutes "imitation preserves."

The Commission further finds that the fruit portions of the respondents' products are not composed entirely of the specified fruit represented, but instead they contain in part a mixture of fruits or products other than that specified, and that in designating or advertising their products the respondents do not disclose the substitution of fruits or materials other than those specified.

The Commission order directs the respondents to cease and desist from using the terms "preserves" or "pure preserves" on labels, tags, markers, or in advertising material, or in any other manner, to in any way designate, describe or refer to preserve products which are not prepared from a mixture of clean, sound fruit with sugar in the proportion of at least 45 pounds of fruit to 55 pounds of sugar cooked to an appropriate consistency; from representing in any manner that a product which contains a fruit content in a proportion of less than that provided in the formula mentioned is a pure preserve or a preserve, or is anything other than an imitation or sub-standard preserve, and from representing in any manner that the respondents' products are composed of certain specified fruits, when in fact they contain a mixture of fruits other than those represented.

Commission findings relate that analyses made by the Food and Drug Administration in Washington and by an independent firm of chemists of 42 samples of the respondents' products bought in the open market over a period of approximately 18 months, reveal that with the exception of one sample labeled "grape preserves," all had a fruit content of less than the accepted minimum formula. The average fruit content ranged from 19 pounds of fruit to 55 pounds of sugar as found in one group of four samples, to 30 pounds of fruit to 55 pounds of sugar as found in another group.

Based upon the testimony of manufacturers and chemists, the Commission finds that the respondents, by reason of the use of a lesser amount of fruit resulting in both a saving in cost of fruit and a greater percentage of yield, obtained an advantage in competition over competitors who did not resort to such practice. The Commission further finds that this saving is sufficient to force competitors using the standard formula of 45 pounds fruit to 55 pounds sugar to sell below his actual cost in order to meet this saving in cost. (3682)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 40, October 4, 1940

## THE WEEK IN WASHINGTON

BMI stockholders will hold their first Annual Meeting, October 15 in New York City. In his first Annual Report, Neville Miller said that BMI was now established "upon a sound and a healthy basis" and "its stockholders may now look for steady progress." Seven different BMI numbers appeared on the various "sheets" this week. This remarkable record furnished tangible proof of the claims that an ample supply of popular music is available outside of the music created by ASCAP members. (p. 4647.)

Neville Miller asked the cooperation of all radio stations this week in bringing the necessary information concerning conscription to radio listeners. Sample announcements are included in this issue. (p. 4650.)

The Code Committee interpreted the program of the "America First" Committee as controversial, and as such, time should not be sold for it. (p. 4651.)

The AAAA has asked the cooperation of the NAB in the revision of the standard order form contract. Neville Miller will appoint a committee. The Bureau of Radio Advertising is attempting to obtain revenue for stations from those concerns financially interested in fire prevention. (p. 4651.)

President Roosevelt is expected to sign soon the Excess-Profits Tax Bill. The effect of the bill on broadcasting is discussed in this issue. (p. 4652.)

AFRA and the major networks reached an agreement late Wednesday, ending their dispute on terms for a new contract covering actors and singers on sustaining programs. (p. 4653.)

The NAB and FM Broadcasters have sent the FCC its specific proposals for revision of application forms. The Commission announced that it intended to modify the forms. The new Defense Communications Board has held two meetings without taking any affirmative action. The NAB and licensees of all international broadcast stations have been invited by the FCC to attend an informal meeting October 7 to discuss proposed new Rules and Regulations. (p. 4655.)

## BMI Stockholders Receive Miller's Annual Report

BMI stockholders have received notice that the corporation's annual meeting of stockholders will be held October 15 at the BMI offices, 580 Fifth Avenue, New York.

In calling the meeting, Neville Miller made the following report on the corporation's first six months of activity:

We shall hold the first annual meeting of stockholders of Broadcast Music, Inc., on October 15, 1940, and I am, therefore, briefly reporting to you the activities of our company to date. As you know, the plan for business operation was declared effective on February 23, 1940, at which time 246 broadcasters had subscribed to our company's stock. It was necessary to spend some time in organization work, in selecting a staff, and outfitting offices, and, therefore, our period of active operation commenced some time later than the above date. However, the period of organization and preliminary work is now a thing of the past, and we have an effective and cohesive organization of over a hundred persons, most of whom are engaged in the actual mechanical tasks of arranging, copying, proofreading, etc.

During our first six months of operation, we have placed in the hands of our subscribers more than two hundred carefully selected musical compositions of excellent quality, published under our company's own imprint, and available in piano and vocal copies and in orchestral form. We are now on a production schedule of over one hundred selections a month, the greatest volume of quality output ever maintained in the publishing industry, and we are substantially increasing this rate of production. Moreover, our company, by concluding agreements with other publishers, has obtained the performing rights to more than twenty-five thousand compositions, which will become available to our licensees at an early date.

In addition to distributing our music in printed form, music has also been made available in recorded form. Over one hundred transcriptions and records of our company's repertory are already available. By the end of this year we will have distributed, without charge to our licensees, transcriptions of five hundred selections which our subscribers are free to perform under the B. M. I. license. Of these, fifty have already been distributed. In addition to the transcriptions distributed directly by our company, a steadily increasing use of our company's repertory is being made by the transcription companies in their regular library services. The music is being used in increasing amount on regular pronograph records, and a number of these are already having an extensive sale to the public. As a result of our company's successful consummation of agreements with other publishers, we

*(Continued on page 4648)*

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## BMI STOCKHOLDERS RECEIVE MILLER'S ANNUAL REPORT

*(Continued from page 4647)*

have acquired performing rights in several thousand musical compositions which have been recorded in the past, and catalogues of these records will be furnished to licensees before the end of the year. In addition to these catalogues of phonograph records, catalogues of compositions are in preparation for distribution to to licensees, and these will list not only our company's own compositions but also many compositions which are in the public domain or available to subscribers through cooperating licensing agencies. Our company has not only made a substantial volume of music available, but it has, by means of radio exploitation, succeeded in having a number of compositions on the list of compositions most frequently performed and on the list of sheet music best sellers. One composition has already sold in excess of thirty-five thousand copies and thirty-five hundred orchestrations, and a steady volume of sales is now being maintained. The volume of our music used on broadcasting stations generally has shown a steady increase since the beginning of our operations.

Needless to say, we greatly appreciate the support which we have received from the broadcasting industry. The list of our subscribers has grown from 246 to 346 stations, representing over 80% of the dollar volume of the broadcasting industry. Even this figure does not fully indicate the full measure of support which we have received. Forty-three additional stations have recently pledged their support but have not yet actually completed the execution of their contracts. These stations will raise the number of subscribers to a numerical majority of all stations, and our stockholders will represent not only in excess of 85% of the dollar volume on the industry but also a full cross section of the entire industry, representative of independent stations, affiliated stations and network-owned stations. An analysis of our subscribers shows that 158 have stations of 100 or 250 watt power, 258 have power of under 5 kilowatts and 131 have power of over 5 kilowatts.

We are also grateful for the support which we have received from many leading artists, and from advertising agencies and sponsors who have evidenced an almost unanimous comprehension of our purpose and have indicated their sympathy with our plans. Users of music in other fields have also indicated their intention of making a comprehensive use of our music and are thus aiding in achieving greater popularity for these works.

As for the future, the tempo of production and expansion of our activities will be increased. Our offices in Chicago and Los Angeles are being expanded. The consummation of important negotiations now in progress will make available to our licensees further large supplies of attractive and useful music. Advertising agencies and sponsors are being assisted in the selection of thematic and program material. In all these fields our company stands ready to render continued and increasing service. Moreover, additions to the personnel in our New York offices are being made to meet the necessities of broadcasters and advertisers.

In serving its broadcasters and advertisers, our company has not been unmindful of its duty to encourage the production of music to foster musical talent. Beginning with January 1, 1941, our company will commence the logging of performances of a representative cross-section of the broadcasting industry, and will make payment to composers with mathematical accuracy upon the basis of actual use. It is not the least of our company's achievements that it has discovered and encouraged new musical talent in all sections of the United States.

Our company is established upon a sound and a healthy basis, and it has passed the most difficult and formative stage of its existence. Its principles have been established, and its stockholders may now look for steady progress in the task to which our company is devoting itself. By the end of this year there will be available to every licensee of our company a catalogue of music sufficient, with the public domain and with music which can be obtained from cooperating licensing agencies, to enable our licensees to render a full broadcasting service. Our company's greatest asset remains the unstinted and wholehearted support of its stockholders-licensees. With this support, it has made itself a successful and permanent factor not only in the field of radio broadcasting but in the field of music.

## BMI FEATURE TUNES
### October 6-13

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. I GIVE YOU MY WORD
5. MAY I NEVER LOVE AGAIN
6. I HEAR A RHAPSODY
7. SO YOU'RE THE ONE

Seven different BMI numbers appear on the various "sheets" this week. Combining the different ratings, the seven stand in this order: *Practice Makes Perfect, There I Go, The Same Old Story, I Give You My Word, We Could Make Such Beautiful Music, Keep An Eye On Your Heart,* and *Madame Will Drop Her Shawl.* On last week's Hit Parade, *Practice Makes Perfect* moved up to fifth place, and *Same Old Story* appeared for the second week as number ten. *Practice* appears well up on the sheet music best seller list; *Same Old Story* appears also on the regional list for the South.

Considering the age of BMI, this is a remarkable record. It furnishes tangible proof of the claims than an ample supply of music pleasing to the public is available outside of the music created by ASCAP members, and also that the ASCAP system has had the effect of submerging brilliant writers—writers such as those who are now being brought before the public for the first time by the broadcasters' new company.

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The Boston Traveler on September 24th published a letter to the Editor from Melvin Thorner of Quincy, Mass., which will be interesting to BMI members. Here are some excerpts:

"No music lover need fear that broadcasts of fine music will be discontinued. The control exercised by ASCAP over classical and semi-classical composition is so negligible as to be non-existent. ASCAP's sovereignty exists only over the short-lived outpourings of Tin Pan Alley. . . . Far from issuing an 'unqualified statement' that he will quit radio if ASCAP music is taken off the air, Bing Crosby has expressly said that his decision will rest on whether the new popular tunes will match, in quantity and quality, the material from which he has been accustomed to select his repertoire. Considering that within the short space of a few weeks, two BMI tunes have already made the Hit Parade, with another ready to join that select group, there exists little danger of Mr. Crosby's being left without singable material. . . . ASCAP's stranglehold on popular music in the past has resulted in the loss of jobs to thousands of musicians, simply because owners of establishments which might otherwise hire orchestras find it impossible to pay license fees to ASCAP for the right to give customers the music which ASCAP monopolizes. . . . Hundreds of talented and conscientious composers, in the past, have found it next to impossible to get even a fair audition for their work, simply because ASCAP prefers to keep the gravy for its membership only. . . . I write, listen to and enjoy music, and moreover, I am one of the few 'fortunate' outsiders who have slipped into the charmed circle, having had contracts with three different ASCAP companies for the publication of my compositions. I can truthfully say that the disappearance of ASCAP's 'delightfully quaint corn' will not break my heart, nor will it move me, or any one else, to junk the household radio."

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A striking illustration of the effect of ASCAP practices is offered by a letter of request which we received recently. To avoid the possibility of any punitive tactics that might be directed against the musician who wrote it, we are giving neither his name nor his address. Otherwise, we quote the letter in its entirety.

....................

....................

9-16-40

Broadcast Music, Inc.:

Will you please mail me a list of the eighty-eight BMI songs that can be played without having to pay hold-up money to the ASCAP. I think it is a crime against the unfortunate pianist who, on account of conditions no fault of his ability, has to seek employment in small cafes and then is denied the two nights a week work because the owner, who is starving to death, must pay $75.00 a year or he can't have music. One has to pay 35¢ for a popular piece of music and they are turned out as fast as a sausage machine can grind them, then you have to have at least three or four a week, which amounts to $1.40, plus tax, you must be a union musician, and you receive three dollars a night. Not that the owner wouldn't pay more if he could. Where I play, a very small candy store turned into a cafe, the W. P. A. has the road torn up, no machine can get in, there are 17,000 men thrown off the W. P. A. The first night I started to play, an agent of the ASCAP walked in, and on Monday morning he mailed the owner a letter demanding $75.00 or be sued. I happened to get this clipping from a local paper, so I am asking your aid. There are so many talented musicians who would only be too glad to compose songs gratis, just to beat this racket. Hoping to hear from you soon, and thanking you in advance, I am

Yours very sincerely,

..................

P. S. Would you be so kind as to mail the clipping back. It may help some other hard-pressed cafe owner. Thank you.

---

BMI goes to town!—and this time the town is Rochester, New York. Ken Sparnon, Musical Director of WHEC writes George Marlo, in part, as follows:

"Thought you might be interested to know that next week, the week of September 29 through October 5th, will be BMI week over this station and so publicized. We will have nine programs by staff orchestra, 'Ken Sparnon and His String Orchestra', and four remotes from Hotel Seneca, 'Ken Sparnon's Streamliners', and every number will be a BMI tune."

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Apparently the transcriptions of BMI music are getting plenty of use throughout the country. News that a lot of them have been broken might sound bad if it were not for the fact that we get the news only because stations write in for new records to replace those that have taken the beating. Because of the number of such requests, M. E. Tompkins, BMI's General Manager, asks us to announce that, although the original transcriptions were sent gratis to BMI members, any replacements must be charged at cost. The charge for each will be $2.50, which will include packaging and transportation.

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*Correction:* The announcement sent to some broadcasters regarding the acquisition by BMI of the performing rights in Latin-American music, stated that these rights were controlled by the Peer Performing Rights Company. This, apparently resulted from confusion between the name of the company and the name of its organizer and President. The correct name of the company is American Performing Rights Society, Inc. Mr. Ralph Peer is the President.

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September 27, 1940.

Lewis Allen Weiss
Vice-President
General Manager

### TO ALL STATION MANAGERS OF DON LEE BROADCASTING SYSTEM

Unless a contract satisfactory to the broadcasting industry will have been negotiated with ASCAP in the interim, we do not intend renewing our licensing agreement with that Society when our present agreement expires at the end of this year. The music that will be fed to you over the Mutual and Don Lee networks, commencing January 1, 1941, will be drawn from the ample catalogs of the Associated Music Publishers, the Society of European Stage Authors and Composers, Ricordi, and Broadcast Music, Inc., and from the vast reservoir of very fine music in the Public Domain. Our licensing agreement provides for your release of the Ricordi music that you receive on the network, requiring only that after January 1, 1941, for network purposes, that you be licensed by BMI, Associated Music Publishers, and SESAC.

On any program originated by or fed to the network by your station, in which music is used, it will be necessary for you to provide us, well in advance of the broadcasting date, with a complete list of the tunes contemplated on such programs together with all available information regarding the authors' and composers' names of such tunes to facilitate our checking the copyrights involved for you.

Thanking you in advance for your careful co-operation in the above matter, and conveying my warmest regards, I am

Very cordially yours,

Signed (L. A. Weiss)

Lewis Allen Weiss.

Don Lee Broadcasting System,
The Nation's Greatest Regional Network,
Affiliated with
MUTUAL BROADCASTING SYSTEM,
7th at Bixel Street,
Los Angeles, California.

# National Defense

## DRAFT ANNOUNCEMENTS

Neville Miller, president of the NAB, sent the following letter to all radio stations seeking their cooperation in bringing to radio listeners the necessary information concerning conscription. Wednesday, October 16, 1940, has been proclaimed as Registration Day:

> In accordance with the provisions of the Selective Service Act of 1940, President Roosevelt has proclaimed Wednesday, October 16, 1940, as Registration Day.
>
> On that day sixteen and a half million men will register for Selective Service at more than 125,000 Registration Places throughout the United States.
>
> This regulation and the whole Selective Service process represent a gigantic national effort that directly or indirectly affects every man, woman and child in the United States.
>
> To us in radio it offers an important and welcome opportunity for service to our Nation and our listening audience.
>
> The success of this Registration and the whole Selective Service process is dependent on public understanding. This is radio's opportunity to be a prime and official source of information for the American people.
>
> The NAB Office is working in close cooperation with the officials at National Selective Service Headquarters. Together we have worked out a simple one-minute announcement which we hope will be used by every radio station in the United States. A copy of it is enclosed.
>
> Also enclosed are copies of the Selective Service Regulations and the President's Proclamation. The Selective Service Act is an appendix to Volume One of the Regulations.

The letter was accompanied by the following announcements for registration:

### ONE-MINUTE RADIO ANNOUNCEMENT

All men in the United States who were born on or between October 17, 1904, and October 16, 1919, will register for Selective Service on October 16, 1940, unless excepted by law. There will be 125,000 Registration Places open from 7:00 A.M. to 9:00 P.M. throughout the United States. If you are away from home on Registration Day, Wednesday, October 16th, you may register at any of these Registration Places.

All men and women, young and old, may do their part on Registration Day. Bring this message to the men in your community who are subject to Registration. Offer your services to those in charge of Registration in your community. Use your automobile to transport your neighbors and fellow-workers to and from the local Registration place.

Complete information about Registration for Selective Service may be obtained from your local radio station, newspapers, and all local officials.

### ONE-MINUTE RADIO ANNOUNCEMENT TO BE USED AS OFTEN AS POSSIBLE ON OCTOBER 16, 1940, FROM SIGN-ON UNTIL 4 P. M.

All men in the United States who were born on or between October 17, 1904, and October 16, 1919, will register for Selective Service today, unless excepted by law. Throughout the United States Registration Places will be open until 9 o'clock tonight. If you are away from home, you may register at any one of these Registration Places.

All men and women, young and old, may do their part today. Bring this message to the men in your community who are subject to Registration. Offer your services to those in charge of Registration in your community. Use your automobile to transport your neighbors and fellow-workers to and from the local Registration place.

Complete information about Registration for Selective Service may be obtained from your local radio station, newspapers, and all local officials.

### RADIO ANNOUNCEMENT TO BE USED AS OFTEN AS POSSIBLE OCTOBER 16, 1940, FROM 4 P. M. UNTIL 8:45 P. M.

All men in the United States who were born on or between October 17, 1904, and October 16, 1919, will register for Selective Service today, unless excepted by law. Registration Places will be open until 9:00 o'clock tonight.

Complete information about Registration for Selective Service may be obtained from your local radio station, newspaper, and all local officials.

## WCAU'S APPEAL AIDS DRAFT MACHINERY

"Philadelphia Prepares", WCAU's new dramatic series, illustrating the part Philadelphia is playing in the national defense, is off to a flying start. It began when Colonel Nicholas Biddle, in charge of draft plans in the Philadelphia area, broadcast an appeal for volunteers to man the polling places in Philadelphia and four surrounding counties on Registration Day.

WCAU invited Colonel Biddle to make his appeal when press stories indicated that draft preparations would be stymied because of lack of funds to pay regular polling place employees. The directors of "Philadelphia Prepares" originally had planned to launch the series with a fifteen minute visit to an aircraft factory. This program was scrapped and a new script built around Colonel Biddle's talk. This explained, completely, in dramatic blackout, the operation of the draft and how it would affect Philadelphians.

All of the Philadelphia newspapers picked up WCAU's story and as a result of the broadcast and resultant press accounts, the station was swamped with telephone calls, personal visits and mail from people anxious to volunteer for the work.

According to Joseph T. Connolly, WCAU promotion director, within twenty-four hours of the broadcast, over 500 persons had come to the studios to volunteer their services; telephone operators booked more than 400 volunteers, while 552 offered their services by mail. The scene was duplicated almost exactly in Colonel Biddle's office a few blocks away.

### WATL AIDS ENLISTMENT

To enlighten listeners on all phases of army life including enlistment, James E. Cox, assistant manager, WATL, Atlanta, inaugurated in September a series of "Your Army Speaks" programs.

The programs had the full approval and cooperation of the United States Army.

Here is the opening announcement of the first program:

> "Station WATL is proud and happy once more to bring you a unique program . . . YOUR ARMY SPEAKS . . . the second of a new radio series originated right here in Atlanta and presented with the official approval of the United States Army. The object of this program is to answer any and all questions you may submit. It's a new program in step with the times, full of interesting information for everyone. You ask the question. Just call Station WATL . . . WA-4377 . . . you ask the questions and the Army itself will answer. Present in the studio tonight are Colonel John B. Richardson, Adjutant General of the 4th Corps Area, Sergeant James L. Rogers, other members of the United States Army."

Though the show is simple and calls for little production, Mr. Cox, reported that it is highly effective and has proven even more popular than anticipated.

### MEN WANTED

Everytime the 806 broadcast stations are mailed copies of man power announcements, 10,000 additional copies are mailed simultaneously to all parts of the United States.

Five thousand copies go to Civil Service Secretaries in as many cities. Another 5,000 go to chiefs of police in those same cities.

The presence of these broadcast announcements in the 5,000 offices which distribute application blanks for the various jobs contributes greatly to the smooth functioning of this great recruiting campaign for skilled workers.

WLPM, Suffolk, Va., in NAB District 4, is herewith added to the list of stations cooperating in the industry's own campaign for the benefit of the United States Civil Service Commission. The count is now 641.

It is suggested that stations which have not heretofore indicated cooperation do so by writing to NAB Headquarters.

## Code

### "AMERICA FIRST" COMMITTEE

The Code Committee this week interpreted the proffered program of the America First Committee as being "a public controversial issue" and as such should be placed on free time and not on commercial time, in accord with the public interest therein.

The Committee in a statement said "Inasmuch as the Committee to Defend America by Aiding the Allies, Inc., takes a diametrically opposed position, and inasmuch as the issue is not one subject to ballot or one constituting a matter of political difference between either the Republican or Democratic nominees for the presidency, the Code Committee, based upon available information, construes the subject of defending America by advancing or withholding aid to Great Britain as one constituting a public controversial issue and in accord with the NAB Code governing such issues, should be placed on free, sustaining time in accord with the public interest therein, and not as a commercial program."

### COUGHLIN SERIES

Roger W. Clipp, manager WFIL, notifies the NAB that there is no basis of fact in statements that WFIL had agreed to carry the now-withdrawn Coughlin series.

## Sales

### ORDER FORM CONTRACTS

AAAA has asked the cooperation of the NAB in the revision of the standard order form contract and in the adoption of a standard invoice form. President Miller has sent out nominations for a NAB Committee to meet with a Committee of the 4 A's to consider these subjects. Announcement of the NAB Committee will be made in the REPORTS as soon as acceptances are received.

### FREE OFFERS

The National Fire Protection Association, Boston, Mass., has asked stations to broadcast free of charge a series of spot announcements promoting Fire Prevention Week, October 6-12. The Bureau of Radio Advertising has pointed out that broadcasters will continue to cooperate as they have in the past with public safety and public welfare endeavors, not just this week, but throughout the year. At the same time, it has extended through the NFPA an invitation to its members who have a commercial interest in Fire Prevention to seriously consider a regular radio advertising campaign.

The following letter to G. Emerson Markham, General Electric Company, Schenectady, N. Y., expresses the Bureau's feelings on the program "Excursions in Science", which General Electric is currently offering to stations:

October 3, 1940.

Mr. G. Emerson Markham,
General Electric Company,
1 River Road,
Schenectady, New York.

DEAR MR. MARKHAM:

Thank you for your letter of September 27 and the sample transcription record of "Excursions in Science."

As requested, we are returning this to you under separate cover. I have listened to both episodes and find them quite interesting. It may be that some of our members will be willing to broadcast these programs on a sustaining basis for their public interest and educational value, in spite of the fact that the General Electric Company is mentioned on several occasions. I realize that some source for such scientific information is advisable and think you have handled this with proper restraint by merely mentioning "The General Electric Research Laboratory."

As you know, the NAB is not in the position of dictating to stations definitely on acceptance of such so-called "free offers." We merely try to give them all the information and point out any hidden propaganda or disguised commercialism which may appear in the program.

After that, it is a matter for indivdual station decision based upon local conditions and the station manager's opinion as to the value of such programs. We certainly appreciate your interest and cooperation in providing us with full information.

Very sincerely yours,
NATIONAL ASSOCIATION OF BROADCASTERS.
Samuel J. Henry, Jr.,
*Bureau of Radio Advertising.*

## COST-PER-INQUIRY

Two Chicago concerns have recently sought to place percentage advertising on member stations, and the Bureau has written them that acceptance of their proposals does not serve the best interests of the public nor of the regular advertisers who make possible the American system of broadcasting.

Both the American Refund Company, and Benson & Dall, Inc. have been invited to buy time at card rates for best results.

## BUREAU OF RADIO ADVERTISING RELEASES STUDY ON AUTOMOBILE ADVERTISING

"Results from Radio", Vol. 1 No. 8 is currently going out to all NAB members. Stations who have not ordered their supply of these valuable trade studies and success stories are urged to do so at once.

The No. 8 release is on the subject of automobile advertising, outlining the experience of the Arthur L. Fields Company, Chevrolet dealer in Portland, Ore. who used a quiz show on KOIN to become 2nd in used car sales among 8,600 Chevrolet dealers, with an 183% increase in two years. The case history is an especially clean-cut and convincing example of radio's selling effectiveness, and is particularly timely now, when automobile advertising is approaching its period of greatest activity.

## EXCESS-PROFITS BILL SIGNED

The President is expected to sign soon the second revenue act of 1940 containing the much-discussed excess-profits tax. The bill in its final form represents a compromise between the excess-profits tax bill passed by the House on August 29 and the bill passed by the Senate on September 19. Conferees of the committees of both Houses have been in session for nearly two weeks reconciling the differences in the two bills.

Originally initiated as a means of taxing profits resulting from defense activities, and for preventing a new crop of "war millionaires", the resultant bill conforms more nearly to strictly a revenue measure. Retroactive to January 1, 1940, the measure is expected to yield approximately a half billion dollars this year and a billion in 1941.

Since the middle of August when the first report of the House Ways and Means Committee on an excess-profits tax bill was made, headquarters staff has been alert in watching the progress of the bill to determine whether it would affect broadcasters and others similarly situated more adversely than the rest of American business.

The final form of the bill includes a revision in the normal corporation income tax, the provision for taxing excess profits, provision for five year amortization of defense facilities, and suspension of the Vinson-Trammell Act. It also includes provisions unrelated to taxation—amendments concerning the Social Security Act, the Railroad Retirement Act and the establishment of a new system of life insurance for persons in active service in the land and naval forces of the United States.

The changes in the corporation tax and the excess-profits tax are of immediate concern to broadcasters.

The corporation income tax is increased by this Act by an additional levy of 3.1% on normal tax net incomes of over $25,000. This increase in normal corporation tax was inserted purely as a revenue-raising measure after certain changes in the excess-profits tax, tending to lower the yield, were made when the bill was rewritten by the Senate.

The excess-profits tax features of the bill are exceedingly complex, and somewhat difficult to digest briefly. The basic structure is as follows:

Two methods are provided for the determination of excess profits—(1) the average earnings method, and (2) the invested capital method. Corporations in existence prior to January 1, 1940 may choose either of the two methods.

(1) The average earnings method provides that earnings in the taxable year in excess of 95 per cent of the average earnings for the base period years 1936 through 1939 are to be considered as excess profits. Corporations not in existence during the entire base period are allowed hypothetical earnings for each such year to complete their base period experience, in the amount of 8% of their invested capital for the taxable year. In the event there are deficits in any of the base period years, the largest deficit year may be counted as zero.

(2) The invested capital method provides that all earnings in excess of 8% of the invested capital for the taxable year are construed as excess profits. No base period experience is taken into consideration in this method. The invested capital base consists of equity invested capital, as defined in complex detail in the Act, plus 50 per cent of borrowed capital.

Excess profits so determined by either method are taxable in the following graduated brackets:

| *Excess profits* | *Rate of Tax* |
|---|---|
| Up to $20,000 | 25% |
| 20,000 to 50,000 | 30 |
| 50,000 to 100,000 | 35 |
| 100,000 to 250,000 | 40 |
| 250,000 to 500,000 | 45 |
| Over 500,000 | 50 |

Before computing the tax, a specific exemption of $5,000 in excess profits is allowed.

Further provisions in the bill relate to specific cases in order to embrace all phases of corporate business activity. Provision is made for the filing of consolidated returns when affiliation or ownership of subsidiaries is to the extent of 95 per cent of the stock. For corporations with income less than $25,000, it is permissible to carry over to the following taxable year any unused portion of the "excess-profits tax credit" (the 95 per cent of average earnings for the base period) not needed in the first taxable year. A general relief provision grants the Commissioner of Internal Revenue authority to adjust any items which abnormally affect income or capital, and provides that the Commissioner's decision shall be subject to review by the Board of Tax Appeals.

Much of this bill is devoted to provisions relating to changes in corporate structure, and consolidations and mergers.

The continuous study of this bill since its inception seems to indicate that the broadcasting industry is in no different position than many other segments of American business. Generally speaking, the use of the average earnings method of determining excess profits will be more advantageous to broadcasting corporations. In this connection, it should be noted that any stations organized in corporate form since January 1, 1940, are, by the terms of the bill, required to use the invested capital method. This means that all earnings in excess of 8% of invested capital will be subject, with the exception of the $5,000 exemption, to the excess-profits tax.

Due to the large number of small units in the broadcasting industry, the several provisions in the Act designed to afford relief to small corporations are of particular benefit to broadcasters. In review, these are: (1) no increase in the normal tax for corporations with net incomes of less than $25,000; (2) the specific exemption in excess profits of $5,000, and; (3) the one-year carryover of unused excess-profits credit for corporations with net incomes of less than $25,000.

Of interest to all is the general relief provision mentioned above which relates to abnormalities in income and capital. It was emphasized by the conferees on the bill that the Treasury and the Joint Committee on Internal Revenue Taxation will give further study to the problem of granting relief in these special cases, and report to the appropriate Congressional committees as soon as possible.

While, for reasons of national defense, this bill was expedited as much as possible, it was denounced vigorously from the floor on both sides of the House and Senate. There is every indication that when the new Congress meets next January, the entire subject of excess-profits tax legislation will be opened and many changes made.

## Labor

### AFRA-NETWORK DISPUTE SETTLED

AFRA and the major networks reached an agreement late Wednesday, ending their dispute on terms for a new contract covering actors and singers on sustaining programs. William Davis, chairman of the New York State Mediation Board, took part in the conferences which resulted in the settlement. Terms of the new contract were not disclosed immediately.

### WAGE-HOUR RECORD

Acting on the request of spokesmen for several large industrial concerns for further revision of the record-keeping regulations issued under the Fair Labor Standards Act, the Wage and Hour Division today announced a public hearing on this subject for 10:00 A. M., October 17, in Room 3229 of the Labor Building, Washington, D. C.

Dr. Gustav Peck, Assistant Director of the Hearings Branch, will preside at the hearing, called, in the language of the official notice, to determine "what, if any, amendments should be made to Regulations, Part 516 in respect to the records to be kept by employers of persons employed, wages, hours, and other conditions and practices of employment."

## Promotion

### RADIO GOES TO SCHOOL

Below are two paragraphs well worth reading. They are quoted from Sept. 22, The Herald-Advertiser, Huntington, W. Va.

Atop of the copy was a display head, "Radio Goes to School" and a six column illustration; below the signature: "WSAZ, Member West Virginia Network." Now for the copy:

> "In the short space of six or seven years, Radio has moved from its position at the rear of the classroom to the instructor's desk! Today, in every classroom of the new East High School, you'll see a built-in radio loudspeaker, through which the instructor may talk with the central school office, or by which a person at the control board may talk with any or all of the classes. Two dual-control radio sets in the central board permit one room or group of rooms listening to a certain radio program, while another room or group of rooms listens to an entirely different program—emanating probably a thousand miles from Huntington! . . . It's exciting, this new radio-part of your classrooms—but to the industry, is everyday equipment that brings more and more people daily in contact with the advanced advantages of the world of radio!
>
> "WSAZ, too, will have a definite part in East High's radio activity. Already, plans are under way to punctuate each school week's activity with interesting educational presentations that will make classroom work all the more desirable and practical! Various member-stations of the West Virginia Network, of which WSAZ

is a member, will provide paramount contributions to various schoolroom activities, and East High will take part in these radio activities! In truth, Radio goes to School—and WSAZ goes with it!"

### LISTEN BEFORE YOU VOTE

The "Listen before You Vote" campaign has received and is receiving substantial assistance from Radio Manufacturers Association members. Philco Radio and Television, Philadelphia, and Stewart-Warner, Chicago, purchased tens of thousands of posters. Other thousands were distributed by Hygrade Sylvania Corporation, New York, and Raytheon, New York City, and Newton, Mass., both tube manufacturers.

The National Radio Parts Distributors Association, New York City, also made a large distribution to member parts jobbers. The Radio Servicemen of America, Chicago, with chapters in a great many cities, which cooperate with NAB stations, also distributed the red, white and blue posters.

One of the back page photographs in the October issue of "Business in Baltimore", published by the merchandising department of WBAL, featured "Listen before You Vote". The caption read:

> "There's no place better for a radio show than a radio station. WBAL holds an annual affair of this type, and the new models were shown. At left is Vera Johnson looking at one of NAB's slogan sheets (LBYV posters), and at right is Edna Mason doing the same. The other girl has no name."

### NEW YORK STATE FAIR

A thorough going industry promotion attracted most of the 250,000 visitors at the New York State Fair, Aug. 25, Sept. 2. Host was WSYR, Syracuse.

Exhibits and studios occupied an entire wing in the Manufacturers and Liberal Arts Building. Every minute of the day, some feature was in progress, according to Arnold F. Schoen, service director.

SCREEN-O-VISION featured outstanding films furnished by the National Broadcasting Company and the Colonial Beacon Oil Company. "Air Waves," "Television," "News on the Air," films were viewed by thousands.

Scores of programs were aired from the SCREEN-O-VISION stage including news broadcasts, a State Fair Variety Show, a State Fair Quiz, sport programs, and many others.

Throughout the month of August, WSYR promoted the exhibit via courtesy announcements, newspaper advertisements and publicity.

## Miscellaneous

### SPECIAL PROMOTIONAL EVENTS

Following are among some of the announcements received recently of special periods designated in connection with promotional efforts:

Oct.
12—Columbus Day (celebrating discovery of America, 1492); Yom Kippur (Day of Atonement) Jewish holiday .......... Oct. 12
13—National Candy Week .......... Oct. 13-19
20—National Pharmacy Week .......... Oct. 20-26
21—National Retail Grocers' Week .......... Oct. 21-26
  Better Parenthood Week .......... Oct. 21-27
  National Business Show in New York .......... Oct. 21-26
27—Girl Scout Week; Navy Day; Theodore Roosevelt born 1858; first World War shot fired by American troops 1917 .......... Oct. 27-Nov. 2
28—Statue of Liberty unveiled on Bedloe's Island, 1886; anniversary of freedom of U. S. press, 1733 .......... Oct. 28
31—Hallowe'en; National Apple Week; birthday of Juliette Low, founder of Girl Scouts .......... Oct. 31-Nov. 6
Nov.
1—All Saints' Day (parochial schools close); National Author's Day; National Art Week .......... Nov. 1-7
5—Election Day; Official Speech Week .......... Nov. 5-10
10—Book Week; Father-and-Son; American Education Week; Hockey Season Opens .......... Nov. 10-16
11—Armistice Day, ending of World War, 1918; Washington joined Union, 1889; Red Cross Week .... Nov. 11-12
21—Thanksgiving Day by Presidential Proclamation; Hobby Week .......... Nov. 21-28
28—Thanksgiving Day in some states; Christmas Seal Campaign; first U. S. Government Post Office, 1783 .......... Nov. 28-Dec. 25

### COMING CONVENTIONS

October 7-8—Boston Conference on Distribution, Hotel Statler, Boston, Mass.
October 7-8—Radio Manufacturers' Association general meeting, Hotel Roosevelt, New York.
October 14-16—Life Advertisers Association's annual meeting, Washington, D. C., Blackstone Hotel.
October 17-18—Audit Bureau of Circulations' annual meeting, Stevens Hotel, Chicago.
October 23-26—Association of National Advertisers, Inc., annual convention, The Greenbrier, White Sulphur Springs, W. Va.
October 24-25—American Association of Advertising Agencies, Pacific Council, annual meeting, Del Monte, Calif.
October 28-30—Financial Advertisers' Association's annual convention, The Homestead, Hot Springs, Ark.
November 11-13—Institute of Radio Engineers' annual Fall meeting, Rochester, N. Y. (in cooperation with the RMA Engineering Department).

### FOR SPEEDY CONTACT

The speed and accuracy with which the heads of our various departments are able to send and receive telegrams effects the service we are able to render members. With this thought in mind we have installed a private wire between our offices and Western Union here in Washington. When telegraphing us, if Western Union service is employed, members need not give the street address. All that is necessary is to address your message:

"National Association of Broadcasters,
WUX, Washington, D. C."

We believe this service will prove convenient to those who use Western Union. This, of course, does not affect telegrams sent over the facilities of other companies.

# FEDERAL COMMUNICATIONS COMMISSION

## COMMISSION TO REVISE APPLICATION FORMS

Specific proposals for revision of FCC Forms 301 and 319 were put in the Commission's hands yesterday morning by Eugene C. Pulliam, WIRE, Chairman of the NAB-FCC Conference Committee and John V. L. Hogan, WQXR, Chairman of the FM Broadcasters Committee on Application Forms. It is anticipated that after the Commission has had opportunity to study the specific requests made, there will be a meeting of the NAB and FM Committees with the Administrative Board of the Commission.

The FCC issued the following statement:

> As the result of exchange of ideas with representative broadcast groups, the Federal Communications Commission is working to modify certain of its application-form requirements to a degree that will obtain essential information without imposing too great a burden on the applicant.
>
> Pending preparation of new forms to accomplish this purpose, the broadcasters and the Commission are mutually agreed that in instances where particular questions in the present forms necessitate the furnishing of exceptionally involved and lengthy data, the applicant may be permitted to make general answer with explanation. After the examination of such general answers the Commission would require the furnishing of further data only where necessary for the purpose of its action on the application.
>
> This concurrence of the Commission, the National Association of Broadcasters, the National Independent Broadcasters, Inc., and FM Broadcasters, Inc., achieved after conference and correspondence, applies to applications for high frequency (FM) stations as well as for standard amplitude modulation broadcast service.
>
> Reduction of some of the "paper work," it is held by both the industry and the Commission, will expedite applications without sacrificing facts and figures necessary to enable the Commission to make determination.
>
> It was through similar cooperative endeavor that the Commission has further defined and clarified certain high frequency broadcast rules and regulations, which will also tend to stimulate that new type of program service.

## DEFENSE BOARD MEETS

Defense Communications Board held two meetings last week, one on Thursday and the other on Friday, James Lawrence Fly, Chairman of the FCC and also of the Communications Board, stated early this week at a press conference.

Mr. Fly said that no affirmative action had been taken at either of the meetings, and there was simply an exploration of subject matter, including helpful discussion. The next regular meeting of the full Board, he said, will be on October 7, although there is a possibility that another get-together meeting would be held this week. The Chairman told the newsmen that the Defense Board has not arranged any definite schedule of meetings. He explained that no special set-up for meetings has yet been decided upon by the Board because its members are so busy that the matter of regular routine will have to be worked out later.

The Chairman was questioned about a recent statement to the effect that United States Supreme Court in a decision which could be applied to the FCC held that the Commission cannot transmit to another Government agency transcriptions of messages heard in monitoring. The Chairman said that at this time he does not know what the right answer is, and he refuses to guess. He pointed out to the newsmen that the FCC has greater authority under its Act than any other agency, due to express authority for monitoring work. He stated that the Commission has the right to make proper record of criminal operation. He said that the decision referred to has not been brought to the Chairman's direct attention as yet. Mr. Fly said that the FCC no doubt could utilize monitored material to shut down a station or revoke a license. The only question that arises, he contended, is the right of the Commission to turn such evidence over to another authority.

## SHORT WAVE RULES

The NAB and licensees of all international broadcast stations have been invited by the FCC to attend an informal meeting October 7 to discuss proposed new rules and regulations for international broadcasts. The new rules would require the reduction to writing of programs to be broadcast; translation, in advance, of all foreign language programs; and the keeping of records.

## AMENDED HIGH FREQUENCY BROADCAST RULES

FCC this week adopted amendments to the rules governing high frequency broadcast stations relating to the establishment of service areas and channel assignments which have been made the subject of informal conferences with representatives of the industry.

Following are the amendments, effective immediately, as made public by the Commission:

Sec. 3.222. *Service Areas—Definitions.*

For the purpose of determining the areas to be served by high frequency broadcast stations, the following definitions apply:

(a) "Basic trade areas" and "limited trade areas" consist of areas the boundaries of which are determined by the Commission on the basis of showings made in applications as to retail trading areas or consumer trading areas and from government data.[1]

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[1] There are several current and recognized authorities on retail trading areas or consumer trading areas from which the applicant may prepare its showing and to which the Commission will give consideration in making its determination. Among these recognized authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Company (Trading Areas), and Hagstrom Map Company's Four Color Retail Trading Area Map. Although the foregoing sources of data are expressly recognized, the Commission will also give consideration to data furnished from other sources which may have probative value on which the applicant may desire to prepare its showing. See separate release of the Commission on "Concerning Application For High Frequency Broadcast Stations."

Each basic trade area includes one "principal city". The boundaries of the basic trade areas are adjoining and the aggregate of all such areas is the total area of the United States. Each "limited trade area" includes one city. The boundaries of limited trade areas are not necessarily adjoining. Such areas may include portions of other limited trade areas and may extend into more than one basic trade area.

(b) "Prinicipal city" means the largest city or the city or cities designated as "principal city" by the Commission, within a basic trade area. "City" means any city, town, or borough in a basic trade area except the principal city. Each "city" has a limited trade area.

(c) "Rural area" means all land area outside incorporated towns or cities with population greater than 2500 and where the density of population is less than 150 per square mile. Incorporated towns or cities with population from 2500 to 5000 without a high frequency broadcast station and not adjacent to larger cities may be considered rural area.

Sec. 3.223. *Service Areas—Established.*

The Commission in considering applications for high frequency broadcast stations will establish service areas. Such stations will be licensed to serve areas having the following characteristics:

(a) An area comprising a limited trade area and a city. The station shall render good service to the city and its service area shall conform generally with the limited trade area.

(b) An area comprising a basic trade area and a principal city. The station shall render good service to the principal city and its service area shall conform generally with the basic trade area.

(c) An area of at least 15,000 square miles comprising primarily a large rural area, and particularly that part of basic trade areas which cannot be served by stations assigned basic trade areas due to economic and technical limitations. The service area may include one or more principal city or cities, provided that in rendering service to such cities, the service to rural areas which the station is designated to serve is not impaired. The transmitter of such a station shall be located in such a manner that the service area, (1) shall extend into two or more basic trade areas, (2) shall not conform generally with a basic trade area, and (3) shall not merely extend beyond a basic trade area.

(d) An area having substantially different characteristics (social, cultural, or economic) from those areas specified in subsections (a), (b) and (c) of this section where, by reason of special conditions, it is shown that a need (which cannot be supplied by a station serving areas under subsections (a), (b) or (c) of this section) for the proposed service both program and technical exists which makes the establishment of the service area in the public interest, convenience or necessity. The Commission will give particular consideration in this connection to competitive advantages which such stations would have over other stations established under other provisions.

(e) In case it is not economically and technically feasible for a station assigned a basic or limited trade area to serve substantially all such area, the Commission will establish the service area on the basis of conditions which obtain in the trade area.

(f) In case an applicant proposes a change in an established service area, the applicant shall make a full showing as to need for such change and the effect on other stations serving the area.

Sec. 3.226. *Channel Assignments.*

The channels set forth below with the indicated center frequencies are available for assignment to high frequency broadcast stations to serve the areas provided in Sec. 3.223:

(a) An applicant for a station to serve an area specified in Sec. 3.223(a) or (b), to be located in a principal city or city which has a population less than 25,000 (city only) shall apply for one of the following channels:

48900
49100
49300
49500
49700
49900

(b) An applicant for a station to serve an area specified in Sec. 3.223 (a) or (b), to be located in a principal city or city which has a population greater than 25,000 (city only) shall apply for one of the following channels:

44500
44700
44900
45100
45300
45500
45700
45900
46100
46300
46500
46700
46900
47100
47300
47500
47700
47900
48100
48300
48500
48700

(c) An applicant for a station to serve primarily a large rural area, specified in Sec. 3.223 (c) or an area specified in Sec. 3.223 (d) shall apply for one of the following channels:

43100
43300
43500
43700
43900
44100
44300

Sec. 3.227 *Special Provisions concerning assignments.*

(a) Stations located in the same city shall have substantially the same service area.

(b) High frequency broadcast stations shall use frequency modulation exclusively.

(c) Stations serving a substantial part of the same area shall not be assigned adjacent channels.

(d) One channel only will be assigned to a station.

### EFFECTIVE IMMEDIATELY:

Section 3.222, subsection (f) of Section 3.224 and Section 3.225 of the Commission's existing rules are repealed.

New Sections 3.222 and 3.223 are added.

Sections 3.223 and 3.224 are renumbered as 3.224 and 3.225, respectively.

Subsections (g) to (l), inclusive, of renumbered Section 3.225 are renumbered as subsections (f) to (k), respectively

New Sections 3.226 and 3.227 are added.

Existing Sections 3.226 to 3.229, inclusive, are renumbered as 3.228 to 3.231, respectively.

New Section 3.225 is hereby amended to read as follows:

"(a) That the area which the applicant proposes to serve has the characteristics of an area described in Section 3.223 hereof."

## FCC ASSIGNMENTS

The FCC announced that the work, business, and functions of the Commission for the month of October have been assigned as follows:

Commissioner Craven: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Case: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are scheduled to be heard at the Commission during the week beginning, Monday, October 7.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted construction permit to install new transmitter and increase power from 100 to 250 watts on **1420 kc.** (B2-P-2700).

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted modification of license to increase nighttime power from 250 watts to 1 KW, operating on **1410 kc.,** 1 KW day (B5-ML-948).

KSUB—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry (Assignor), Southern Utah Broadcasting Co. (Assignee), Cedar City, Utah.—Granted voluntary assignment of license from Johnson and Perry, a partnership, by Leland M. Perry and May Weight Johnson, Administratrix, to Southern Utah Broadcasting Company. Normally licensed **1310 kc.,** 100 watts, unlimited time (B5-AL-286).

Rene Canizares, Havana, Cuba.—Granted authority to transmit programs to Station CMCK, Havana, from 64 Broad Street, New York City, by means of radio-telephone facilities of RCA Communications, Inc., for sports events, World Series (B-FP-78).

WDSU—WDSU, Inc., New Orleans, La.—Granted construction permit to move to a new transmitter site near New Orleans, increase power from 1 to 5 KW, and install directional antenna for day and night use (B3-P-2923).

WNEW—WODAM Corp., New York City.—Granted Construction permit to increase night power from 1 to 5 KW and install directional antenna for day and night use, operating on **1250 kc.,** 5 KW day, sharing with WIBI (B1-P-2687).

WKST—WKST, Inc., New Castle, Pa.—Granted construction permit to install directional antenna for night use, and change hours from daytime to unlimited, operating on **1250 kc.,** with 1 KW (B2-P-2809).

WSBT—The South Bend Tribune, South Bend, Ind.—Granted construction permit to make changes in transmitting equipment; install directional antenna for both day and nighttime operation; change frequency from **1360** to **930 kc.,** using 500 watts, sharing with WOES; and move transmitter site to southeast of center of South Bend on So. Jackson Road, one-fourth of mile east of Miami Highway. This grant is made upon condition that license will not be issued unless and until applicant disposes of its interest in its other South Bend station, WFAM (B4-P-900).

KYW—Westinghouse Electric and Mfg. Co., Philadelphia, Pa.—Granted construction permit to make changes in transmitting equipment, and increase power from 10 to 50 KW, operating on **1020 kc.,** with directional antenna night and day (B2-P-2904).

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted construction permit to increase night power from 1 to 5 KW and install directional antenna for night use, operating on **930 kc.,** 5 KW day, unlimited time (B3-P-2952).

WDBJ—Times-World Corp., Roanoke, Va.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW, pursuant to selection of new site and antenna design in accordance with standards of good engineering practice; station operates on **930 kc.,** 5 KW day, unlmited time (B2-P-2522).

## DESIGNATED FOR HEARING

WHEB—H. J. Wilson (Transferor), R. G. LeTourneau (Transferee), Portsmouth, N. H.—Application for authority to transfer control of corporation, Station WHEB, from H. J. Wilson to R. G. LeTourneau; station normally licensed **740 kc.,** 250 watts, daytime (B1-TC-233).

Van Curler Broadcasting Corp., Schenectady, N. Y.—Upon consideration of petitions for rehearing filed by Western Gateway Broadcasting Corp. and Mohawk Radio, Inc., both of Schenectady, N. Y., in re Order of the Commission of August 14, 1940, granting the application of Van Curler Broadcasting Corp., Schenectady, N. Y., for construction permit for new broadcast station, and record, the Commission set aside its Order of August 14, 1940, and designated for joint hearing, at date to be set later, the applications of Western Gateway Broadcasting Corp., Mohawk Radio, Inc., and Van Curler Broadcasting Corp., for construction permits for new broadcast stations in Schenectady, N. Y.

## MISCELLANEOUS

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Denied special temporary authority to operate from 5:30 p. m., EST, to 6:15 p. m., for the period October 1, 1940, to not later than October 30, 1940, in order to serve the Glenside area, pending formal authority to increase power and hours of operation.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WBRB between 8 p. m. and 10:30 p. m., EST, September 27, 1940, in order to broadcast dinner meeting of the Young Republican Clubs of Westchester only.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate from 7 p. m. to 11 p. m., CST, September 27, October 4, 18, 28, November 1, 1940, in order to broadcast football games only.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authority to operate on **1040 kc.,** limited time, and resume operation from 9 p. m. to 3 a. m., PST, for the period beginning 3 a. m., EST, October 1, 1940, and ending not later than 3 a. m., EST, March 29, 1941.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 7:30 p. m. to 7:45 p. m., CST, September 25, 1940, in order to permit WGBF to broadcast Democratic National Committee program only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU with power reduced to 250 watts, from 7:30 p. m. to 7:45 p. m., CST, September 25, 1940, in order to broadcast Democratic National Committee program only.

WNYC—City of New York Municipal Broadcast System, New York, N. Y.—Granted special temporary authority to operate from 8:30 p. m. to 9:15 p. m., EDST, September 26, 1940, in order to broadcast graduation and commencement exercises of New York City Police Department only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts, from 7:30 p. m. to 8 p. m., CST, on September 28, 1940, in order to permit WGBF to broadcast a Republican National Committee program only.

KMYC—Marysville-Yuba City Broadcasters, Inc., near Marysville, Calif.—Granted license to cover construction permit as modified which authorized construction of new broadcast station; **1420 kc.,** 100 watts, unlimited time (B5-L-1233). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-485).

WKAR—Michigan State College, E. Lansing, Mich.—Granted license to cover construction permit which authorized installation of new equipment, changes in antenna system, increase in power to 5 KW, and move of transmitter; **850 kc.,** daytime (B2-L-1166). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-411).

WMEX—The Northern Corp., Boston, Mass.—Granted license to cover construction permit as modified which authorized change of frequency, increase in power, installation of new transmitter and directional antenna for day and night use, and move of transmitter; **1470 kc.,** 5 KW, directional antenna day and night, unlimited (B1-L-1231). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-483).

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Granted license to cover construction permit which authorized new broadcast station; frequency **1310 kc.,** 250 watts, unlimited time (B2-L-1237). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-491).

WRUF—University of Florida, Gainesville, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-489).

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted authority to determine operating power by direct measurement of antenna power for main transmitter (B3-Z-492). Same for auxiliary transmitter (B3-Z-493).

KSCJ—Perkins Bros. Co. (Sioux City Journal), Sioux City, Iowa.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-490).

WCRW—Clinton R. White, Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-487).

WAYX—Jack Williams, Waycross, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-468).

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of construction permit which authorized installation of new transmitter, directional antenna for night use, increase in power from 500 watts to 1 KW day and night, and change in hours of operation from day to 6 p. m. to unlimited time, for authority to install new transmitter (B1-MP-1065).

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of construction permit as modified which authorized increase in power from 250 watts to 500 watts, change in frequency from **1310** to **1350 kc.**, change in hours of operation from shares with WDAH to unlimited, new transmitter, changes in antenna system and move of transmitter, for authority to change type of transmitter to be installed (B3-MP-1061).

WJHL—WJHL, Inc., Johnson City, Tenn.—Granted modification of construction permit which authorized changes in equipment, installation of directional antenna for night use, increase in power, change in frequency and move of transmitter, for authority to move transmitter .146 mile (same address) and make minor changes in ground system, and extend commencement date to 60 days after grant and completion date to 120 days thereafter (B3-MP-1033).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of construction permit which authorized installation of new transmitter, changes in directional antenna system, increase in power from 5 to 50 KW, changes in hours of operation from limited to unlimited time, for authority to install new transmitter (B3-MP-1063).

KFXM—J. C. Lee & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Granted license to cover construction permit which authorized installation of new transmitter and vertical antenna, move of transmitter and increase in power to 250 watts; **1210 kc.**, shares KPPC. (B5-L-1230). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-482).

University of Illinois, South of Champaign, Ill.—Granted construction permit for new relay broadcast station; frequencies **1646, 2090, 2190, 2830 kc.**; power 20 watts (B4-PRY-226).

WEKW—The Travelers Broadcasting Service Corp., Hartford, Conn., Portable-Mobile.—Granted construction permit to install new equipment and decrease power of relay broadcast station from 25 watts to 15 watts (B1-PRE-366).

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to broadcast a Republican National Committee program only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF, with power reduced to 250 watts from 8:30 p. m. to 9 p. m. CST, September 26, 1940, in order to permit WGBF to broadcast a Willkie speech only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast a Willkie speech only.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 8 p. m. PST, to the conclusion of football game, September 27, 1940, in order to broadcast football game only.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted special temporary authority to operate from local sunset (September, 6:30 p. m. and October, 5:45 p. m. CST), to the conclusion of football games on September 28, October 4, 12, 17, and 26, 1940, in order to broadcast football games only.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted special temporary authority to sign off at 9 p. m. CST, except when special events require operation beyond that time for a period not to exceed 30 days, pending rearrangement of schedule or further justification of shorter broadcast day.

Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate "walkie talkie" portable radio set used by the Indiana National Guard to transmit recruiting program in connection with National Guard Week to Relay Station WAUT on September 28, 1940; WAUT to transmit to Standard Broadcast Stations WEOA and WGBF.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with Station WFAS from 4 p. m. to 5 p. m. EST, October 5, 12, 19, and 26, 1940, in order to broadcast football games only.

W2XJI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover construction permit which authorized local move of high frequency broadcast transmitter. (B1-LHB-64).

W2XUP—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Granted license to cover construction permit which authorized local move of high frequency broadcast transmitter (B1-LFB-26).

No-Bel Radio Burglar Alarm, Oakland, Calif.—Granted motion to consolidate application for construction permit to operate on **1658 kc.**, 50 watts, unlimited time, at Oakland, and on frequency **2466 kc.**, 50 watts, unlimited, at San Francisco (T5-PE-3774; T5-PE-3765). Also granted petition for order to take depositions and continuance of hearing in this matter to November 15.

George F. Meyer, Medford, Wis.—Granted motion for indefinite continuance of hearing on application for a new station to operate on **1500 kc.**, 100 watts, unlimited time (B4-P-2501).

KUJ—KUJ, Inc., Walla Walla, Wash.—Dismissed joint petition for continuance of hearing for period of 30 days, since application for exchange of frequencies was granted by the Commission September 24 (B5-P-2610; B5-ML-902).

Batavia Broadcasting Corp., Batavia, N. Y.—Granted petition to amend application for new station to request a different frequency than that originally asked for—**640 kc.**, 250 watts, daytime (B1-P-2909).

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion to vacate Order to Take Depositions of September 13, in re application for renewal of license, hearing of which is now scheduled to be held in Tallahassee (B3-R-869).

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243) as modified, which authorized increase in power, and installation of directional antenna for night use, for extension of completion date October 5 to November 5, 1940 (B1-MP-1060).

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Granted modification of construction permit (B2-P-2871), which authorized a new station, approving transmitter site near Charleston Avenue and Summers St., Morgantown, and approval of vertical antenna; studio site at 440-446 Spruce St., Morgantown (**1200 kc.**, 250 watts, unlimited time) (B2-MP-1050).

KEID—KCMO Broadcasting Co., Portable-Mobile (area of Kansas City, Mo.).—Granted modification of relay broadcast station license to change frequencies from **132260, 134080, 135480, 135760 kc.** to **156075, 157575, 159975, 161925 kc.** (B4-MLRE-62).

KEIE—KCMO Broadcasting Co., Portable-Mobile (area of Kansas City, Mo.).—Granted modification of relay broadcast station license to change frequencies from **132260, 134080, 135480, 135760 kc.** to **156075, 157575, 159975, 161925 kc.** (B4-MLRE-63).

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted construction permit to install auxiliary transmitter for emergency use only, using 5 KW power; **860 kc.** (B1-P-2975).

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted modification of construction permit which authorized installation of new transmitter and antenna and move of transmitter, for authority to install new transmitter and extend commencement date to 30 days after grant and completion date 180 days thereafter (B1-MP-1066).

WGN—WGN, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-480).

WPIT—Westinghouse E. and M. Co., Hull, Mass.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WPIT authorized in construction permit (B1-PIB-23), with power of 35 KW using WL 893R tubes in final amplifier stage in lieu of 50KW power with Federal 124R tubes, respectively, specified in construction permit, for the period September 29 to October 28, 1940.

W2XOR—Bamberger Broadcasting Service, Inc., New York City. —Granted special temporary authority to operate on frequency **43500 kc.** in lieu of **43400 kc.** for the period ending January 1, 1941.

W2XJI—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to operate on **26300 kc.**, for a period not to exceed 30 days, in order to make tests in cooperation with station W9XA to determine interference conditions existing between the two stations.

Allen B. DuMont Labs., Inc., Passaic, N. J.—Granted special temporary authority to operate a 50-watt television transmitter at Passaic on the No. 2 television channel for the period ending October 5, in order to make field test measurements.

WEJJ-WEJR-WEJI—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate relay broadcast stations WEJJ, WEJR and WEJI for communication purposes in connection with the antenna and transmitter adjustment of standard broadcast station WEAF for a period beginning September 30, 1940, to not later than October 14, 1940, subject to the condition that no interference results to the transmissions of any other relay broadcast station.

WEOY—So. Carolina Broadcasting Co., Inc., Portable-Mobile, area of Charleston.—Granted license to cover construction permit (B3-PRY-222), which authorized a new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, 25 watts (B3-LRY-204).

WEOD—The Yankee Network, Inc., Boston, Mass.—Granted modification of license to change frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.** (B1-MLRE-64).

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from 7:45 p. m., EST, November 5, to 6:30 a. m., EST November 6, in order to broadcast election returns only (B2-S-289).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m., EST, to conclusion of Macon-Columbus baseball game on September 28, in order to broadcast said game only (B3-S-442).

KNET—Palestine Broadcasting Association, Palestine, Tex.—Granted special temporary authority to operate from 5:45 p. m. to 11 p. m., CST, October 4, 11, 18 and 25, in order to broadcast football games only (B3-S-878).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF with power reduced to 250 watts, from 7:30 to 8 p.m., CST on September 30, in order to permit WGBF to broadcast a National Federation Republican Clubs of America program (B4-S-624).

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with KFRU, in order to broadcast a National Federation Republican Clubs of America program (B4-S-490).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:15 to 6:30 p. m., EST, October 2, in order to broadcast Communist Party Program only (B1-S-886).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 to 6:45 p m., EST, October 14, in order to broadcast a program of the Republican State Committee only (B1-S-886).

WGNY—WGNY Broadcasting Co., Inc., Newburg, N. Y.—Granted special temporary authority to operate from 7:30 to 8 p. m., EST, October 7, 14, 21 and 28, in order to broadcast "The Catholic Hour" programs only (B1-S-817).

WGNY—WGNY Broadcasting Co., Inc., Newburg, N. Y.—Granted special temporary authority to operate from 7:30 p. m. to 8 p. m., EST, on September 30, 1940, instead of from 6:15 p. m. to 7 p. m., EST, as authorized by grant of August 31, 1940, in order to broadcast a Novena only.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va. —Granted special temporary authority to rebroadcast transmissions received from Forestry Stations (SV sets of 1 watt power operating on frequencies between 32 and 37 megacycles) between 2 p. m. and 5 p. m., EST, September 29, 1940, in connection with dedicatory program of wildlife preserve in the George Washington National Forest.

KFIO—Sopkane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of football game September 28, 1940, in order to broadcast game only.

WJHP—The Metropolis Co., Jacksonville, Fla.—Granted additional time within which to answer the petition for rehearing filed by the Florida Broadcasting Co.; and the time within which The Metropolis Co. (WJHP) may answer the petition for rehearing of the Florida Broadcasting Co. is extended to October 15, 1940 (B3-P-1195).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Denied request for indefinite extension of time within which to submit proposed antenna specifications, and advised licensee that unless the required information is received by the close of business on November 2, 1940, the construction permit for modification of license will be retired to the closed files for failure to comply with the terms thereof.

KYAN—Matilda Lannen, J. Cecil Bott, and Nettie Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Granted modification of construction permit as modified which authorized erection of new broadcast station, for authority to install new transmitter; **1370 kc.**, power 250 watts, unlimited (B5-MP-1069).

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Granted license to cover construction permit which authorized changes in equipment; **1200 kc.**, 250 watts, unlimited time (B1-L-1236).

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1:45 p. m. to 4:30 p. m., CST, October 12, 1940 (instead of from 3:30 to 4:30 p. m., CST, as authorized by grant of September 18, 1940), in order to broadcast football game only (provided KGCA remains silent).

KPHO—M. C. Reese, Phoenix, Ariz.—Granted modification of construction permit for new broadcast station to change type of transmitting equipment; **1200 kc.**, 250 watts, unlimited time (B5-MP-1064).

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Granted license to cover construction permit which authorized installation of new transmitting equipment; **1370 kc.**, 250 watts, unlimited time (B3-L-1240).

WOAI—Southland Industries, Inc., San Antonio, Tex.—Granted license to cover construction permit which authorized changes in equipment; **1190 kc.**, 50 KW, unlimited time (B3-L-1239).

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-494).

WEBR—WEBR, Inc., Buffalo, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-496). Same for auxiliary transmitter (B1-Z-497).

L. B. Wilson, Inc., area of Cincinnati, Ohio.—Granted construction permit for new relay broadcast station to be operated on frequencies **31220, 35620, 37020,** and **39260 kc.,** 2 watts power, A3 emission (B2-PRE-367).

KEGE—A. H. Belo Corp. (area of Dallas, Tex.), Portable-Mobile. —Granted license to cover construction permit for decrease in power to 2 watts and installation of new equipment (B3-LRE-323).

KEIL—KMTR Radio Corp. (area of Los Angeles, Calif.), Portable-Mobile.—Granted license to cover construction permit as modified for reinstatement of portable-mobile relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.,** power 50 watts (B5-LRE-318).

W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Granted modification of construction permit for new television broadcast station, for approval of transmitter site and antenna (B5-MPVB-22).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 9 p. m., CST, October 2, 1940, in order to permit WGBF to broadcast Republican Gubernatorial Candidate and Willkie speech only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU with power reduced to 250 watts, from 8 p. m. to 9 p. m., CST, October 2, 1940, in order to broadcast Republican Gubernatorial Candidate and Willkie speech only.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 6:45 p. m., CST, November 5, 1940, to 4 a. m., CST, November 6, 1940, in order to broadcast general election returns only.

WJMC—Walter M. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from local sunset (October 5:30 and November 4:45 p. m., CST) to 11 p. m., CST, October 4, 25, and November 1, 1940, in order to broadcast football games only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts, from 7:30 p. m. to 8 p. m., CST, October 11, 1940, in order to permit WGBF to broadcast Democratic National Committee program only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU with power reduced to 250 watts, from 7:30 p. m. to 8 p. m., CST, October 11, 1940, in order to broadcast Democratic National Committee program only.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y. —Construction permit to move old composite transmitter from College Point Causeway, Flushing, N. J., to site of new main transmitter, at Belleville Turnpike, Kearny, N. J., using 1 KW power for emergency use only. Employing directional antenna day and night.

WMAM—M & M Broadcasting Co., Marinette, Wis.—Authority to determine operating power by direct measurement of antenna power.

### 600 Kilocycles

WREC—Hoyt B. Wooten, tr. as WREC Broadcasting Service, Memphis, Tenn.—Construction permit to make changes in directional antenna system, and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Modification of license to remain on **880 kc.** as a Class II station under the North American Regional Agreement instead of on **910 kc.** as a class IV station as proposed.

### 1100 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Modification of construction permit (B1-P-2753) for increase in power, installation of directional antenna and new transmitter, requesting authority to change type of transmitter.

### 1200 Kilocycles

WPAB—Press-Union Publishing Co., Atlantic City, N. J.—License to cover construction permit (B1-P-2927) for changes in equipment.

### 1210 Kilocycles

WLOK—The Fort Industry Co., Lima, Ohio.—Modification of construction permit (B3-P-2506) for new equipment, increase in power, change hours of operation, for authority to install new transmitter and extend commencement date to 30 days after grant and completion date 60 days thereafter.

### 1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of construction permit (B4-P-2462) for increase in power, move of transmitter, and installation of directional antenna for night use, requesting change in type of transmitting equipment and move of transmitter from 5 miles east of center of city, near Wichita, Kans., to RFD No. 3, Wichita, Kans.

### 1310 Kilocycles

WEBR—WEBR, Inc., Buffalo, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WEBR—WEBR, Inc., Buffalo, N. Y.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

WTAQ—WHBY, Inc., Green Bay, Wis.—License to cover construction permit (B4-P-2232) as modified for a new transmitter, changes in directional antenna system, and increase in power.

WTAQ—WHBY, Inc., Green Bay, Wis.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Construction permit for a new broadcast station (under North American Regional Agreement), to be operated on **1340 kc.**, 250 watts, unlimited time.

### 1370 Kilocycles

KYAN—Matilda Lannen, J. Cecil Bott and Nettie Bott, d/b as The Western Broadcasting Company of Wyoming, Cheyenne, Wyo.—Modification of construction permit (B5-P-2331) as modified for a new station, requesting authority to install new transmitter, extend commencement date to 10 days after grant and completion date 60 days thereafter.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Authority to determine operating power by direct measurement of antenna power.

### 1500 Kilocycles

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson and John W. Boler, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Construction permit for a new station to be operated on **1230 kc.**, 500 watts night, 1 KW day, unlimited time. Amended: To change frequency from **1230 kc.** to **1550 kc.**, power from 500 watts night, 1 KW day to 1 KW day and night, and make changes in vertical antenna. Requests Class III-A station.

NEW—Lewistown Broadcasting Co., Lewistown, Pa.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Class IV station.

WMRN—The Marion Broadcasting Co., Marion, Ohio.—Modification of construction permit (B2-P-2862) for a new station, requesting approval of antenna and approval of studio and transmitter site at North Main St., 1/4 mile north of city limits, Marion, Ohio.

WMRC—Textile Broadcasting Co., Greenville, S. C.—License to cover construction permit (B3-P-2738) as modified for a new broadcast station.

WMRC—Textile Broadcasting Co., Greenville, S. C.—Authority to determine operating power by direct measurement of antenna power.

## FM APPLICATIONS

NEW—Tom M. Bryan, Miami, Florida.—Construction permit for a new high frequency broadcast station to be operated on **44,500 kc.**, coverage: 2,150 square miles, population: 306,000.

NEW—The National Life and Accident Insurance Co., Nashville, Tenn.—Construction permit for a new high frequency broadcast station to be operated on **44,500 kc.**, coverage: 16,000 square miles, population: 857,270.

NEW—William F. Maag, Jr., Youngstown, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **43,500 kc.**, coverage: 12,304 square miles, population: 4,488,498.

NEW—WCAU—Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **44,300 kc.**, coverage: 13,574 square miles, population: 5,079,206.

NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **43,100 kc.**, coverage: 12,400 square miles, population: 104,642. Amended: To change type of transmitter and antenna changes.

## TELEVISION APPLICATIONS

NEW—B. B. Shapiro, F. P. Shapiro & H. Shapiro, d/b as Leroy's Jewelers, Los Angeles, Calif.—Construction permit for a new television broadcast station to be operated on **66000-**

**72000 kc.**, 1 KW power, emission A3 and A5 for both visual and aural. Amended: Revised Form 318 filed.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for a new television broadcast station to be operated on **66000-72000 kc.**, 1000 watts, A3 and A5 emissions. Amended: To give types of aural and visual transmitters.

### MISCELLANEOUS

WPEO—Peoria Broadcasting Co., area of Peoria, Ill.—Modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co.

WEKI—Peoria Broadcasting Co., area of Peoria, Ill.—Modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co.

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-PVB-47) for approval of transmitter site at 117 S. 17th Street, Philadelphia, Pennsylvania, approval of antenna and change type of aural transmitter.

WEDK—The Travelers Broadcasting Service Corp., Hartford, Conn.—License to cover construction permit (B1-PRE-362) which authorized a new relay broadcast station.

WAWU—The Baltimore Radio Show, Inc., area of Baltimore, Md.—License to cover construction permit (B1-PRE-342), which authorized a new relay broadcast station.

WAUH—Atlantic Coast Broadcasting Co., Portable-Mobile.—License to cover construction permit (B3-PRE-357) for a new relay broadcast station.

NEW—Evansville on The Air, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, power 2 watts, emission A3, unlimited hours.

WEPA—Edwin H. Armstrong, Portable-Mobile.—Modification of construction permit (B1-PRE-277) for a new relay broadcast station as modified, for extension of completion date from 10-7-40 to 4-20-41.

WENE—WJIM, Inc., Portable-Mobile.—Construction permit to change type of transmitter and increase power from 15 to 50 watts.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Stanley's Drug Store**—Charging misrepresentation in the sale of medicinal preparations a complaint has been issued against Stanley Sikoparija and Sophia Strboya Sikoparija, trading as Stanley's Drug Store, Orange, Tex.

The complaint alleges that the respondents have advertised various preparations as cures or remedies for, or competent treatments of, a wide range of diseases and ailments for which such preparations in fact have little or no therapeutic value.

Among the preparations so advertised, according to the complaint, are "Ulcidine," "Bako Herb Tea," "Nervotone," "Tengo," "Vital Prescription Powders," "Kombin," "Diabetol Powder," "Epilepton Herb and Medicine," "Expello," "Reumalin," "Lift Extract," "Lift Tablets," "Lift Doushe Powder," "Lodol Powder," "Nokohol," "Rin," and "Melena."

The complaint further alleges that the respondents' advertisements with reference to "Nervotone," "Tengo," or "Slite Reducing Tablets," "Kombin" and "Epilepton" constitutes false advertisements because failing to reveal that the use of such preparations under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health. (4323)

### STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Egyptian Herb Tea Company**—Under a stipulation entered into, Ralph E. Pritchard, trading as Egyptian Herb Tea Company, Akron, Ohio, agrees to cease and desist from certain representations in the sale of "Egyptian Herb Tea," a medicinal product.

The respondent agrees to cease representing that his product is a competent treatment or effective remedy for obesity, is efficacious in the treatment of rheumatism, kidney trouble, high blood pressure, indigestion, gas on the stomach, pyelitis, backache, or any other affliction or condition aside from constipation; that priests or wise men of ancient Egypt have worked marvelous cures, or any cures, with the herbs contained in such compound and that Egyptian Herb Tea is a tonic.

Among other representations which the respondent agrees to discontinue are the assertions that his preparation is a blood purifier; that it is the safest or quickest way to proper elimination, and that the respondent is an importer of herbs or any other commodity. (2932)

**Unico Products, Inc.**, 3932 Field Ave.. Detroit, has made a stipulation in which it agrees to cease and desist from certain representations in the sale of an electro-therapeutic device designated "Electro-Health Activator" and "The New Improved Activator."

The respondent corporation agrees to desist from use of the name "Electro-Health Activator" to describe its device, or the word "health" or other similar term in a manner implying that the product is "health giving." The respondent also agrees to cease representing that it manufactures, constructs or assembles the device, when such is not a fact, and that its device is new in principle, has been approved by the medical profession, will benefit everyone over 40, will have a rejuvenating or general tonic effect, or will for the first time enable persons to use electrotherapy at home.

The respondent also stipulates that it will cease advertising its device as having any physical therapeutic value except as a possible aid in the temporary relief of chronic nerve pain where there is no acute inflammation present along the nerve, and as an adjunctive treatment in cases where its actual skin stimulative properties are known to be helpful.

A further stipulation of the respondent is that it will cease representing its product as being guaranteed without at the same time clearly indicating the nature and scope of the guarantee and without indicating that the guarantee does not cover detachable parts. (02638)

### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Anheuser-Busch, Inc.**, St. Louis. has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act in the sale of glucose or corn syrup unmixed, which is purchased by candy manufacturers.

Between June 19. 1936, and August 1, 1937, according to Commission findings, the respondent sold such syrup at higher delivered prices per 100 pounds to purchasers located in certain cities other than Chicago and Danville, Ill., than it had sold such syrup in containers of like size and type to Chicago and Danville purchasers; and between September 14, 1937 and the present time, the respondent has sold syrup to Danville purchasers and to others located outside of Chicago at higher prices per 100 pounds than it has sold such syrup in containers of like size and type to Chicago purchasers. The higher prices at which the syrup was sold to purchasers in cities other than Chicago were not uniformly higher than the prices at which it was concurrently sold by the respondent to Chicago purchasers, according to findings, but varied with the geographical location of the purchasers; for example, they varied from $2.09 in Chicago to $2.92 in Abilene, Tex., as of August 1, 1939, while at the same time Nashville purchasers paid $2.51 and St. Louis customers $2.27.

Findings are that the respondent's policy has been to sell and deliver its syrup in several sizes and types of containers at prices per hundredweight over the tank car price per hundredweight, according to the size and type of container, and that it has also sold its syrup for delivery in containers of the same size at higher prices to some purchasers than to others; for example, in St. Louis it sold such syrup delivered in returnable drums to some purchasers at 13 cents per hundredweight over the tank car price in accordance with its pricing policy but concurrently sold it in identical containers to other St. Louis purchasers at only four cents per hundredweight over the tank car price.

By selling its syrup at the different prices as found, the findings continue, the differences between which prices have not been justified by the respondent and which differences make more than due allowance for differences in the cost of delivery, the respondent has discriminated in price between such purchasers, the result having been to place the unfavored purchasers paying the greater prices under a competitive disadvantage.

Pointing out that the respondent's syrup is one of the major raw materials used in the production of many varieties of candy, the findings continue, that not only is the quantity of such syrup used significant, but the price paid therefor by such purchasers is a substantial part of the cost of the raw materials used in particular candies having a relatively high syrup content, as well as of the total cost of manufacturing an extensive line of candies having a wide range of syrup contents. The costs of the unfavored of such purchasers, according to findings, increase over the costs of the favored purchasers directly as the amount of the discrimination between them increases.

The Commission order directs that the respondent cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality, either directly or indirectly in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such product to some purchasers at a different price than to other purchasers where the effect may be to violate the Robinson-Patman Act. (3798)

**Diamond Candy Company**—An order has been issued requiring Curtis C. Walker, trading as Diamond Candy Company, 219 North Graham St., Charlotte, N. C., to cease and desist from the use of lottery methods in the sale of candy.

The order prohibits the respondent from selling or distributing candy or any other merchandise so packed and assembled that sales may be made by means of a lottery; supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling such candy or other merchandise to the public; or selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4224)

**United Soap Company**—Lawrence L. Keller, trading as United Soap Company, 4726 Ballard Ave., Seattle, has been ordered to cease and desist from misrepresentation of his products.

The Commission finds that the respondent is engaged in the business of manufacturing and selling soap under the brand names "Hot Springs Mineral Soap", "Hawaiian Rose", "Velvette" and other similar names, and that he changes each of the names under which he sells soap as the demand for the soap under a given name has declined. All of the soap, regardless of the name under which it is sold, is manufactured at the respondent's place of business in Seattle, and is made by the same formula.

The respondent represents, according to findings, that the "Hot Springs Mineral Soap" is "vitamized" and imported by "Union Soap Company, Importers", represented as having offices in New York, Los Angeles and San Francisco, and that "Creme Savon" soap is medicated and is manufactured and sold by the "Wilson Soap Co." of San Francisco. Findings also are that none of the soap is vitamized or medicated; that the price of 75¢, printed by the respondent on the boxes of soap, is wholly fictitious and greatly in excess of the actual value and selling price, and that the soap is not high quality toilet soap, but is inferior in grade and quality and is regularly sold by the respondent to peddlers and canvassers for approximately 5 cents per box of soap and a box of washing powder. These peddlers or canvassers in turn sell and distribute the soap and washing powder to ultimate consumers by house-to-house canvass, usually for 25 cents a box of soap and a package of washing powder. The respondent is ordered to cease and desist from representing, through use of fictitious names and addresses or through the use of different brand or trade names, that he sells more than one grade or quality of soap; that it is imported or is manufactured in any place other than at the respondent's place of business in Seattle; that the soap is vitamized or medicated in any way, or that it has any medicinal or curative value, or that it is in any manner more beneficial than any ordinary toilet soap. The respondent is also ordered to cease representing that the soap retails for or has a retail value of any price in excess of the usual and customary price at which the soap is sold to ultimate users, or that it is other than ordinary toilet soap. (4184)

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NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 41, October 11, 1940

## THE WEEK IN WASHINGTON

When must a broadcasting station carry Communist political speeches? This question has been raised hundreds of times since the start of the current campaign. Conditions are different in various states. Information that should prove helpful in making decisions is included in this issue. (p. 4665.)

*Practice Makes Perfect* was number one tune on the Hit Parade last week. BMI has acquired radio performance rights for the catalogue of G. Ricordi and Company of Milan. It includes 124,000 titles. Seventeen phonograph records of BMI tunes are now on sale. (p. 4666.)

The forty-hour week for employees covered by the Wage and Hour Act goes into effect the first work-week starting after midnight October 23. The minimum wage remains at thirty cents an hour. The Wage and Hour Administration is revising and adding to its opinion about the coverage of performers on sustaining programs. (p. 4668.)

The War Department has published a list of public relations officers of the Selective Service Administration who will cooperate with radio stations in publicizing conscription day. (p. 4669.)

The America First Committee's radio program has been revised to make it conform with Code standards for commercial use. (p. 4670.)

Radio's twentieth birthday is to be celebrated nationally. Plans are being sent out from the NAB (p. 4670.)

Automobile advertising is the subject of the latest Bureau of Radio Advertising study being sent to all members. The NAB has appointed a committee to confer with the American Association of Advertising Agencies on the subjects of the standard order form contract and standard invoice forms. (p. 4671.)

Round table discussions of regulations for the more accurate keeping of program records by international short-wave stations were held at the FCC this week. The broadcasters' committee made certain suggestions which will be submitted to the Commission. The Communications Defense Board held another executive session, continuing its discussion of the whole communications situation. The FCC is sending out a questionnaire to all stations on the subject of foreign language broadcasts. (p. 4671.)

## COMMUNIST CANDIDATES

The matter of accepting programs for Communist candidates has caused considerable uncertainty among NAB members. We have tried to render the most accurate advice possible upon this subject. The conditions are different in the various states. In order that we may respond accurately to inquiries and give official information, we have just completed a canvass of the Secretaries of State of the forty-eight states. We asked them the status of the Communist candidates at the present time.

In alphabetical order, by states, we have listed below a resumé of the telegraphic information we have received up to the time the REPORTS go to press. We have, incidentally, requested each of these Secretaries of State to advise us by wire of any change in the status of such candidates. Members are asked to watch future issues of the REPORTS for information as to changes. If the general information contained below leaves any doubt as to the status of Communist candidates in your State, you are cordially invited to submit a specific inquiry to us and we will see that a prompt response is made.

Following is the tabulation:

| | |
|---|---|
| ALABAMA | —Presidential electors only qualified. |
| ARIZONA | —No candidates on ballot. |
| ARKANSAS | —Secretary of State declined to accept filing of Communist candidates. Circuit Court sustained him. Case now on appeal to Supreme Court; probable decision about October 14. |
| CALIFORNIA | —Forty-four Communist candidates for national and state offices qualified. Law outlawing party not effective until 1941. |
| COLORADO | —Presidential electors and Congressman from First District qualified. |
| CONNECTICUT | —Presidential electors and United States senatorial candidate qualified. |
| DELAWARE | —No Communists qualified. Deadline for filing, October 15. |
| FLORIDA | —No Communists qualified. Laws do not recognize party. |
| GEORGIA | —No Communist candidates qualified. |
| IDAHO | —Presidential electors qualified. |
| ILLINOIS | —Communist candidates will not appear on ballot. |

*(Continued on page 4666)*

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

## COMMUNIST CANDIDATES

*(Continued from page 4665)*

INDIANA —Board of Election Commissioners have prohibited the placing of Communist candidates' names on ballot.

IOWA —Candidates for president, vice president and governor will appear on ballot.

KANSAS —Communist candidates will not be on ballot.

KENTUCKY —Communist candidates will not be on ballot.

LOUISIANA —No Communist candidates qualified.

MAINE —Communist candidates for presidential electors will appear on ballot.

MARYLAND —Communist candidates filed. Matter now in litigation.

MASSACHUSETTS —Communist candidates qualified.

MICHIGAN —Communist candidates for major state offices except Auditor-General have qualified.

MINNESOTA —Communist candidates for presidential electors qualified.

MISSISSIPPI —No Communist candidates qualified.

MISSOURI —No Communist candidates qualified.

MONTANA —Communist candidates for presidential electors, governor and lieutenant-governor qualified.

NEBRASKA —Communist candidates not qualified.

NEVADA —Communist candidates not qualified.

NEW HAMPSHIRE—Communist candidates for presidential electors and governor have filed. Protest has been entered. Final decision October 11.

NEW JERSEY —Communist candidates for presidential electors, governor, United States senator and six congressmen qualified.

NEW MEXICO —Communist candidates qualified.

NEW YORK —No Communist candidates qualified when check was made. New York members will be notified of any change.

NORTH CAROLINA—No Communist candidates qualified.

NORTH DAKOTA —No Communist candidates qualified.

OHIO —No Communist candidates qualified.

OKLAHOMA —No Communist candidates qualified.

OREGON —No Communist candidates qualified.

PENNSYLVANIA —Communist candidates qualified.

RHODE ISLAND —Communist candidates for presidential electors qualified.

SOUTH CAROLINA—No Communist candidates qualified.

SOUTH DAKOTA —No Communist candidates qualified.

TENNESSEE —No Communist candidates qualified.

TEXAS —Communist candidates for presidential electors, United States senator and representative 20th district, qualified.

UTAH —Communist candidates for presidential electors and governor filed but rejected by Secretary of State. Case taken to Supreme Court. Now pending.

VERMONT —Candidates for presidential electors qualified. Candidates for representative in Congress not qualified.

VIRGINIA —Communist candidates for presidential electors, United States senator and one national representative qualified.

WASHINGTON —Communist candidates filed. Legal action instituted. Case pending in Supreme Court.

WEST VIRGINIA —No Communist candidates qualified.

WISCONSIN —Communist candidates for presidential electors have qualified as Independents and will appear on ballot as such.

WYOMING —No Communist candidates qualified.

## BMI FEATURE TUNES
### October 14-21

1. PRACTICE MAKES PERFECT
2. YOU WALK BY
3. THE SAME OLD STORY
4. MAY I NEVER LOVE AGAIN
5. THERE I GO
6. I GIVE YOU MY WORD
7. I HEAR A RHAPSODY
8. SO YOU'RE THE ONE

Of BMI's featured tunes, five are on the sheet this week, *Practice Makes Perfect* was number one on the Hit Parade last Saturday, both *Practice* and *Same Old Story* are among the sheet music best sellers, and two records of *Practice* are among the best selling retail records, Bob Chester's on the national list and Al Kavelin's on the regional list for the Midwest. The Chester recording also appears among the leaders in the coin machines.

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BMI has acquired radio performance rights, effective immediately, in the catalogue of G. Ricordi & Co. of Milan. Embracing 124,000 titles, including 500 operas and several hundred symphonic works, the catalogue of this 132-year-old music firm represents one of the largest and finest repertoires of music in the world.

As the Ricordi catalogue is not included in the contract between ASCAP (the American Society of Composers, Authors and Publishers) and the Italian governmental society, these rights do not come within the scope of ASCAP's contracts with the official Italian society.

Among the copyrighted works are the operas of Puccini, including "Madame Butterfly", "Tosca", "The Girl of the Golden West", "La Boheme" and many others; also the works of Respighi, "The Pines of Rome", "The Fountains of Rome" and other tone poems. The catalogue includes the standard editions of the works of Verdi, Donizetti, Mascagni, Rossini, Boito. It ranges all the way from early church music to modern dance music. The Buenos Aires listings, which contain a large selection of rhumbas, tangos and congas, are in the grant. Existing contracts between Ricordi and BMI member stations are assigned to BMI by Ricordi.

The contracts were signed by Dr. Renato Tasselli for Ricordi and by M. E. Tompkins, vice president and general manager, for Broadcast Music, Inc.

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It is probably no news to most broadcasters that regular phonograph recordings are seldom made until a song has begun to show a strong appeal to the public. The fact that 17 records of BMI numbers are now available in the retail record stores is proof of the success of BMI music.

Some broadcasters will be interested in these records for use in their stations. All broadcasters will be interested in them for use at home. BMI members can help the BMI cause by playing these records of their own music for their families and their guests, by keeping them on their own phonographs and by helping to spread them among the homes of their friends. They have been made by some of the country's leading artists. There are no better records in popular music. Here's the list:

**COLUMBIA**

*Here In The Velvet Night*—Ted Strater—Col. 35641
*Practice Makes Perfect*—Eddy Duchin—Col. 35702
*The Same Old Story*—Eddy Duchin—Col. 35724
*There I Go*—Will Bradley—Col. 35743

**OKEH (Columbia)**

*I Give You My Word*—Al Kavelin—Okeh 5734
*Madame Will Drop Her Shawl*—Al Donahue—Okeh 5704
*Practice Makes Perfect*—Al Kavelin—Okeh 5746
*Practice Makes Perfect* and *The Same Old Story*—Billie Holliday—Okeh 5806
*The Same Old Story*—Frankie Masters—Okeh 5716
*There I Go*—Tommy Tucker—Okeh 5789
*What Good's The Moon*—Ray Herbeck—Okeh 5659

**DECCA**

*Practice Makes Perfect*—Terry Shand—Decca 3399

**BLUEBIRD (Victor)**

*I Give You My Word*—Mitchell Ayres—B-10895
*Practice Makes Perfect*—Bob Chester—B-10838
*The Same Old Story*—Freddie Martin—B-10830
*There I Go*—Vaughn Monroe—B-10848
*We Are All Americans*—Dick Todd—B-10840

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More details as to what BMI stations are doing with BMI music is given in a letter from Frank Bishop of KFEL of Denver, to BMI's Carl Haverlin.

"As you know, we originate no ASCAP music on KFEL. ASCAP representatives insisted, both to Gene and to KFEL, that radio ruins their music, and that the time would come when they wouldn't let us play it at all. Of course, we don't want to ruin anybody's music and if ASCAP feels that way and would rather we didn't play it, we are not going to. We also feel that any industry, especially one as large and important as radio, should not depend on a single source of supply for a staple and important commodity. .

"Consequently, we bear down on Public Domain, tax-free, and BMI music in particular. Every day we carry three or four or more announcement periods devoted entirely to BMI music. At the open and close we use an announcement to the effect that 'The music on this program is published by Broadcast Music, Incorporated, and that means it is new and created especially for the broadcasting industry.' On programs which may include other than BMI tunes we add, 'Another Broadcast Music, Incorporated, tune, the organization giving songwriters a real chance to create music.'

"Every evening in the five-minute period following our newscast we carry a special program dedicated to BMI in which we play the tunes to be plugged that week. . . .

"So many local orchestra leaders have asked us for BMI orchestrations and sheet music that we are completely out of all of the more popular tunes and it will probably be necessary for us to ask your shipping department to double our order on popular music and replace many of the tunes previously shipped."

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Many BMI subscribers have probably learned already that ASCAP could not find a station to carry its boomps-a-daisy program from the San Francisco World's Fair, not even KFWB of Los Angeles which has been using up so much magazine space to assert its family loyalty to ASCAP. The program, in a master stroke of tactful arrangement, used Gene Buck's little ditty, "Sally, Won't You Come Back", and George M. Cohan's "Give My Regards to Broadway" to bracket "The Lord's Prayer" as set to music by one Albert Hay Malotte. Apparently ASCAP was getting somewhat hysterical at about that time for it sent out a publicity release which headlined the statement that the Lord's Prayer had been barred from the air.

The head of one of the leading transcription companies last week sent us a copy of this release with the comment, "I'm very sorry that we can't even pray now unless we get Special Permission from ASCAP."

---

Here are more stations to be welcomed to BMI. If any of these have by chance been previously announced, it will do no harm to welcome them twice. This brings the number of BMI stations to 398.

WOCB—West Yarmouth, Mass.
WSTV—Steubenville, Ohio
WNBF—Binghamton, N. Y.
WIBG—Glenside, Pa.
WHBY—Appleton, Wis.
KGHI—Little Rock, Ark.
WLNH—Laconia, N. H.
WOOD-WASH—Grand Rapids, Mich.
KRLC—Lewiston, Idaho
WSYB—Rutland, Vt.
KTSM—El Paso, Texas
KBND—Bend, Oregon
WHCU—Ithaca, N. Y.
WTAQ—Green Bay, Wis.
KLRA—Little Rock, Ark.
WXYZ—Detroit, Mich.
KUJ—Walla Walla, Wash.
KXL—Portland, Oregon

# Labor

## FORTY-HOUR WEEK

The forty-hour week for employees covered by the Wage and Hour Act goes into effect the first work-week starting after midnight, October 23.

Most work-weeks in the broadcasting industry will start Sunday, October 27, or Monday, October 28.

Time and one-half must then be paid for all time worked above 40 hours each week. This overtime is based on the employee's regular hourly rate.

In making the change from the current 42-hour week to the 40-hour week, it is all right to reduce the employee's *weekly salary,* but illegal to reduce his *hourly rate.* For instance, an announcer now making $42 for a 42-hour week can be cut to $40 for a 40-hour week. But he cannot be cut to $35 for a 40-hour week, to make up for any additional costs incident to the change.

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The minimum wage remains at 30 cents per hour.

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Labor contracts calling for a work week of more than 40 hours without overtime are automatically changed as of October 23. The law supersedes contracts.

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Shortly after the new definitions of executives, administrative workers, professionals and outside salesmen are issued, the NAB Labor Relations Department will send all member stations a booklet to be entitled, "The Wage and Hour Act: How It Applies to Broadcasting Stations."

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An eastern station has been ordered to pay back wages amounting to more than $2,000 to "student announcers" who were employed without pay. The station could not contest the amount because its records of time worked were incomplete.

---

The Wage and Hour Division has ruled that employers could give employees training courses for better jobs without pay, provided that:

1. Attendance on the part of the employee is in fact voluntary. No training program shall be considered voluntary if a condition of the employee's continued employment in his present job is attendance at the training program.
2. The employee shall not produce any goods or perform any other productive work during such periods of training.
3. The training course must be given outside of regular working hours.
4. The training course is intended to train the employees to a new, different, or additional skill, and is not intended to make the employee more efficient at doing what he has been doing in his present job.

Col. Philip B. Fleming, Wage and Hour Administrator, is revising and adding to his opinion about the coverage of performers on sustaining programs. A new memorandum will be issued within a few days. It will state that performers and speakers on public service programs, bonafide amateurs, etc., are not employees within the meaning of the act, and therefore need not be paid. A complete analysis of the situation will appear in next week's REPORTS.

## CONSCRIPTION

Two firms in the radio field have announced their policy with regard to conscripted employees.

NBC (and all other RCA subsidiaries) will give each employee who is conscripted or who volunteers the difference between his last month's salary and his first month's army pay. The employee's group insurance premiums will be paid by the company.

Western Electric will give conscripted employees their regular pay, less army pay, during their first three months of army service. Insurance payments will be kept up by the company. It might be well for any member who has any doubts about "exemptions" to re-read the article on page 4630 of the NAB REPORTS, September 27, 1940.

## FREE SPEECH

The Sixth United States Circuit Court of Appeals (Cincinnati) has upheld the right of the Ford Motor Company to circularize Henry Ford's opinion of labor unions among its employees. The Labor Relations Board had held that distribution of anti-union pamphlets by the company had constituted "coercion" and had constituted violation of the Wagner Act.

"We have previously observed," said the court, " 'unless the right of free speech is enjoyed by employers as well as employees the guaranty of the First Amendment is futile, for it is fundamental that the basic right guaranteed by the Constitution belongs equally to every person.' "

## FREE PRESS

The American Newspaper Publishers Association has challenged the constitutionality of the Wage and Hour Act, as applying to newspapers, under the First Amendment.

Elisha Hanson, counsel for the association, asked a federal district court in Philadelphia to dismiss a request from the Wage and Hour Administration for an order to require two Easton, Pa., newspapers to produce their employment records for inspection.

The Wage and Hour Administration contended no censorship was involved.

Very likely the case eventually will go to the Supreme Court.

# National Defense

## CONSCRIPTION PUBLICITY

Below is published a list of Public Relations Officers of the Selective Service Administration who will cooperate with radio stations in coordinating their efforts in publicizing the Conscription Registration date, October 16, when all male citizens of the United States between the ages of 21 and 36 will register under the auspices of 6,500 local conscription authorities.

Public Relations Officer, New York City Selective Srevice Headquarters, Municipal Building, New York City.

Public Relations Officer, Colorado Selective Service Headquarters, Denver, Colo.

Public Relations Officer, Connecticut Selective Service Headquarters, Hartford, Conn.

Public Relations Officer, Delaware Selective Service Headquarters, Wilmington, Del.

Public Relations Officer, Florida Selective Service Headquarters, St. Augustine, Fla.

Public Relations Officer, Georgia Selective Service Headquarters, Atlanta, Ga.

Public Relations Officer, Idaho Selective Service Headquarters, Boise, Idaho.

Public Relations Officer, Illinois Selective Service Headquarters, Springfield, Ill.

Public Relations Officer, Indiana Selective Service, Indianapolis, Ind.

Public Relations Officer, Iowa Selective Service Headquarters, Des Moines, Iowa.

Public Relations Officer, Kansas Selective Service Headquarters, Topeka, Kans.

Public Relations Officer, Kentucky Selective Service Headquarters, Frankfort, Ky.

Public Relations Officer, Selective Service Headquarters, Jackson Barracks, New Orleans, La.

Public Relations Officer, Maine Selective Service Headquarters, Augusta, Maine.

Public Relations Officer, Maryland Selective Service Headquarters, Fifth Regiment Armory, Baltimore, Md.

Public Relations Officer, Massachusetts Selective Service Headquarters, 347 Commonwealth Ave., Boston, Mass.

Public Relations Officer, Michigan Selective Service Headquarters, Lansing, Mich.

Public Relations Officer, Minnesota Selective Service Headquarters, St. Paul, Minn.

Public Relations Officer, Alabama Selective Service Headquarters, Montgomery, Ala.

Public Relations Officer, Arizona Selective Service Headquarters, Phoenix, Ariz.

Public Relations Officer, Arkansas Selective Service Headquarters, Little Rock, Ark.

Public Relations Officer, California Selective Service Headquarters, Sacramento, Calif.

Public Relations Officer, Nevada Selective Service Headquarters, Carson, Nev.

Public Relations Officer, Oregon Selective Service Headquarters, Salem, Ore.

Public Relations Officer, Washington Selective Service Headquarters, Olympia, Wash.

Public Relations Officer, Montana Selective Service Headquarters, Helena, Mont.

Public Relations Officer, Wyoming Selective Service Headquarters, Casper, Wyo.

Public Relations Officer, Utah Selective Service Headquarters, Salt Lake City, Utah.

Public Relations Officer, New Mexico Selective Service Headquarters, Santa Fe, N. Mex.

Public Relations Officer, North Dakota Selective Service Headquarters, Bismarck, N. Dak.

Public Relations Officer, South Dakota Selective Service Headquarters, Pierre, S. Dak.

Public Relations Officer, Nebraska Selective Service Headquarters, Lincoln, Nebr.

Public Relations Officer, Oklahoma Selective Service Headquarters, Oklahoma City, Okla.

Public Relations Officer, Texas Selective Service Headquarters, Austin, Tex.

Public Relations Officer, Missouri Selective Service Headquarters, Jefferson City, Mo.

Public Relations Officer, Wisconsin Selective Service Headquarters, Madison, Wisc.

Public Relations Officer, Mississippi Selective Service Headquarters, Jackson, Miss.

Public Relations Officer, Tennessee Selective Service Headquarters, Nashville, Tenn.

Public Relations Officer, North Carolina Selective Service Headquarters, Raleigh, N. C.

Public Relations Officer, South Carolina Selective Service Headquarters, Newberry, S. C.

Public Relations Officer, Virginia Selective Service Headquarters, Richmond, Va.

Public Relations Officer, Ohio Selective Service Headquarters, Columbus, Ohio.

Public Relations Officer, Pennsylvania Selective Service Headquarters, Harrisburg, Pa.

Public Relations Officer, West Virginia Selective Service Headquarters, Charleston, W. Va.

Public Relations Officer, New York Selective Service Headquarters, Albany, N. Y.

Public Relations Officer, New Hampshire Selective Service Headquarters, Concord, N. H.

Public Relations Officer, Vermont Selective Service Headquarters, Montpelier, Vt.

Public Relations Officer, Rhode Island Selective Service Headquarters, Providence, R. I.

Public Relations Officer, New Jersey Selective Service Headquarters, Trenton, N. J.

## DEFENSE JOBS

Employment of a night clerical force of fifty persons has just been approved by the United States Civil Service Commission to speed up indexing of applications for national defense jobs produced by the nation's broadcasters.

One of the specially pressing needs at the moment is for shipfitters. Almost all naval construction plants are seeking such qualified men. Many vacancies exist in the yards at Boston; Philadelphia; Portsmouth, Va.; Bremerton, Wash.; Charleston, S. C.; Vallejo, Calif.; and Pearl Harbor.

Stations broadcasting Man Power Announcements, heretofore unreported, are: WFMD, Frederick, Md., and WSLS, Roanoke, Va., District 4; KFKU, Lawrence, Kans., District 12; and KFQD, Anchorage, Alaska, District 17.

WSLS is the new station in Roanoke. It began operating October 1 and Man Power Announcements were included in the schedule.

## DEFENSE PROGRAM IDEA

G. G. Fletcher, program director, WLAK, Lakeland, Fla., has produced a 15-minute program to accommodate the many genuine national defense announcements he has received. This is in addition to a spot schedule for Man Power Announcements and the like.

His thinking on the demand-for-time problem confronting stations is summarized in the following paragraphs from a letter pledging fullest cooperation:

> "Finding itself deluged with request for time for broadcasting announcements for defense projects, WLAK has, in addition to an extensive spot schedule for such announcements as 'Man

Power' request for skilled workers, set up a daily 15-minute program period titled 'America Builds for Defense' at a period of the day when a peak audience is enjoyed.

"Around a theme of patriotic music, script and transcribed announcements, five minute program plugs, such as those released by the council for national defense, are interwoven. Program is being well received by the public. And, at the same time, it is assisting in relieving the tremendous burden of spot plugs that today every service-minded radio station is obligated to assume."

## Code

### AMERICA FIRST PROGRAM

Last week the America First Committee submitted a script which the Code Committee determined was a public controversial issue and was not in its form as submitted a program subject to classification as a political broadcast available for sponsorship on commercial time.

Following this action, BBD & O, in consultation with Mr. Edgar Bill of the Code Committee and NAB Headquarters, revised the form of the program so as to be classified as a political broadcast and thus be available for booking on a commercial basis as provided for in the Code.

The position of the Code in no way was altered by this action. Rather, by having the introductory copy changed, the program was altered so as to conform to the Code. This was brought about by introductory copy built around the following statement of position:

> "The America First Committee, whose slogan 'Defend America First' symbolizes your national safety, is a nonpartisan organization that supports and urges the election of candidates for public office, either Democratic or Republican, who are prepared to advocate these policies and principles detailed in this presentation."

The NAB is most appreciative of the cooperative spirit of the sponsor in revising the program so as to conform to the Code.

## Promotion

### RADIO'S TWENTIETH BIRTHDAY

Radio's 20th Birthday is to be celebrated nationally —for 20 days, November 11 to 30. A broadside covering the radio celebration was mailed to stations this week from headquarters.

In a letter, which was a part of the piece, Neville Miller outlined the importance of the Anniversary in this fashion:

> "In the midst of stress and strain at home and abroad, including a Presidential campaign, National Defense activities, and the start of the football season, let us not forget that, this year, radio is twenty years old.
>
> "It is an important and significant anniversary. It means something to every one of our 132,000,000 fellow citizens. It means something to the church, to the school, to the civic and cultural life of our communities and of our nation. It means something to business and to labor, to farmer and to city dweller, to young and old. It means something to broadcasters whose pioneering efforts, courage and ability have demonstrated that a free system of privately managed, competitive radio—the American System of Broadcasting—is the finest and greatest in the world. We have reason to be proud.
>
> "This anniversary is important. In the national emergency through which we are now passing, it is important that the public understand and appreciate the blessings of a free radio, parallel to a free press, free worship and free assembly.
>
> "We believe that after the political campaign is over in early November there will be sufficient time cleared which may be conveniently utilized in celebration of radio's twentieth birthday. We have only to remind you and your skilled program builders and promotion experts of the date—November 11-30. We know you will do the rest. This announcement, therefore, is only in the nature of a reminder and a cue sheet."

In a note attached to the broadside, Arthur Stringer wrote:

> "Listener loyalty can't be bought, can't be ordered.
>
> "It is given freely when listeners understand and appreciate fully the worth of your daily services.
>
> "Promotion of your interpretation of Radio's Birthday Party will increase such understanding."

### LISTEN BEFORE YOU VOTE

Richmond, Va., and surrounding territory is hearing all about "Listen before You Vote" and listeners like it.

J. F. Skinnell, production manager, WMBG, tells it this way:

> "In behalf of the promotion Miss Helen Wharton, a very fine dramatic reader, has written a series of scripts entitled 'Listen Before You Vote.' These readings are very interesting, original and dramatic, and I am sure they are serving to stimulate a vast amount of interest. Miss Wharton has been giving one of these readings each week for the past several weeks and will continue to do so until the election.
>
> "The Inter-Club Council of the City of Richmond is also sponsoring a similar program. This club has already furnished a speaker for us on one occasion and we hope to cooperate with them again in this respect prior to election."

The giant size "Listen before You Vote" poster, displayed at the NAB Convention in San Francisco, now graces an F Street window of the Hecht Company, Washington department store. Pictures of candidates are grouped at the base of the poster along with a display of 1941 radio sets.

## Sales

### BUREAU OF RADIO ADVERTISING

In addition to the "Results from Radio" study on automobile advertising, which is No. 8 in the series now going out to all members, the Bureau of Radio Advertising recommends the following articles and reprints as required reading for station sales personnel:

"Selling Used Cars by Radio"—*Broadcasting*, October 1 (P. 67)

"Radio and Sales"—*Variety Radio Directory* (P. 33)

"Selling Real Estate Advertising"—*Editor & Publisher*, September 28 (P. 43)

"Clothing Sales thru the Air"—*Radio Showmanship,* September (P. 8)

"Human! Handle with Care" is the title of an enlightening and useful booklet on radio advertising, with particular emphasis on commercial copy and its importance to the success of the campaign. Ruthrauff & Ryan, Inc., may be willing to send you a copy.

The first issue of *Radio Showmanship* does a fine job of bringing together, under one cover, many practical program ideas, success stories and miscellaneous facts and figures of a selling nature. Published by Showmanship Publications, Minneapolis, Minn.

## FREE OFFERS

The Plymouth Division of Chrysler Corporation, through J. Stirling Getchell, Inc., has offered stations interview scripts in connection with local automobile shows, featuring visiting officials of the Plymouth Company. Although no trade names are used, the scripts are frankly commercial on behalf of the new models generally, and the Bureau of Radio Advertising believes that stations should weigh the news value and civic benefits of their local automobile shows against the above facts before accepting the talks on free time.

## AAAA CONFERENCE COMMITTEE

The committee appointed to confer with the American Association of Advertising Agencies on the subjects of the standard order form contract and standard invoice forms is as follows:

Harry C. Wilder, WSYR, Chairman; Dick Mason, WPTF; Frank A. Seitz, WFAS; Dale Taylor, WENY; L. B. Wailes, Westinghouse stations.

Ex officio: Neville Miller, NAB President; Paul F. Peter, NAB Director of Research; Russell Place, NAB Counsel.

In consultation with Fred Gamble, Executive Secretary of the 4A's and member of his staff, Paul Peter, Research Director of NAB has set as a tentative meeting date for the NAB and the 4A Conference Committees, October 30th.

# FEDERAL COMMUNICATIONS COMMISSION

## BROADCASTERS, COMMISSION STAFF DISCUSS SHORT-WAVE RULES

Round-table discussions of regulations for the more accurate keeping of program records by International Short Wave Broadcasting stations were held at the office of the FCC on Monday, October 7. Presiding was Gerald C. Gross, Head of the International Division, and there were present representatives of all the stations involved, NAB President Miller and members of the Commission and NAB staffs. The meeting lasted throughout the day and was marked by splendid cooperation between the industry and the Commission staff. Changes and suggestions in the International Short Wave Regulations made on behalf of the licensees are now being submitted to the Commission. It may be stated that there was unanimous agreement among the licensees that complete records of all programs transmitted by International broadcast stations should be kept. Early action by the Commission is expected.

Present at the meeting were:

CBS and WCAB—Harry C. Butcher, Paul Porter.
General Electric—L. D. Coffman, B. J. Rowan, John Sheehan.
NBC and RCA—Philip J. Hennessey, Jr., Frank E. Mason, Frank M. Russell, Oswald T. Schuette.
Westinghouse—F. P. Nelson, J. B. Rock.
WLWO—W. E. Branch, Wilfred Guenther, William C. Koplovitz.
World Wide Broadcasting—Maurice M. Jansky, Walter S. Lemmon.
NAB—Neville Miller, Paul Peter, Russell Place.
FCC—T. L. Bartlett, Gerald C. Gross, Joseph L. Rauh, Jr., Andrew D. Ring, Philip F. Siling, deQuincy V. Sutton, E. M. Webster.

## COMMUNICATIONS DEFENSE BOARD MEETS

Communications Defense Board, of which James Lawrence Fly, Chairman of FCC is Chairman, met in executive session Thursday.

While no official announcement was made regarding the meeting it is understood on good authority that the Board continued its discussions of former meetings taking up the whole communications situation. It is reported that representatives of the Army and Navy made a statement of their position. Also there was some discussion regarding the appointment of industry committees as advisors to the board. However, no definite conclusions were reached regarding this. The next meeting of the Board will be on Monday.

## FCC QUESTIONNAIRE ON FOREIGN LANGUAGE BROADCASTS

In a press release dated October 8, the FCC announced a questionnaire to be addressed to all stations on the subject of foreign language broadcasts, is now in preparation and will be mailed in a short time.

Upon inquiry, an official of the FCC stated that the purpose of the survey was to gather pertinent information on this subject which assumes great importance in the light of the present day national situation.

It will be recalled that the NAB addressed such a questionnaire to all stations, June 27th of this year. Four hundred five stations replied to the questionnaire, 97 of which were currently carrying foreign language programs. At the request of Chairman Fly of the FCC, the NAB furnished summary information developed from the survey. It is now pointed out that several stations figuring strongly in foreign language broadcasting had obviously not replied to the NAB questionnaire and also that 405 of the 783 operating stations (June 1, 1940) could not suffice as a sample for the Commission's purpose.

It is obvious that those stations cooperating with the NAB on the subject will be required to resubmit foreign broadcast information for the Commission's record. Cooperation in furnishing the required information on the part of other stations would have prevented this.

## FINAL ORDER

FCC has announced adoption of an Order setting aside the Proposed Findings of Fact and Conclusions of June 12, and *granting* the application of Lee E. Mudgett for renewal of license of station KRKO, **Everett, Washington,** for construction permit to move antenna site locally, install new equipment, and vertical radiator, increase power from 50 watts to 100 watts night, 250 watts local sunset, sharing equally with KEEN on frequency **1370 kilocycles,** and for consent to voluntary assignment of station's license to The Everett Broadcasting Company, Inc., except that final action with reference to the application for construction permit in so far as it seeks unlimited time on frequency **1370 kilocycles,** is held in abeyance pending decision upon the application of Evergreen Broadcasting Corporation for construction permit to authorize station KEVR, **Seattle,** to change frequency from **1370** to **1420 kilocycles.**

## FCC RULE AMENDED

FCC has amended the instructions pertaining to Part 10, Rules Governing Emergency Radio Services, by deleting present paragraph 17 and substituting in lieu thereof the following, effective immediately:

> "17. As the rules indicate, the operation of forestry stations must be strictly limited to the needs of forest protection. In the interest of such protection, as well as in the interest of reduction of interference, the operations of forestry stations in any single geographical area should be coordinated. Therefore, applicants for forestry station facilities, other than State forestry organizations, will be required to include as a part of their applications a statement as to whether the State in which the proposed station is to be located has a department for forest protection, and, if such a department exists, the applicant shall submit a copy of the cooperative agreement between the applicant and the state department concerned, or lacking such agreement, the applicant shall submit copies of the correspondence exchanged between them in an effort to reach a cooperative agreement. One submission on the part of any one applicant of information with regard to any one coordinated plan as specified in this paragraph will suffice, provided that reference thereto is made in all other applications involved in the plan."

## PORTER TO PRACTICE LAW

Former Assistant General Counsel George B. Porter, who resigned on July 31st last, terminated his pay-roll status with the FCC on October 7th, and is now engaged in the private practice of law in Washington, D. C.

Since creation of the Commission in 1934, Mr. Porter has been in charge of legal matters affecting broadcasting. Before that time he was Acting General Counsel of the Federal Radio Commission, which he joined in 1931.

## FROM THE FCC MAIL BAG

An Ohioan is informed that no Federal license is required for a short wave receiver installed in an automobile. However, his attention is invited to that section of the Communications Act which prohibits unauthorized interception and use of radio communications other than those intended for public use.

The Commission tells a State public service body that it (the Commission) has jurisdiction over radio programs transmitted by wire lines located wholly within a State. The Bell System companies file with the Commission schedules of rates and regulations applicable to such facilities and services.

All radio transmission is interstate commerce, notwithstanding its scope or territorial limits, the Commission reiterates to an inquiring Texan. As such, it is subject to the regulatory powers of Congress or of a delegated authority. Various court decisions are quoted.

A New York State resident wants authority to record certain radio programs as they are broadcast to the public. The Commission replies that this does not come within its jurisdiction, being a matter involving the private rights of the radio station, the artist, and the sponsor of the program.

"What procedure should be followed in the event of the death of a station licensee?" inquires a Chattanoogan. In such cases the administrator of the estate should make application to the Commission for an assignment of license to be exercised pending settlement of the estate. When the estate is settled, the administrator should make application for assignment of license to the party who is to carry on station operation.

An Ohio letter-writer objects to certain Berlin broadcasts. The programs in question are not rebroadcast but are received from Berlin direct. The Commission does not, of course, have jurisdiction over alien stations.

A letter from California complains of American stations rebroadcasting Hitler's speech; a New Yorker objects to pro-British utterances on American stations.

A Newark, N. J., man dislikes the rendition of classical music in syncopated style. It is suggested that he communicate his views to the station originating the program he cites.

A New Yorker wants the Commission to require a certain official to retract a statement he made on the air. This is beyond the power of the Commission.

Another New Yorker is advised that there is no statute or regulation making the playing of "America" or the "Star Spangled Banner" obligatory on radio programs.

## 864 STATIONS

During the month of September, 1940, the FCC issued operating licenses to five stations and granted two permits for the construction of new stations. One station was deleted. A comparative table by months follows:

| | Oct. 1 | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | Apr. 1 | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ........ | 743 | 751 | 755 | 765 | 769 | 771 | 775 | 779 | 783 | 791 | 799 | 806 | 810 |
| Construction ..... | 57 | 58 | 57 | 49 | 48 | 51 | 48 | 47 | 53 | 56 | 58 | 57 | 54 |
| | 800 | 809 | 812 | 814 | 817 | 822 | 823 | 826 | 836 | 847 | 857 | 863 | 864 |

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments in broadcast cases are scheduled before the Commission during the week beginning Monday, October 14.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

### October 31

Oral Argument Before the Commission

Report No. B-124:

NEW—Worcester Broadcasting Corp., San Diego, Calif.—C. P., **1420 kc.**, 250 watts night, 250 watts LS, unlimited time.

### November 7

Oral Argument Before the Commission

Report No. B-126:

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P., **1210 kc.**, 100 watts night, 250 watts LS, unlimited time.

### December 4

NEW—Caribbean Broadcasting Association. Inc., San Juan, P. R.—C. P., **1500 kc.**, 250 watts night, 250 watts LS, unlimited time, requests facilities of WSSJ.

### December 11

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., **1080 kc.**, 50 KW, unlimited time (DA for night use). Present assignment: **1080 kc.**, 50 KW, unlimited time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., **1080 kc.**, 50 KW, unlimited time (DA for night use). Present assignment: **770 kc.**, 10 KW, simultaneous day, S-WBBM-N; S.A. synchronized with WBBM-N-exp.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, **770 kc.**, 50 KW, unlimited time. Present assignment: **770 kc.**, 50 KW, simultaneous day, S-KFAB-N; S.A. synchronized with KFAB-N-exp.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., **770 kc.**, 1 KW, daytime. Present assignment: **1060 kc.**, 1 KW, limited to WBAL and WTIC.

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, **1080 kc.**, 5 KW, limited to WBT and KFAB. Present assignment: **1080 kc.**, 5 KW, limited to WBT, share WCBD.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted construction permit to increase power from 100 to 250 watts, operating on **1200 kc.**, unlimited time (B3-P-2688).

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW, operating unlimited time on **780 kc.**, 5 KW day (B5-P-2701).

WEAN—The Yankee Network, Inc., Providence, R. I.—Granted construction permit to make changes in directional antenna system for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on **780 kc.**, 5 KW day (B1-P-2037).

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted construction permit to make changes in directional antenna system for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on **780 kc.**, 5 KW day (B2-P-2737).

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit to install directional antenna for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on **780 kc.**, 5 KW day (B5-P-2698).

### DESIGNATED FOR HEARING

William H. Amesbury, Minneapolis, Minn.—Application for construction permit for new station to operate on **630 kc.**, 1 KW, unlimited time, employing directional antenna for both day and nighttime use (different patterns) (B4-P-2746).

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—Application for construction permit to move transmitter to 5½ miles northeast of center of Rochester, change equipment, change frequency from **1210** to **1340 kc.**, and increase power from 250 watts to 1 KW and install directional antenna for day and night use (B1-P-2924).

Edward J. Doyle, Rochester, N. Y.—Application for construction permit for new broadcast station to operate on **1340 kc.**, 1 KW, unlimited time, using a directional antenna day and night (B1-P-2031).

WCSC—The Liberty Life Insurance Co. (Assignor), John M. Rivers (Assignee), Charleston, S. C.—Application for authority to transfer control of corporation, 200 shares of common stock, from The Liberty Life Insurance Company to John M. Rivers. Station operates on **1360 kc.**, 500 watts night, 1 KW day, unlimited time (B3-TC-231).

KRMC—Roberts MacNab Company (Assignors), Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. Dak.—Application for consent to voluntary assignment of license of KRMC from Roberts MacNab Company to Jamestown Broadcasting Company, Inc. Station operates on **1370 kc.**, 250 watts, unlimited time (B4-AL-276).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m. EST, October 4, 9, and 18, 1940, in order to broadcast political speeches only by Paul A. Dever, Democratic candidate for governor.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 8:45 p. m. CST, on October 3, 1940, in order to permit WGBF to broadcast a political program only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to broadcast a political program only.

WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Granted special temporary authority to operate from 7:30 p. m. EST to the conclusion of Lanier High School football games on October 4, 10, 18, 24, and from 7 p. m. to the conclusion of football game November 1, 1940, in order to broadcast said games only.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously from 12 noon to 1:30 p. m. PST, October 2, 3, 5, 7, 8, and 9, 1940, in order to broadcast the World Series baseball games only.

WENE—WJIM, Inc. (area of Lansing, Mich.).—Granted construction permit to change type of transmitter, and increase power of relay broadcast station from 15 to 50 watts (B2-PRE-368).

WEPA—Edwin H. Armstrong (area of New York City), Portable mobile.—Granted modification of construction permit as modified for new special relay broadcast station, for extension of completion date from October 4, 1940, to April 20, 1941 (B1-MPRE-48).

KGFI—Eagle Broadcasting Co., Brownsville, Texas.—Scheduled for oral argument on October 24 the Proposed Findings of Fact in re revocation of license of station KGFI (Docket No. 5854) (B-122).

KGKO Broadcasting Co., Fort Worth, Texas.—Granted special temporary authority to operate relay broadcast stations KEGE and KFAA, licensed to A. H. Belo Corp., in order to relay broadcast State Fair programs to radio station KGKO for the period October 5, 1940, to not later than October 20, 1940.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m. EST, October 7, 14, 21, 1940, from 10:30 p. m. to 10:45 p. m. November 3 and from 10:30 p. m. to 11 p. m. November 4, 1940, in order to broadcast political programs sponsored by the Massachusetts Independent Voters Committee and Paul Dever, Democratic candidate for Governor as set forth in letter dater September 27, 1940.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. EST, October 22, 1940, from 9 p. m. to 10 p. m. EST, November 1, 1940, from 9:15 p. m. to 10:15 p. m. November 2, 1940, instead of from 9:30 p. m. to 10 p. m. as authorized September 9, 1940, from 8 p. m. to 9 p. m. EST, November 3, 1940, instead of 8 p. m. to 8:30 p. m. as authorized September 9, 1940, in order to broadcast political programs sponsored by the Massachusetts Republican State Committee only.

WPKA—Allegheny Kiski Broadcast Co., New Kensington, Pa.—Granted special temporary authority to operate from 6 p. m. to 10 p. m. EST, October 8, 1940, in order to broadcast dedicatory program of Station WKPA only provided program tests authorized in accordance with Section 2.43.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted extension of special temporary authority to cease operation at 8 p. m. EST (instead of unlimited time as licensed) for the period October 10, 1940, to not later than November 8, 1940, pending arrangement of schedule.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 2 p. m. to 5:30 p. m. EST, October 12, November 2 and 9, 1940, in order to broadcast football games only.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted license to cover construction permit which authorized installation of new equipment and increase in power to 250 watts; **1500 kc.**, unlimited time (B5-L-1238).

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted license to cover construction permit as modified for move of transmitter and addition of A1 emission (B1-LRE-324).

Evansville on the Air, Inc. (area of Evansville, Ind.).—Granted construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.**, power 2 watts, A3 emission (B4-PRE-369).

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted motion to substitute the KTRB Broadcasting Co., Inc., in lieu of McTammany and Bates as applicant for construction permit to increase power of station KTRB from 250 watts daytime to 1 KW night and day, limited to WSB operating on **740 kc.** (B5-P-2631).

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; WJAG—The Norfolk Daily News, Norfalk, Va.; WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted joint petition to postpone hearing date now set for October 14, 1940, to December 11, 1940, in re applications of KFAB for construction permit to operate on **1080 kc.**, 50 KW, unlimited time, directional antenna at night; WBBM for modification of license to change hours of operation; WBT for construction permit to operate on **1080 kc.**, 50 KW, unlimited time, directional antenna at night; WJAG for construction permit to operate on **770 kc.**, 1 KW, daytime; also on Commission's own motion continued hearing on WMBI now scheduled for October 14, 1940, to December 11, 1940, in re application for change in hours of operation.

Searles G. Deck, individually, and as Chairman, and Thomas J. Clifford, as General Secretary-Treasurer of the Federation of Long Lines Telephone Workers.—Granted petition for dismissal of complaint against American Telephone and Telegraph Co., Southwestern Bell Telephone Co., Southern Bell Telephone Co., North-Western Bell Telephone Co., Michigan Bell Telephone Co., Bell Telephone Co. of Pennsylvania, Ohio Bell Telephone Co. and New York Telephone Co., in re proposed transfer of certain telephone employees from Long Lines Department of the American Telephone and Telegraph Co. to various associated companies.

WLOK—The Fort Industry Co., Lima, Ohio.—Granted modification of construction permit which authorized installation of new transmitter and increase in power, to install new transmitter and extend commencement date to 30 days after grant and completion date 60 days thereafter; **1210 kc.**, 250 watts, unlimited time (B3-MP-1067).

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. CST, November 4, 1940, in order to broadcast political program only, consisting of a speech by James E. Burke, candidate for State Attorney of Illinois.

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to transmit the World Series programs in the Spanish language for rebroadcast by Cuban Stations CMQ and CMX for the period October 4, 1940 and continuing for the duration of the World Series.

WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m. EST, for the period October 4, 1940, to not later than October 16, 1940 (Sundays excepted), in order to broadcast special selective service draft information given by Colonel Arthur V. McDermott.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate unlimited time on **1180 kc.**, with 5 KW power day and 1 KW power night, for a period not to exceed one month, in order to broadcast programs of public interest, convenience and necessity, pending the allocation of new facilities.

WAIN—Peoria Broadcasting Co. (Area of Peoria, Ill.), Portable mobile.—Granted modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRY-26).

WEKH—Peoria Broadcasting Co. (Area of Peoria, Ill.), Portable-Mobile.—Granted modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRY-27).

WCAB—WCAU Broadcasting Co., Newton Square, Pa.—Granted petition for extension of effective date of Sec. 4.45 of the Rules Governing International Broadcast Stations until January 1, 1940.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.; WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.; WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Dismissed petitions of these stations filed August 5 for rehearing or reconsideration in re application of the Sentinel Broadcasting Corp. for a new station in Salina, N. Y., to operate on **620 kc.**, with 1 KW power, unlimited time, and denied supplemental petition for reconsideration or rehearing filed August 26th.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Dismissed petition filed August 3 for rehearing in the matter of the grant of the applications of Sentinel Broadcasting Corp., Salina, N. Y., WROL, Knoxville, Tenn., and the Journal Company (WTMJ), Milwaukee, Wis.; denied supplemental petition for rehearing filed August 26, and adopted decision and order on the petition for rehearing.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Cancelled license and deleted call letters heretofore issued for station WDAH, which formerly operated on **1310 kc.**, 250 watts, sharing with KTSM, because of grant made January 10, 1940, authorizing KTSM to change frequency from **1310** to **1350 kc.**, increase power to 500 watts day and night, and operate unlimited time, subject to the surrender and cancellation of license of WDAH.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (5:45 p m. EST, October) to 6:15 p. m. EST, October 7, 1940, in order to broadcast Geneva Piano Symphony Orchestra only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (October 5 p. m. PST) to the conclusion of local high school football games on October 10, 11, 17, 18, 24, and 25, 1940, in order to broadcast said games only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 10, 1940, in order to permit WGBF to broadcast Democratic State Committee program only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 10, 1940, in order to permit KFRU to broadcast Democratic State Committee program only.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 5:45 p. m. to 9:30 p. m. EST, October 10, 1940, in order to broadcast a political rally and speech by Paul V. McNutt only.

KGEI—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to add frequency **9670 kc.** to the present licensed frequencies on a temporary basis for the period November 1, 1940, to not later than November 1, 1941; authority granted on temporary basis only, conditionally.

WCOP—Massachusetts Broadcasting Corp., Boston Mass.—Denied special temporary authority to operate from local sunset (October 5 p. m., EST) to 6:30 p. m., EST, from October 7, 1940, to not later than October 15, 1940, in order to broadcast programs of public interest as described in letter dated September 28, 1940.

Worcester Broadcasting Corp., San Dieggo, Calif.—Scheduled for oral argument on October 31, 1940, the Proposed Findings in re application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time (B5-P-2458).

J. D. Falvey, Ottumwa, Iowa; L. & M. Broadcasting Co., Ottumwa, Iowa.—Scheduled for oral argument on November 7, 1940, the Proposed Findings in re applications for construction permits for new broadcast stations. Falvey application requests **1210 kc.**, 100 watts, unlimited time (B4-P-2499) L & M Broadcasting Co. application requests **1210 kc.**, 100 watts, 250 watts LS, unlimited time (B4-P-2498).

WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Granted license to cover construction permit as modified which authorized a new broadcast station; **1500 kc.**, 250 watts, unlimited time (B1-L-1235).

WMRC—Textile Broadcasting Co., Greenville, S. C.—Granted license to cover construction permit which authorized new broadcast station; **1500 kc.**, 250 watts, unlimited (B-3L-1241). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-498).

WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-486).

WSAR—Doughty & Welch Electric Co., Inc. (Assignor), and The Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—On motion of Commissioner Thompson, seconded by Commissioner Walker, it was voted that the order denying the petition of Assignor and Assignee for reconsideration and grant without hearing the application for consent to assignment of license of station WSAR, be adopted; Commissioners Case and Craven voting "No."

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m. CST, October 8, 1940, in order to broadcast a speech by W. J. Cameron only.

WAGF—John T. Hubbard, Julian C. Smith and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:15 p. m. to 7 p. m CST, October 19, 26, 28, 31, November 2 and 4, 1940, in order to broadcast speeches by State Democratic Committee only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:15 p. m. to 7:30 p. m. October 9 and 16, 1940 (instead of from 7:45 p. m. to 8 p. m. as authorized by grant of October 2, 1940) and to operate from 7:15 p. m. to 7:30 p. m. October 29 and 31, 1940, in order to broadcast political programs sponsored by Paul A. Dever, Democratic candidate for Governor of Massachusetts only; to operate from 7:15 p. m. to 7:30 p. m. EST, October 30 and November 1, 1940 (instead of from 7:45 p. m. to 8 p. m. as authorized by grant of September 9, 1940), in order to broadcast political programs sponsored by the Massachusetts Democratic State Committee only.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through High Frequency Broadcast Station W2XMN, for a period not to exceed thirty days.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted authority to install new automatic frequency control equipment (B4-F-153).

WDMJ—Lake Superior Broadcasting Co., Marquette, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-484).

WHAM—M & M Broadcasting Co., Marinette, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-502).

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-504).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-478).

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-505).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted modification of construction permit which authorized installation of new transmitter and increase in power, for change in type of transmitter and extension of commencement date to 60 days after grant and completion date to 180 days thereafter (B2-MP-1074).

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla..—Authority to determine operating power by direct measurement of antenna power.

### 660 Kilocycles

KOWH—World Publishing Co., Omaha, Neb.—Authority to determine operating power by direct measurement of antenna power.

### 680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit (B3-P-2216) as modified, for new equipment, increase in power, change in hours of operation, make changes in directional antenna system, requesting further changes in directional antenna.

### 780 Kilocycles

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Modification of construction permit (B2-P-2438) to install new transmitter and increase power, requesting change in type of transmitter, and extend commencement and completion dates from 10-21-40 and 4-21-41 to 60 days after grant and 180 days thereafter.

### 900 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-P-2843) for increase in power, installation of directional antenna for day and night use, changes in equipment, and move of transmitter, requesting changes in directional antenna, and extend commencement and completion dates from 10-14-40 and 4-14-41 to 60 days after grant and 180 days thereafter respectively.

### 950 Kilocycles

WHAL—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—Modification of construction permit (B2-P-936) for a new station, requesting approval of antenna and studio and transmitter sites and install new transmitter. Amended to change requested transmitter and studio sites and make changes in antenna.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to change frequency from **950** to **690 kc.**, power from 5 to 50 KW; install new transmitter, new directional antenna for night use, and move transmitter from Kansas City to near Wolcott, Kans. Requests facilities KGGF, WNAD and KFEQ as proposed by N. A. R. Agreement.

### 1200 Kilocycles

KRLH—Clarence Scharbauer, Midland, Tex.—Construction permit to change frequency from **1420** to **1200 kc.**; increase power from 100 watts to 250 watts; install new vertical radiator; make changes in transmitting equipment; move transmitter from 2125 W. Wall St., Midland, Tex., to On U. S. Highway 80, 1.35 miles west of Midland, Tex., and move studio from Hotel Scharbauer, 117 W. Wall St., Midland, Tex., to 117 S. Lorraine St., Midland, Tex. Class IV.

WHBY—WHBY, Inc., Appleton, Wis.—Authority to determine operating power by direct measurement of antenna power.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—License to cover construction permit (B4-P-2367) as modified for a new station.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Authority to determine operating power by direct measurement of antenna power.

WAYX—Jack Williams, Waycross, Ga.—Authority to install automatic frequency control equipment.

WDSM—WDSM, Inc., Superior, Wis.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Twp. of Yarmouth, Mass.—License to cover construction permit (B1-P-1140) as modified for a new station.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Twp. of Yarmouth, Mass.—Authority to determine operating power by direct measurement of antenna power.

WATN—Watertown Broadcasting Corp., Watertown N. Y.—Modification of construction permit (B1-P-809) for a new station, requesting authority to install a new antenna, change location of transmitter from Hoard St. and Starbuck Ave., Watertown, N. Y., to 118 Washington St., Watertown, N. Y.; approval of studio site at 118 Washington St., Watertown, N. Y.; and extension of commencement and completion dates from 9-29-40 and 3-29-41 to 30 days after grant and 180 days thereafter, respectively.

WFOY—Fountain of Youth Broadcasting Co., St. Augustine, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1230 Kilocycles

KYA—Hearst Radio, Inc., San Francisco, Calif.—Construction permit to change frequency from **1230** to **560 kc.**, power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Contingent on granting of KSFO's application for change in frequency from **560** to **740 kc.**

### 1240 Kilocycles

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—License to cover construction permit (B5-P-2946) for reinstatement of construction permit to install new equipment and make changes in equipment.

### 1290 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Class III-A station. Amended to make changes in directional antenna for night use.

### 1310 Kilocycles

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Construction permit to erect a synchronous station near intersection Battle Street and Providence Road, Scranton, Pa., with studio at 62 Franklin St., Wilkes-Barre, Pa. (same site as WBRE's studio), to be operated on **1310 kc.**, 100 watts, unlimited time, to be used in connection with Station WBRE.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Authority to install automatic frequency control equipment.

WDMJ—Lake Superior Broadcasting Co., Marquette, Mich.—Authority to determine operating power by direct measurement of antenna power.

WCLS, Inc., Joliet, Ill.—Modification of license to change hours of operation from specified hours to unlimited time.

WSAV—WSAV, Inc., Savannah, Ga.—Authority to relinquish control of corporation by sale of 32 shares of stock from Arthur Lucas to E. E. Murrey, Sr.

### 1350 Kilocycles

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—License to cover construction permit (B3-P-1871) as modified, for change in frequency, installation of new transmitter, antenna changes, increase in power and hours of operation, and move transmitter.

### 1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Oregon.—Authority to determine operating power by direct measurement of antenna power.

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit to move transmitter and studio to a site to be determined, Enid, Okla., make antenna changes, install new transmitter and increase power from 250 watts to 1 KW. Requests Class III-A station. Amended: To give location of transmitter and studio as Willow and Kennedy Sts., Enid, Okla. (present licensed site), and install directional antenna for day and night use.

### 1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Authority to install new automatic frequency control equipment.

WAGF—John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—License to cover construction permit (B3-P-2829) for new antenna and move of transmitter.

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—Modification of construction permit (B2-P-2565) for a new station, requesting approval of antenna, approval of transmitter site at County Line Road, Elmwood Twp., Mich., and change type of transmitting equipment.

KGKL, Inc., San Angelo, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time. Class IV.

### 1400 Kilocycles

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WMVA—William C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Modification of construction permit (B2-P-2226) as modified, for a new station, requesting authority to make changes in antenna system, and move transmitter from near Martinsville, Va., to Church St., Martinsville, Va., and extend commencement date 30 days after grant and completion date 90 days thereafter.

WMAS—WMAS, Inc., Springfield, Mass.—Authority to determine operating power by direct measurement of antenna power.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Authority to determine operating power by direct measurement of antenna power.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Authority to determine operating power by direct measurement of antenna power.

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Authority to make changes in automatic frequency control equipment.

### 1500 Kilocycles

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—License to cover construction permit (B1-P-2713) as modified, for a new station.

KONB—MSB Broadcast Co., Omaha, Nebr.—Authority to transfer control of corporation from C. J. Malmsten, John K. Morrison, and Arthur Baldwin to Ross C. Glasmann, William W. Glasmann, and Blaine V. Glasmann, 150 shares common stock.

KONB—MSB Broadcast Co., Omaha, Nebr.—Modification of construction permit (B4-P-2697) for a new station, requesting new transmitter, approval of antenna system, and approval of transmitter and studio site at 2027 Dodge St., Omaha, Nebr.

NEW—Batavia Broadcasting Corp., Batavia, N. Y.—Construction permit for a new broadcast sattion to be operated on **640 kc.**, 250 watts, daytime. Class II. Amended to change frequency from **640** to **1500 kc.** (**1490** under N. A. R. Agreement), hours from daytime to unlimited time using 250 watts day and night, make changes in antenna and change location of transmitter. Class IV station.

KBST—The Big Spring Herald Broadcasting Co., Big Spring, Tex.—Authority to determine operating power by direct measurement of antenna power.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—License to cover construction permit (B3-P-2384) as modified for a new station.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1530 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit for a new station to be operated on **920 kc.,** 500 watts night, 1 KW day, unlimited time. Class III-B. Amended to change requested frequency from **920 kc.** to **1530 kc., 1590 kc.** under the North American Regional Agreement, power from 500 watts night, 1 KW day, to 1 KW day and night, and make changes in antenna.

### FM APPLICATION

NEW—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44300 kc.;** coverage, 10,300 square miles; population, 11,800,000.

### TELEVISION APPLICATION

W2XWV—Allen B. DeMont Laboratories, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-30, as modified for a new television broadcast station) to make changes in both visual and aural transmitters.

### MISCELLANEOUS

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Modification of license to change frequencies from **11730, 11790, 15130, 15250** and **25600 kc.** to **11730, 11790, 15130, 15350, 25600** and **17750 kc.**

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Modification of license to change frequencies from **6040, 11730, 11790, 15130, 15250** and **21460 kc.** to **6040, 11730, 11790, 15130, 15350, 21460** and **17750 kc.**

WGBH—Onondaga Radio Broadcasting Corp., area of Syracuse, N. Y.—License to cover construction permit (B1-PRY-225) for a new relay broadcast station.

NEW—KGKO Broadcasting Co., Portable-Mobile.—License for a new relay broadcast station to be operated on **31220, 35620, 39260, 37020 kc.,** 2 watts, A3 emission. (Equipment now licensed to A. H. Belo Corp., KEGE.)

NEW—KGKO Broadcasting Co., Portable-Mobile.—License for a new relay broadcast station on **1622, 2058, 2150, 2790 kc.,** 75 watts, A-3 emission. (Equipment now licensed to A. H. Belo Corp., Station KFAA.)

WENJ—WJW, Inc., area of Akron, Ohio.—License to cover construction permit (B2-PRE-351) for a new transmitter.

NEW—Royal Miller (area of Sacramento, Calif.).—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 10 watts, A-3 emission.

NEW—Royal Miller (area of Sacramento, Calif.).—License to cover above construction permit.

NEW—Amarillo Broadcasting Corp. (area of Amarillo, Tex.).—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150** and **2790 kc.,** 21 watts, A-3 emission.

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for a new relay broadcast station to be operated on **156075, 157575, 159975, 161925 kc.,** 100 watts, A-3 emission.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.;** coverage, 1,370 square miles; population 2,253,392.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Bell Yarn Company**—Charging misrepresentation in the sale of knitting yarns, a complaint has been issued against Philip Jablon, trading as Bell Yarn Company and as Wonoco Yarn Company 371 Grand St., New York.

The complaint alleges that in catalogues, sample books, and on tags, labels and other forms, the respondent describes yarns not composed entirely of fiber made from the hair of the Cashmere goat as "Cashmere Sport" and "Imported Cashmere Blend"; the last-named yarn, while containing some of such fiber, being composed principally of other wool or of a mixture of wool and other material.

The complaint further alleges that the respondent employs the words "Sporting Angora" and "Angoray" to designate yarns not composed of fiber made from the hair of the Angora goat but of fiber made from other wool, and the terms "Zephyr Tweed Deluxe" and "Bermuda Tweed" to describe yarns not composed wholly of wool; the yarn designated "Zephyr Tweed Deluxe" being made of equal parts of wool and rayon, and "Bermuda Tweed" containing no wool but being a mixture of cotton and rayon.

The term "Genuine Camel Hair," according to the complaint, is employed by the respondent to designate a yarn containing practically no camel hair but consisting almost entirely of other materials; the term "Luster Wool" to describe a yarn not composed entirely of wool but of approximately equal quantities of wool and rayon, and the legends "Crepe Velnette" and "Mystic Tweed Crepe" to describe yarns containing no silk but being composed of a mixture of wool and rayon.

According to the complaint, the respondent sells and distributes, among others, yarns designated as "Zephyr Tweed Deluxe," and "Bermuda Tweed," "Luster Wool," "Pompadour Zephyr" and "Snow Flake," without disclosing their rayon content. They are alleged to contain a substantial percentage of rayon which has been manufactured so as to simulate wool or a mixture of silk and wool, and the products have the appearance of such.

Through use of the legends "Scotch Tweed," "Luster Shetland," Bermuda Tweed," "French Zephyr," and "Imported Cashmere Blend," the respondent, according to the complaint, has represented that the yarns so designated are made respectively in Scotland, the Shetland Islands, Bermuda, and France, and that "Imported Cashmere Blend" is not of domestic origin, when in fact all of these yarns are manufactured in the United States.

Through use of the legend "Importers of D.M.C.-French-Angora-Wool-Cottons" in connection with his trade name, the respondent, according to the complaint, represents that he is an importer when in fact he obtains all of his products from domestic manufacturers or dealers. (4326)

**Civil Employees Training Service**—Alleging misrepresentation in the sale of correspondence courses intended to prepare students for Civil Service examinations for positions under the United States Government, a complaint has been issued against Harold S. Banks, trading as Civil Employees Training Service, 612 Andrus Building, Minneapolis.

The complaint alleges that the respondent, directly or through agents, has represented, in some instances, that his school has been recommended by the Federal Government, or by some Governmental agency such as the United States Civil Service Commission; that his sales agents are in the employ of and represent the Government, or some of its agencies, and that his school is connected with the United States Civil Service Commission or the Government, when such are not the facts.

The complaint also charges the respondent with representing that he will notify his students of dates and places of civil service examinations; that a prospective student solicited has been specially selected to take the courses offered because of his qualifications or his standing in his community; that the respondent has connections in Washington, D. C., by which he obtains advance and inside information regarding appointments and examinations, and that the respondent's school is incorporated, employs a greater personnel than is actually the fact, and has operated successfully for many years.

The facts are, according to the complaint, that the respondent does not as a regular practice notify students as to dates and places of civil service examinations; makes no special selection because of a person's qualifications, and has no connections in

Washington for obtaining special information; and that his school is unincorporated; has been in operation a comparatively short time, and is not different from any other civil service school.

The complaint alleges that the completion of the respondent's courses would not of itself qualify a person to pass a civil service examination; that the passing of such examination does not necessarily assure appointment; and that classified civil service positions under the United States Government with reference to which the respondent has offered training have not been open and available in the instances and at the times such representations to that effect have been made. (4333)

**Clover Farms Store Corp.**—Alleging violation of the brokerage provision of the Robinson-Patman Act, a complaint has been issued against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane-Lease Company, both of 4300 Euclid Ave., Cleveland.

Clover Farm Stores Corporation, according to the complaint, furnishes certain beneficial services to groups of wholesale grocers and groups of retail grocers sponsored by the wholesalers, all of its stock being owned by some 32 wholesale grocers located in 16 States. The Lane-Lease Company, according to the complaint, is a merchandise broker engaging in the negotiation of sales of food and grocery products to the stock-owning wholesalers of the Clover Farm Stores Corporation group by manufacturers, canners and other sellers.

The complaint alleges that The Lane-Lease Company customarily receives and accepts from such sellers, upon all sales to members of the wholesale group made through or negotiated by it, compensation in the form of brokerage fees or commissions in violation of the brokerage provision of the Robinson-Patman Act. The gross receipts of The Lane-Lease Company from this source in 1937 amounted to $126,700, representing sales of approximately $4,000,000 worth of merchandise, according to the complaint.

The same practices are alleged to have been engaged in by the Clover Farm Stores Corporation acting through its wholly owned subsidiary The Lane-Lease Company. The wholesalers, owning all the stock of Clover Farm Stores Corporation, control that respondent, and, through it, The Lane-Lease Company, according to the complaint. (4334)

**Gland Estemeter Company**—Alleging misrepresentation in the sale of a device which had been advertised as useful in diagnosing ailments and conditions of the body, a complaint has been issued against Gland Estemeter Corporation and William Estep, its president. The respondents formerly maintained a place of business at 201 East 12th St., Kansas City, Mo., but their address is now c/o American Health Food Association, 30 North LaSalle St., Chicago.

The complaint alleges that prior to October 31, 1939, the respondents sold and distributed a device known as "Gland Estemeter"; that in circular literature and in advertising matter sent through the mails they represented that all ailments and diseases result from improper or abnormal functioning of the glands; that the respondents' device would detect such improper functioning, reveal any vitamin deficiency, or whether the condition of the body was acid or alkaline, and disclose the condition of the blood with respect to energy and activity and analyze and disclose any impairment of the mental processes.

The complaint alleges that many diseases are not caused by improper functioning of the glands; that even in those cases where there may be such improper functioning, the respondents' device, an ordinary electric battery arrangement, would be incapable of detecting or disclosing such condition; and that use of the device will not accomplish the other results claimed. (4328)

**E. B. Hall**, trading as E. W. Hall, 3679 Olive St., St. Louis, according to the complaint, disseminates by mail and through newspaper, periodical and circular advertising matter and by radio continuities, representations to the effect that his product, "Texas Wonder," constitutes a cure or remedy for, and possesses substantial therapeutic value in the treatment of, kidney and bladder disorders, including inflammation of the bladder and kidneys, stones in the kidneys and tuberculosis of the kidneys, diabetes, rheumatism, swollen joints, weak and lame back, pains in the back and lumbago.

The complaint alleges that use of the respondent's product does not produce the results claimed, and that the preparation does not have therapeutic value in the treatment of the ailments mentioned in excess of such slight symptomatic relief as it may afford in cases of swollen joints and pains in the back, by reason of its properties as a mild diuretic. (4330)

**Healthaids, Inc.**, 404-14 Tonnelle Ave., Jersey City, N. J., according to the complaint, sells and distributes "Serutan," a medicinal preparation, and The Journal of Living Publishing Corporation, 1819 Broadway, New York, disseminates a publication known as "The Journal of Living," which is used, among other things, for the advertisement of "Serutan."

The Commission complaint charges these corporate respondents and Victor H. Lindlahr, editor of the publication, with representing, through newspaper, periodical, circular and radio advertisements, that "Serutan" has substantial therapeutic value in restoring and maintaining natural elimination; that it stimulates and strengthens, and promotes normal and regular action on the part of, the digestive and eliminative organs and muscles, and that it constitutes a cure or remedy for, and possesses substantial therapeutic value in the treatment of, constipation.

The complaint alleges that the preparation "Serutan" has no therapeutic value with respect to restoring or maintaining natural elimination; that it is not capable of accomplishing the results claimed; that is possesses no therapeutic value in the treatment of constipation except insofar as its laxative properties may assist in the temporary evacuation of the intestinal tract; that the active ingredient of the preparation consists of the mucilaginous portion of psyllium seed, and that the presence of this ingredient serves to give the preparation the properties of a mild laxative, aside from which properties the product is wholly without therapeutic value. (4332)

**Journal of Living Publishing Corp.**—See Healthaids, Inc.

**Lane-Lease Company**—See Clover Farms Store Corp.

**Motor Tire Retread Company, Inc.**—Misrepresentation in the sale of used tires which have been retreaded or recapped, is alleged in a complaint issued against Motor Tire Retread Company, Inc., 2441 South Indiana Ave., Chicago, and Benjamin Duchen, Lillian Hollowich, and John M. Weiner, its officers and directors. According to the complaint, the respondents also trade under the names Nation Wide Tire Company, Central Tire and Retreading Exchange, Standard Brand Retread Tire Company, Zephyr Tire Company, and Retread Tire Distributors.

Among the respondents' representations, made, according to the complaint, by means of printed and written matter and orally by sales agents, are that tires purchased will be identical to samples displayed by agents, and free from boots and patches; that carcasses used in retreaded or recapped tires are less than a year old; that tires will be shipped to the purchaser from a point in his own vicinity, thereby saving substantial freight charge, and that the respondents' tires are sold under a warranty that they will replace defective passenger tires in six months or defective truck tires in three months, at half the prevailing price. However, the complaint alleges that in fact the respondents ship tires inferior to samples, and, in many instances, tires older than represented and containing boots and patches; that tires are not shipped from points in the buyer's vicinity, except in the vicinity of Chicago, and the freight rate is often much higher than represented, and that in many cases the respondents fail and refuse to make good their warranty.

The complaint alleges that a further misleading and deceptive practice is the use of various trade names and purported addresses, in order that the respondents may be able to obtain, under certain of such names, orders from persons who have had previous unsatisfactory experience with the respondents under other of such names.

In order to obtain salesmen, the complaint alleges, the respondents, through newspaper advertisements and their representatives designated "crew managers," represent, among other things, that the respondents will pay for the oil and gasoline to operate the salesmen's automobiles, provided their sales total a certain amount; will credit salesmen with a five per cent bonus on each order paid for by the purchaser, and will pay salesmen, on each order they place, a 10 per cent commission which amount the salesman is to collect from the purchaser as a deposit when the order is taken. However, the complaint alleges that the respondents do not pay for oil and gas even when the salesman's weekly sales aggregate the minimum amount required; do not pay the bonus in many cases, and only pay the 10 per cent commission when the purchaser of an order pays the balance due after making the initial deposit, the amount of the deposit being deducted from the salesman's future earnings in instances where the balance is not paid by the purchaser. (4325)

**Puritan Uniform Company**—See White Swan Uniforms, Inc.

**ReVigator Corporation**, 1630 Hanna Building, Cleveland, and E. O. Loeber, individually and as president of the corporation, are charged with misrepresentation in the sale of a hair treating device and preparations, in a complaint.

The complaint alleges that the respondents sell a "pressure cap" device, along with preparations designated "ReVigator Liquid Home Treatment for Scalp and Hair" and "ReVigator Liquid Shampoo," and a pair of circular combs, which constitute what is designated by the respondents as "The ReVigator System of Home Treatment for the Scalp and Hair."

In advertisements distributed through the mails and by other means, the respondents, according to the complaint, represent that the use of their device, the "ReVigator Automatic Pressure Cap," provides a cure or remedy and competent or effective treatment for falling hair, fading hair, thinning hair, dandruff and baldness, and that its use will cause new hair to grow.

The complaint alleges that in fact the use of the respondents' device, either alone or in combination with the preparations sold by the respondents, does not constitute a cure or remedy for falling hair, fading hair, thinning hair or dandruff, and has no therapeutic value in the treatment of such conditions, in excess of cleansing the hair and scalp and temporarily removing accumulated dandruff scales, or in the treatment of baldness; and will not cause new hair to grow. (4329)

**Somersville Manufacturing Company**—Misrepresentation in the sale of fabrics is alleged in a complaint issued against Somersville Manufacturing Company, Somersville, Conn., a manufacturer of fabrics, and J. J. O'Donnell and Clinton Ellis, trading as O'Donnell and Ellis, 450 Seventh Ave., New York, sales agents for Somersville Manufacturing Company.

The complaint alleges that the respondents have falsely represented the constituent fibers or materials of which certain of their fabrics are made, such representations being accomplished by means of labels supplied by the respondents to purchasers of their fabrics who manufacture coats and other garments. The labels, according to the complaint, are supplied in order that they may be attached by such manufacturers to the garments made from the respondents' fabrics.

Among and typical of the labels so supplied by the respondents and affixed to such coats and other garments, according to the complaint, are: "Genuine Camel's Hair Somersville Fabric," "Camel's Hair Somersville Fabric," and "King Camel Somersville Fabric," the words "King Camel" in the last mentioned label being followed by a pictorial representation of a camel and some palm trees.

Through the use of the label, the complaint alleges, the respondents represent that the fabrics and the garments manufactured therefrom are composed entirely of fiber made from camel's hair, when in fact none of the fabrics baring the designated labels are composed entirely of camel's hair, but all of them contain substantial percentages of wool, mohair or other material. (4324)

**Clara Stanton**, trading as Clara Stanton, Druggist to Women, 313 Fourteenth St., Denver, Colo., engaged in preparing and distributing a preparation containing drugs designated "Anti-Fat Tablets," is charged, in a complaint with misrepresentation.

The complaint charges that by means of advertisements, and through use of the name "Anti-Fat Tablets," the respondent represents that the preparation is a cure or remedy for obesity; is a competent and effective treatment therefor, and that use of the preparation will reduce excess fat gradually and safely and will prevent obesity. The complaint alleges that these representations are misleading and untrue; that the preparation is not a cure or remedy for obesity and has no therapeutic value in the treatment of such condition.

The complaint charges further that the advertisements disseminated by the respondent constitute false advertisements in failing to reveal that the use of the preparation, which contains potassium iodide, under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health in that the advertisements do not contain any cautionary statement to the effect that the preparation should not be used by persons suffering from goiter or pulmonary tuberculosis in either the active or quiescent state. (4327)

**Watch-My-Turn Signal Company**—Charging misrepresentation in the sale of an electric signalling device for automobiles, a complaint has been issued against L. B. Patterson, trading as Watch-My-Turn Signal Company, Walnut Building, Des Moines, Iowa.

The respondent device, according to the complaint, consists of two metal discs for attachment at each side of the rear window of an automobile, each disc being equipped with the design of an arrow which may be illuminated by turning a switch on the steering column. When properly installed and illuminated the arrows are intended to signal, to the driver of a car approaching from the rear, the direction in which the automobile is about to turn.

In advertising his device by means of newspaper, periodical, circular and other matter sent through the mails, the respondent, according to the complaint, represents that his signalling device and switch work automatically; that the arrow design is the only design which will not blur at a distance; that the laws of all the States and of the District of Columbia require that automobiles be equipped with electrical turn signals of this or similar type, and that salesmen handling the respondent's signalling device can and do make a profit of $2.45 on each sale and a profit of 264 per cent under normal conditions and in the usual course of business.

The complaint alleges, however, that neither the signalling device nor the controlling switch work automatically but that the switch must be turned on or off manually by an occupant of the car in which they are installed; that it is not true that the arrow design will not blur at a distance; that neither all nor a majority of the State laws, nor those of the District of Columbia, require that automobiles be equipped with electrical turn signals, and that salesmen ordinarily do not make the profits represented. (4331)

**White Swan Uniforms Inc.**—Violation of the Robinson-Patman Act in the furnishing of compensation for advertising to some customers but not to all other competing customers is alleged in a complaint issued against White Swan Uniforms, Inc., and Leo M. Cooper, its president and treasurer, who also trades as Puritan Uniform Company and as York Uniform Company, all of 21 St. Casimir Ave., Yonkers, N. Y. According to the complaint, the respondents sell and distribute uniforms of the type worn by nurses, maids, waitresses and others.

The complaint alleges that the respondents are now contracting to pay and paying to some of their customers one-half of the cost of newspaper advertisements inserted by and for the benefit of such customers without making the payments available on proportionally equal terms to others of their customers competing with such favored customers in the distribution of the uniforms.

Typical of the practices complained of, the complaint alleges, is a situation in New Brunswick, N. J., where three stores engage in the resale of "White Swan Uniforms." The complaint alleges that White Swan Uniforms, Inc., has granted and paid to one of the stores, which also owns a store in White Plains, N. Y., selling White Swan Uniforms, one-half the cost of advertising which features the name of White Swan Uniforms. According to the complaint, the respondent, through a salesman, early this year, persuaded another of the three New Brunswick stores, which was selling competing lines of uniforms, to handle the White Swan Uniform by allowing this store one-half the cost of newspaper advertisements featuring the brand name of White Swan Uniforms.

The complaint alleges that the third mentioned New Brunswick store about two years ago requested White Swan Uniforms, Inc., to make some allowance for advertising the White Swan Uniforms but was refused any allowance and informed that it was not the policy of the company to offer such.

The granting to some but not to all customers competitively engaged in the sale of the uniforms, of valuable considerations for the benefit of such customers as compensation for advertising expenditures, is, according to the complaint, in violation of Section 2 (d) of the Robinson-Patman Act. (4335)

**Wonoco Yarn Company**—See Bell Yarn Company.

**York Uniform Company**—See White Swan Uniforms, Inc.

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Boyd Scott Company, Inc.**—A motion of Advertisers Exchange, Inc., 381 Fourth Ave., New York, has been granted for dismissal of a complaint recently issued against that corporation and also against Boyd Scott Company, Inc., McTee & Company, Inc., Van Tine Features Syndicate, Inc., Carr & Lewis, Inc., Clare & Foster, Inc., Hargrace Company, Inc., Namron Advertising, Inc., and John Smithson Company, Inc., all of 381 Fourth Ave., New York, and Baids, Inc., 79 Madison Ave., New York, all of which, along with 9 additional corporate respondents and one individual, had been charged with violation of the Federal Trade Commission Act in the sale of ready-made advertising materials.

The motion for dismissal was granted in the case of Advertisers Exchange, Inc., because that corporation is not engaged in the type of advertising business alleged and has not used the practices and methods as alleged in the complaint, and because the respondent John H. Ryder, alleged to control and manage the group, has not exercised any control or direction over Advertisers Exchange, Inc., since long prior to issuance of the complaint.

The motion for dismissal was granted in the cases of Boyd Scott Company, Inc., McTee & Company, Inc., Van Tine Features Syndicate, Inc., Carr & Lewis, Inc., Clare & Foster, Inc., Hargrace Company, Inc., Namron Advertising, Inc., John Smithson Company, Inc., and Baids, Inc., because these corporations have been dissolved. (4302)

**A. S. Butler & Company**—An order has been issued requiring Minnin Shapiro and Jack Winkler, trading as A. S. Butler & Co., 667 North Clark St., Chicago, to cease and desist from misrepresentation in the sale of second-hand fruit jars.

The order directs that the respondents cease selling or distributing used or second-hand fruit jars, unless there is firmly attached to each of such jars, and to each carton or container in which such jars are packed, a conspicuous label or other marking clearly disclosing that such jars are used or second-hand jars.

Commission findings are that the respondents had bought second-hand or discarded fruit jars from junk dealers; cleaned them and attached new rubber bands and caps, and placed them in new cardboard containers each holding 12 jars, so that they had the appearance of new jars, there being no designation to show that they were old or used jars.

The cost to the respondents of obtaining, cleaning, refitting and packing such second-hand fruit jars, the findings continue, has been much less that the cost to manufacturers and wholesale dealers of manufacturing and packing or of obtaining and packing new fruit jars, and the respondents thereby have been enabled to sell such second-hand jars to retailers, and through them to the purchasing public, at prices substantially lower than those at which new jars can be sold. (4192)

**House of Crane**, 124 South Meridian St., Indianapolis, has been ordered to cease and desist from the use of lottery methods in the sale of candy or other merchandise. The respondent sells cigars, tobacco products, candy and other articles to dealers.

The Commission order directs the respondent to cease selling or distributing candy or any other merchandise so packed and assembled that sales may be made by means of a lottery; supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling such candy or merchandise to the public, or selling any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4080)

**Electrolysis Associates, Inc.**, and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York, have been ordered to cease and desist from misrepresentations in the sale of "Beautiderm Midget", a device recommended for use in the electrolytic removal of hair.

Commission findings are that in newspapers, circular and other advertising matter the respondents represented their device as being an effective, efficient, safe and scientific apparatus for electrolytic removal of excess hair by individual self-application in the home. They were also found to have advertised that removal of such hair is permanent, and that use of the device is painless and harmless, and will have no ill effects.

Use of the device by the unskilled lay public, however, according to findings, and under conditions prescribed in the advertisements or under such conditions as are customary or usual, by persons without instruction in the technique or removing superfluous hair, is not safe or harmless and may result in injury to health.

The Commission order directs that the respondents cease disseminating advertisements which represent that their device or apparatus is safe or harmless when used in the electrolytic removal of superfluous hair by individual self-application in the home, or when used by the unskilled lay public or by persons not trained in the technique of hair removal by electrolysis.

The order also prohibits the dissemination of advertisements which fail to reveal that use of the device or apparatus by such untrained persons may result in injury to health.

Upon petition of the Commission, the U. S. District Court for the Southern District of New York had issued an order restraining the respondents from further dissemination of certain false advertisements of their product pending issuance and final disposition of the Commission's complaint. (4144)

**Adolph Kastor & Bros., Inc.**, New York, cutlery manufacturer, has been served with an order requiring it to cease and desist from certain practices tending to produce the erroneous impression that a line of knives it sells has been authorized or approved by the Boy Scouts of America.

Commission findings are that since 1911 the Boy Scouts of America, to maintain supervision of equipment used by its members, has contracted with manufacturers for production of a safe and suitable pocket knife, specifications for which have been approved by the organization, and has licensed the contractees to mark the knife so as to identify it as the approved "Scout" knife.

According to findings, although the respondent has not been so licensed, it has manufactured and distributed knives similar in appearance to that adopted by the organization, and has marked and advertised them in various ways by use of the words "Boy Scout", "Boy Scouts of America", "Scout", "Scouting", and "Standard Scout", with and without emblems, or simulation of emblems, of the Boy Scouts of America, and with and without pictures of boys in scout uniforms and scenes of outdoor activity suggesting the Boy Scouts of America and their activities.

The Commission order requires the respondent to cease and desist from marking or labeling such knives, or their containers, or display cards, with the words "Scout", "Boy Scout", or "Scouting", or with any emblem or symbol adopted and used by the Boy Scouts of America to designate or symbolize that organization or its members' activities, and from using pictorial representations of outdoor life in which there appear boys in Boy Scout uniform or in uniforms simulating that uniform, and from using in any manner, any mark, symbol or emblem adopted and used by the Boy Scouts of America to represent or identify that organization or its members' activities. (3466)

**Kraft Cheese Company**—Five corporations purchasing for resale approximately 75 per cent of the Swiss and Limburger cheese produced in Wisconsin, have been ordered to cease and desist from an agreement or combination to fix and maintain the prices paid the producers for such cheese.

Respondents are Kraft Cheese Company, Chicago, and its subsidiary and agent, Badger-Brodhead Cheese Company, Monroe, Wis.; The Borden Company, New York, and J. S. Hoffman Company, Chicago, and its subsidiary and agent, Triangle Cheese Company, Monroe, Wis., which, according to findings, purchase the output of approximately 200 of the 250 cheese factories in the Monroe, Wisconsin area, most of which plants are cooperatively owned by farmer-producers; have no substantial storing facilities; have no marketing facilities other than through dealers, and little or no financial reserves.

In August, 1938, the findings continue, as a result of an appeal by Wisconsin farmer-producers for relief from low prices for Swiss and Limburger cheese, the Wisconsin State Department of Agriculture called conferences which were attended by its representatives and those of the producers and dealers. The producers' representatives suggested that monthly meetings be held under the department's sponsorship between representatives of the cheese factories and the dealers, at which attempts would be made to agree on fair prices for the dealers to pay for cheese produced by the factories. The request was acquiesced in by the dealer representatives, according to findings, and the Badger-Brodhead Cheese Company, Triangle Cheese Company, and The Borden Company joined other dealers in sending representatives to the meetings at which market information was exchanged and discussed and prices agreed upon.

Pursuant to their agreement, understanding and combination, the findings continue, the respondents, along with representatives of other dealers and of the Monroe producers, fixed the prices to be paid the cheese factories for the two types of cheese, the representatives of the Badger-Brodhead, Borden and Triangle companies, with the other dealers' representatives, acting as a unit in offering to representatives of the cheese factories the prices which the dealers would pay for cheese. Prior to their meetings with the producer representatives, the findings continue, the representatives of the respondents and other dealers held separate meetings among themselves at which they agreed upon the initial prices they would offer the producers' representatives, and during the meetings with the producers' representatives, also held separate meetings among themselves at which they set the upper limits as to the prices they would agree to pay the factories.

In very few instances, the findings continue, did the dealers' representatives, including those of the Badger-Brodhead, Borden and Triangle companies, accede to the request of the producers' representatives for increased prices, the producers' representatives, in most instances, being required to accept the lower prices offered by the dealers' representatives or receive the same prices paid the preceding month.

The Commission's order directs that the respondents, in connection with the purchase of Swiss or Limburger cheese sold or offered for sale by the producers or manufacturers thereof, cease and desist from fixing or maintaining, or attempting to fix and maintain, pursuant to agreement, understanding or combination, the prices offered to be paid, or paid, for such cheese.

The Commission closed, without prejudice to its right to reopen and resume proceedings should future facts so warrant, the case growing out of its complaint in this proceeding as to National Dairy Products Corporation, New York (of which Kraft Cheese Company is a solely owned subsidiary), which was found not to have engaged in the acts or practices of the other respondents as found. (4071)

**Michigan Merchandising Company**—An order has been issued requiring Charles D. Brown, trading as Michigan Merchandising Company, 31 Allison Street, Pontiac, Mich., to cease and desist from misrepresentations in the sale of electric water heaters.

Commission findings are that the respondent, in seeking to sell his "Wonder Electric Water Heater," inserted "Help Wanted" advertisements in newspapers, typical of which was the following: "Man to look after deliveries. $25 salary and share in profits. References required. Give phone if possible. Must have $100 cash to pay for first consignment of goods. Box ——."

Such advertisements, the Commission finds, are misleading and deceptive and the business as conducted by the respondent is a fraudulent scheme to extract money from persons in need of employment by falsely representing to them the character of the work to be performed, the purpose of an initial payment of $100 by the applicant for work, the terms of employment, the salary to be paid, the price for which the heater is regularly sold, and the extent and nature of the guaranty.

Under the scheme, as operated by the respondent and his representatives, the findings continue, the so-called "distributor" becomes a mere purchaser of the heaters without adequate outlets for their disposal.

The Commission order directs the respondent to cease and desist from representing that the only services required of distributors are to make deliveries of, and collections for, the heaters, or that no selling is required; that dealers in any number have been or will be established by the respondent or his field agents in any city or territory, when no such dealers have been established and their establishment is not contemplated; that the initial payment required of each distributor is in the nature of, or in lieu of, a temporary bond, and that it will be refunded; that the initial payment represents anything other than the payment for a certain number of the respondent's heaters; that the respondent will pay to the distributor $25 weekly salary or any other amount either with or without commissions; that the respondent's heater is manufactured and guaranteed by the Jenner Manufacturing Company (Pontiac, Mich.), or that it is guaranteed forever, and that the price at which it is customarily offered for sale is an introductory price, or a special price, or is anything other than the regular retail price at which the heater is sold. (4217)

**Dr. Pierre Chemical Co.,** 162 North Franklin St., Chicago, engaged in the manufacture and distribution of medicinal preparations known as "Dr. Pierre's Boro-Pheno-Form Vaginal Suppositories" and "Dr. Pierre's Boro-Pheno-Form Vaginal Creme," has been ordered to cease and desist from misrepresentation of its products.

The Commission finds that in advertisements in newspapers, periodicals, and in other ways, the respondent represented that its products are competent and effective preventives of conception; competent and effective germicides; that they possess substantial therapeutic agents which heal irritated tissues and membranes, and that the products have been approved and are recommended by a substantial number of reputable physicians.

The Commission also finds that the products possess antiseptic ingredients of low toxicity, and are not competent or effective germicides generally, and that no substantial number of reputable physicians have approved or recommended the products.

The respondents are ordered to cease and desist from disseminating or causing to be disseminated any advertisement in commerce which represents that the products are generally or in the majority of cases competent or effective preventives of conception; that they are competent and effective germicides generally; that they contain any substantial therapeutic agents or properties which will serve to heal irritated tissues or membranes, or that they have been approved or recommended by any substantial number of reputable physicians. (4005)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Artcraft Monogram Company**—Irving Gould, trading as The Artcraft Monogram Company, 1220 Broadway, New York, engaged in the sale and distribution of machines and equipment under the trade name "Maderagram," for the monogramming of letters and insignia on shirts, handkerchiefs, pillow cases and other fabrics, has entered into a stipulation in which he agrees to cease and desist from representing that the Maderagram machine or device of similar construction, is equipped wtih patented attachments, or that the transparent stencils or other unpatented commodities sold by him are patented, or, by use of words or expressions of similar import, representing that an article of commerce has protection, characteristics, or qualities which it does not, in fact, possess. (2936)

**J. Busch, Inc.,** 26 West 23d St., New York, engaged in the wholesale distribution of silverware, flatware and cutlery, has agreed to cease and desist from selling or distributing plated products which are marked, stamped, branded or labeled with the words "Silver Plate" or with other words of similar implication, when in fact the products actually are not plated with silver. The respondent has also agreed to cease and desist from use of the words "Silver Plate" in any way as descriptive of its plated products so as to import or imply to purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2934)

**Diamond Silver Company, Lambertville, N. J.,** manufacturers of silverware, cutlery and novelty flatware, have agreed to cease and desist from the use of the words "Silver Plate" as a mark, stamp, brand or otherwise to purportedly describe its plated products, when in fact the products actually are not plated with silver; and from the use of the words "Silver Plate" in any way so as to import or imply to purchasers or prospective purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2933)

**J. H. Dornheggen Medicine Company**—Trading as J. H. Dornheggen Medicine Company, J. H. Dornheggen, 3530-32 Eastern Ave., Cincinnati, has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of "Peerless Rheumatism Remedy."

The respondent agrees to cease representing, by use of the word "Remedy" or other words of similar import in the trade name of the preparation or in any other manner, that the product is a competent remedy or an effective treatment for rheumatism or has any therapeutic value in such treatment in excess of affording temporary relief for the symptoms in cases of rheumatoid arthritis.

Other representations which the respondent agrees to discontinue are that his preparation is a competent remedy or affective treatment for arthritis, neuritis, sciatica, lumbago, neuralgia, or "Rheumatic Pains of the Kidneys"; that it has any therapeutic value in the treatment of these ailments in excess of affording temporary symptomatic relief; that it prevents relapses or recurrences of rheumatic pains, or that the preparation is a discovery. (02642)

**Manuel Feldman,** 295 Fifth Ave., New York, importer of hooked rugs, and engaged in the sale and distribution of certain of the rugs under the names "Province" and "Acadia," has entered into a stipulation with the Federal Trade Commission in which he agrees to discontinue use of the words "All Wool" in advertisements and advertising matter, on labels, or otherwise, as descriptive of the products not composed wholly of wool, and from the use of the word "Wool" either alone or in connection with the word "All" or other words, the effect of which tends to confuse, mislead or deceive purchasers with respect to the wool content of the products. The stipulation provides that if the rug is faced wholly or in substantial part with wool but is backed with fabric or material other than wool, and the word "Wool" is used to refer only to the wool content of the rug face, then in that case the word "Wool" shall be immediately accompanied by some other word or words printed in equally conspicuous type so as to indicate clearly that the rug is not composed wholly of wool. (2938)

**Gem Corrugated Box Corporation,** 118 West 22nd St., New York, engaged in the sale and distribution, as jobbers, of fiber boxes, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from marking, stamping or branding its products with its corporate or trade name together with the words "Certificate of Box Maker" or the word "Maker" or any words of similar meaning, which tend to convey the belief to purchasers or others that the corporation makes or manufactures the products, or that it actually owns and operates or directly and absolutely controls the plant or factory in which the products are made or manufactured. (2937)

**Goldfarb Novelty Company**—Samuel Goldfarb, Saul Goldfarb and Philip Goldfarb, trading as Goldfarb Novelty Company, 20 West 23rd St., New York, engaged in operating a wholesale novelty house, have agreed, in the sale of their merchandise, to cease and desist from selling or distributing in commerce plated products which are marked, stamped, branded or labelled with the words "Silver Plate" or with any other words of similar implication when the products actually are not plated with silver, and also have agreed to cease and desist from use of the words "Silver Plate" in any way as descriptive of plated products so as to impart or imply to purchasers or prospective purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2935)

**Honeymead Products Company,** Cedar Rapids, Iowa, a manufacturer of prepared livestock and poultry feeds, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of its products.

The respondent agrees to discontinue representations implying that livestock fed with its products command top market prices or sell at prices greater than are received for livestock of comparable quality or breed fed with rations containing equal or superior nutritional values or protein supplements, and statements which misrepresent or unduly exaggerate the importance or value of dextrose or corn sugar molasses as an animal or poultry ration.

Among further representations which the respondent agrees to discontinue are statements to the effect that its "Special Hybrid Hog Supplement" is a sensational new finding in the hog feeding industry; representations that "Honeymead Milkmeel" is a competent supplement or substitute for milk or keeps pigs healthy, and statements implying that vitamins A, B, D, E and G are indicated as a supplement to the diet of farm livestock or poultry, unless it is clearly stated that the benefits claimed will obtain only when there is a deficiency or suboptimal supply of such vitamins in the feed or ration ordinarily provided such animals or poultry. (2943)

**House of Charm Cosmetic Company**—Clarence D. and Kenneth Herron, trading as House of Charm Cosmetic Company, 352 East 75th St., Chicago, has entered into a stipulation in which the respondents agree to cease and desist from certain representations in the sale of cosmetics.

Under their stipulation, the respondents agree to cease certain misrepresentations of price, such as the use on containers of fictitious or misleading prices which are in excess of the customary prices; the representation that an offered or purported retail selling price is special or limited, when in fact it is the customary price, and the representation that the amount asked for any of the respondents' products covers only the packaging and handling costs, when in fact such amount offers them a profit in excess of such cost.

Other practices which the respondents agree to discontinue are the representation that the manufacturer of a product offered for sale by them is backed by manufacturing experience extending over a period of time in excess of what is actually the fact, and the use on containers of their products or in advertising matter of the word "London", either alone or in connection with other words, so as to imply that the respondent co-partners have an office or business establishment in London, England. (2941)

**Imperial Chemical Company,** Shenandoah, Iowa, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of insecticides.

Among representations which the respondent agrees to discontinue are that its product "Bug-Dust-O-Cide" is an "all purpose" insecticide constituting "dependable" or adequate protection for gardens, flowers, shrubs or plants against damage by insects generally; that it can be depended upon to prevent plant disease, or that it is superior to or more powerful than various comparable competitive products.

The respondent also agrees to cease representing by statements such as "Rotenone is thirty-eight times stronger than lead arsenate as a stomach poison to bugs and insects", that its product generally is more efficacious than lead arsenate as an insecticide, or that it is a stomach poison for all bugs or insects. "Rotenone" was advertised as an ingredient of "Bug-Dust-O-Cide", according to the stipulation.

The respondent further agrees to cease making unqualified reprepresentations that Bug-Dust-O-Cide neither stunts, injures nor retards the growth or development of plant life or has any injurious effect thereon, and to discontinue stating that this product or other insecticide containing nicotine or other toxic ingredient in sufficient quantity to cause injury, when taken into the human or animal system, is non-poisonous to humans or domestic animals. (2940)

**Lucone, Inc.,** 217 Seventh Ave., New York, distributor of "Lucone Herb Tonic," has entered into a stipulation in which it agrees to cease and desist from using the word "Herb" as part of the trade name of its product, and from representing its product as a herb tonic containing no greasy substances and capable of promoting or assuring a robust or abundant growth of hair; as preventing baldness or dandruff, saving the hair or stopping hair loss, and keeping the hair roots active. The respondent also agrees to cease advertising that its product is of aid in correcting unhealthy scalp conditions, keeps the hair free of infection, or preserves the scalp. (02643)

**Maywood Publishing Company**—Nathan Gilbert, trading as Maywood Publishing Company, 1107 Broadway, New York, has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of a publication designated "20th Century Business Encyclopedia."

The respondent agrees to cease using the word "Encyclopedia" in the title of or as descriptive of the publication he sells or of any other publication which is not in fact a comprehensive summary of knowledge or of a certain branch of knowledge. He also stipulates that he will cease representing that the contents of any publication or pamphlet offered for sale are "secret," "amazing," or otherwise undiscovered, unknown, astonishing or bewildering.

Under his stipulation, the respondent also agrees to cease several representations having to do with the price or value of his publication. (2939)

**Missouri Mausoleum Company, Inc.,** 310 North Osage St., Independence, Mo., manufacturer and distributor of mausoleums, vaults and sectional concrete burial boxes, has entered into a stipulation in which it agrees to cease and desist from use of the words "Asphalt-Lined" as descriptive of such of its products as are not in fact lined with asphalt, and from use of the words in any way to imply to purchasers that the lining of the products to which the words refer is composed wholly of asphalt.

The stipulation provides that if the lining is composed in substantial part of asphalt and in part of other material, and the word "Asphalt" is used as descriptive of such asphalt content, then the word "Asphalt" shall be immediately accompanied by some other word or words printed in equally conspicuous type so as to indicate clearly that the lining is not composed wholly of asphalt, but is composed in part of material other than asphalt. (2942)

**Picture Ring Company,** Butler Building, Cincinnati, vendor-advertiser engaged in selling novelty jewelry designated "Picture Ring," "Portrait Ring," "Photo Gem Ring," "Charm Bracelet," "Portrait Crucifix," "Portrait Tie Clasp," "Fountain Pen," "Portrait Bracelet," "Cross Ring," and "Birthstone Ring," has entered into a stipulation in which it agrees to cease and desist from representing that the regular price or value of any of its products is in excess of the price at which they are regularly sold; that the products or the pictures applied thereto will last a lifetime and that the pictures will never fade, rub, wash or wear off; that the process by which the pictures are applied to these products is secret or special; that the products contain precious jewels or gems; that the Charm Bracelet is heavily plated with gold or has a gold setting or gold design; that the Portrait Tie Clasp is silver or has a silver design; that the Fountain Pen sold by hte respondent has a genuine iridium-tip point; that the Portrait Bracelet is heavily gold-plated; or that prospective agents, salesmen or distributors can make ten or twenty sales each day or dozens of sales each day, or any number of sales within any specified period of time, which are in excess of the average number of sales which have theretofore been consistently made in like periods of time by the respondent's agents, salesmen or distributors in the ordinary and usual course of business and under normal conditions and circumstances.

The respondent further agrees to cease and desist from using the terms "free" or "without cost" or other terms of similar import to refer to merchandise offered as compensation for distributing its merchandise unless all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate conjunction or connection with the terms "free" or "without cost." (02640)

**Rilling-Arnao Company,** 607 Fifth Ave., South, Minneapolis, has entered into a stipulation to cease and desist from certain representations in the sale of its "Rilling Koolerwave," a hair waving device of the machineless type, and "Rilling Concentrator," a hair dryer.

The respondent corporation agrees to cease advertising that a permanent wave given with Rilling Koolerwave equipment starts at the scalp or is one-half inch closer or closer by any definite measurement, than any other method; that all methods of permanent waving other than the Rilling Koolerwave injure the hair; that this equipment or the results represented as attainable by its use, or the features represented as attributable to it, are guaranteed, unless the true nature and extent of such guarantee are clearly and adequately disclosed; and that tests of all hair dryers on the market have demonstrated that the Rilling Concentrator costs less to operate, dries heads at less cost, or dries hair faster than any other hair dryer. (02639)

**Albert H. Singer Fur Company**—Albert H. Singer, trading as Albert H. Singer Fur Company, 228 West 29th St., New York, engaged in the purchase and sale of raw furs, has entered into a stipulation in which he agrees to cease and desist from quoting or otherwise holding forth any fictitious or exorbitant price or prices which trappers or fur dealers may expect to receive from him for their furs; quoting prices which he has not, in fact, paid in the usual course of business, or quoting prices which might be applicable to furs of a grade or quality not produced in, or which are exceptions in, the section or territory circularized; representing that he pays higher prices for furs than do other fur buyers, or that trappers or dealers in furs will realize a greater return by selling their furs to him than would be obtainable by selling such furs to other fur dealers or through brokers; use of the word "Guarantee" or any words of similar meaning, unless, whenever used, clear and unequivocal disclosure be made in direct connection therewith, of exactly what is offered by way of security, or representing that prices quoted are guaranteed, unless the respondent actually pays the prices quoted during the full period of time for which such price lists are effective or in force. (2944)

**Victoria Chemical Company,** 887 Broad St., Newark, N. J., has entered into a stipulation in which it agrees to desist from representing that its drug products "Bilaphen Tablets" will enable one to say goodbye to a distressed feeling resulting from an upset stomach, or that it will be of aid in relieving an upset stomach unless this representation is limited to relieving that condition when due to constipation. The respondent also agrees to cease advertising that its preparation will cause the liver to return to normal functioning or will keep it functioning normally; that the product will cause normal or natural movements, and that the respondent manufactures its product or maintains a laboratory. (02644)

## FTC CASE CLOSED

The Federal Trade Commission has closed its case against I. Schneierson & Sons, Inc., 1350 Broadway, New York, manufacturer of women's and children's underwear, without prejudice to its right to resume proceedings should future facts so warrant. Further investigation indicated that the respondent had brought its practices into compliance with the Commission rules. The respondent company had been charged with violation of the Federal Trade Commission Act in the sale of its products.

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## THE WEEK IN WASHINGTON

The Wage and Hour Administration announced the adoption of new definitions effective October 24 which should provide substantial relief for employers and employees alike. (p. 4685.)

Colonel Thad H. Brown, former member of the Federal Communications Commission, this week asked the Chief Executive to withdraw his name so that he might enter private law practice in Washington. (p. 4687.)

Additional information on the status of Communist candidates in eight states is contained in this issue. (p. 4688.)

On October 15 the FCC adopted a new set of regulations affecting international broadcasting stations. (p. 4688.)

In New York, Neville Miller and a committee of broadcasters met with bandleaders headed by Fred Waring. BMI music continues to climb in popularity and sheet music sales of BMI hit songs have had substantial gains. (p. 4687.)

The BMI Board of Directors met in New York for the regular meeting. The present officers of the corporation were unanimously reelected and Julius P. Witmark, Jr., was elected to the position of Assistant Secretary. The stockholders also voted to change the certificate of the corporation so as to change the number of directors from seven to not less than seven and not more than eight. Theodore C. Streibert, vice president of the Mutual Broadcasting System, was slated to become a director of BMI as soon as the certificate providing for the increase in the number of Directors is filed with the Secretary of State. (p. 4688.)

The Research Department reports that 125 stations have sent in September business reports for use in the "Unit Measurement of Broadcast Advertising." (p. 4692.)

Mark Ethridge will address the annual meeting of the Association of National Advertisers at White Sulphur Springs. Paul Peter, NAB Director of Research, will also attend the meeting. (p. 4693.)

Captain Ernest M. Culligan, public relations officer of Selective Service Headquarters, publicly thanked the radio industry for the success of the registration on October 16. (p. 4693.)

Enthusiasm for the celebration of radio's twentieth birthday continues to rise. (p. 4694.)

NAB announces the addition of seven stations to the membership, which is nearing the 500 mark. The present membership is the highest in the history of the Association. (p. 4695.)

In this week's issue we publish a partial list of phonograph records of M. M. Cole Publishing Company publications, which are available for broadcasting immediately to those stations having SESAC licenses. After January 1, 1941, they will be available to all stations having BMI licenses. (p. 4690.)

Meetings of the Defense Communications Board were held this week, under the chairmanship of James Lawrence Fly. (4696.)

## Wage and Hour Act

### *DEFINITIONS REVISED*

The NAB's long fight for revision of the definitions of exempt classes of employees under the Wage and Hour Act bore fruit this week. The Wage and Hour Administration announced the adoption of new definitions, effective October 24, which should provide substantial relief to employers and employees alike.

Those exempt from any restriction on their hours are executives, administrative employees, professional employees and outside salesmen.

An *executive* is defined as follows:

"Sec. 541.1—Executive

"The term 'employee employed in a bona fide executive * * * capacity' in section 13(a)(1) of the Act shall mean any employee

"(A) whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

"(B) who customarily and regularly directs the work of other employees therein, and

"(C) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight, and

"(D) who customarily and regularly exercises discretionary powers, and

"(E) who is compensated for his services on a salary basis at not less than $30 per week (exclusive of board, lodging, or other facilities), and

*(Continued on page 4686)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

## DEFINITIONS REVISED

*(Continued from page 4685)*

"(F) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the number of hours worked in the work-week by the non-exempt employees under his direction; provided that this subsection (F) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment."

The greatest difference between this definition and the old one is the *definite* restriction placed on the amount of work the executive can perform of the same nature as that performed by non-exempt employees. In the old definition, it was "no substantial amount." In the new one, it is: "whose hours of work of the same nature as that performed by non-exempt employees do not exceed 20 per cent of the number of hours worked in the work-week by the non-exempt employees . . ."

In other words, the chief engineer at a station which operates 126 hours a week could stand watch 25.2 hours a week without losing his executive status, provided he measured up to the other requirements for an executive. The same figures would fit a production director who did some routine announcing.

An *administrative* employee is defined as follows:

"Sec. 541.2—Administrative

"The term 'employee employed in a bona fide * * * administrative * * * capacity' in section 13(a)(1) of the Act shall mean any employee

"(A) who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities), and

"(B) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is non-manual in nature and requires the exercise of discretion and independent judgment; or

"(2) who performs under only general supervision, responsible non-manual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

"(3) whose work involves the execution under only general supervision of special non-manual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment."

This new classification is meant to apply to employees who have jobs which require more than ordinary training and call for the exercise of more than ordinary discretion and judgment—yet who are not bona fide executives. This definition appears to be quite broad.

A *professional* employee is defined as follows:

"Sec. 541.3—Professional

"The term 'employee employed in a bona fide * * * professional * * * capacity' in section 13(a)(1) of the Act shall mean any employee who is

"(A) engaged in work

"(1) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

"(2) requiring the consistent exercise of discretion and judgment in its performance, and

"(3) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

"(4) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the hours worked in the work-week by the non-exempt employees; provided that where such non-professional work is an essential part of and necessarily incident to work of a professional nature, such essential and incidental work shall not be counted as non-exempt work; and

"(5) (a) requiring knowledge of an advance type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine, mental, manual, or physical processes; or

"(b) predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination or talent of the employee, and

"(B) who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities); provided that this subsection (B) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof."

Section A(5)(b) is the most important part of this definition for broadcasting. It appears to exempt not only actors, singers, and musicians who make $200 or more a month, but also *creative* writers and announcers who are paid $200 or more a month (46.15 a week).

Outside salesmen are defined as follows:

"Section 541.5—Outside Salesman.

"The term 'employee employed * * * in the capacity of outside salesman' in section 13(a) (1) of the Act shall mean any employee

"(A) who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in

"(1) making sales within the meaning of section 3(k) of the Act; or

"(2) obtaining orders or contracts for the use of facilities for which a consideration will be paid by the client or customer, and

"(B) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the number of hours worked in the work-week by such non-exempt employees; provided that work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as non-exempt work."

As can be readily seen, Section (A)(2) clearly exempts radio time salesmen. What is more, a salesman-announcer, under (B) can do an unlimited amount of announcing on programs he has sold or announce 20 per cent of the time on any programs, without overtime payments.

Of course, numerous questions will arise under these definitions. Members are urged to send any questions they have to the NAB Labor Relations Director.

## SUSTAINING TALENT

The Wage and Hour Administration this week issued the following press release:

Voluntary public participants in civic educational programs, "man on the street" and "quiz game" broadcasts are not the employees of the radio stations within the meaning of the Wage and Hour Act, Colonel Philip B. Fleming, Administrator, informed the Division's regional directors this week.

The instructions were sent as a supplement to the press release issued on September 16, 1940 (NAB REPORTS, p. 4612), on the subject of sustaining radio programs because of a misunderstanding of the scope of the original and the receipt by the Division of a large number of inquiries.

The instructions released by Colonel Fleming are as follows:

"In releasing instructions on the subject of sustaining radio programs on September 16, 1940, the Division did not intend to give a blanket ruling that all performers on sustaining programs are employees of the radio stations. The factual situation involved in the instructions quoted in the September 16 release was as follows: The performers in question performed at the establishment of the radio station and rendered a service which was a functional part of the business of the station. The radio station obtained a distinct benefit from the services performed. Furthermore, the work was performed under the direction and control of the radio station.

"Since the issuance of the September 16 press release, the Division has received many inquiries as to the applicability of the ruling that certain performers on sustaining programs are employees of the radio station in the following cases: Members of high school and college glee clubs, orchestras, bands, dramatic clubs, etc.; members of community or 'civic' bands, orchestras, glee clubs, dramatic clubs, etc.; members of American Legion and other fraternal organization bands, orchestras, glee clubs, dramatic clubs, etc.; children performing on 'Saturday morning' programs; public voluntary participants in 'man-on-the-street' programs; public voluntary participants in 'quiz' programs, etc.; public speakers in 'forum' programs; entertainers voluntarily contributing their services to public service programs such as Community Chest programs, Red Cross drives, etc.; members of church choirs, church organists, ministers, etc.; public officials and other speakers on public service programs; members of boy scout troops performing on boy scout programs; performers on National Youth Administration-sponsored and United States Employment Service-sponsored programs and other governmental-sponsored public service programs.

"In the case of the above enumerated programs, certain distinctive factors exist which distinguish them from those situations in which the Division is of the opinion that performers on sustaining programs are employees of the radio stations. In the enumerated cases the interest of the civic organization sponsoring the program and of the listening public in the public service features of the broadcast far outweigh the material interest of the radio station in obtaining radio performers for broadcast purposes. While the radio station may exercise a slight degree of control over the manner in which the performances are given, such control is not sufficient to create the employer-employee relationship between the radio station and the individual performers. Accordingly, you are instructed not to consider as employees of radio stations those performers engaged in bona fide broadcasts of the nature described above. You should also consider as within this instruction other cases which present similar factual situations as those enumerated above."

This appears to clean up most of the questions that have arisen from the original memorandum.

It appears that hill billies, orchestras, etc., who are "professionals" in the common meaning of the word, must be paid when they appear on the air from the studio. There is nothing in the law to prevent stations from charging these hill billies, orchestras, etc., for dance engagement plugs, however.

Any member having any doubt as to the status of an individual performer, orchestra or other talent should send in the facts to the NAB for an opinion.

## BANDLEADERS MEET WITH BROADCASTERS

A meeting was held between the orchestra leaders' committee and representatives of the broadcasting industry at the office of Fred Waring, 1697 Broadway, New York City, on October 16, 1940. Present on behalf of the broadcasters were Neville Miller, president of the NAB; John Elmer, a member of the NAB Board of Directors; and Sydney Kaye, NAB copyright counsel. On behalf of the bandleaders, Fred Waring, Meyer Davis, Ben Cutter, Johnny Green, Nat Shilkret, Eddie Duchin, and John O'Conner. The meeting discussed at length the problems which the broadcasters and bandleaders found themselves confronted with and there was an interchange of views of the best possible solution of those problems. The meeting may be followed by further meetings between the same parties.

## BROWN'S NAME WITHDRAWN

Col. Thad H. Brown, former member of the Federal Communications Commission, who was renominated to succeed himself when the President sent his name to the Senate on June 5, this week asked the Chief Executive to withdraw his name so that he might enter private law practice in Washington. His confirmation has been opposed by Senator Tobey of New Hampshire. The name has been withdrawn by the President.

In his letter to the President asking for the withdrawal of his name Colonel said:

"May I express to you my deep appreciation of the trust and confidence you reposed in me in reappointing me on June 5 as a member of the Federal Communications Commission. Events which have transpired since then make it necessary for me to request at this time that my nomination be withdrawn and the appointment terminated immediately.

"As you will recall, during the early spring and before you appointed me a member of the Commission for another term, I had seriously contemplated entering the private practice of law. The opportunity which presented itself at that time is still available to me, and, in justice to my family and myself, I feel that it is my duty to carry out this original plan."

Answering this the President said:

"The terms of the request in your letter of October fourteenth seem to leave me no alternative but to accede. It is, however, with reluctance and with very real regret that I withdraw your nomination as a member of the Federal Communications Commission, and in further acquiescence in your request permit termination of your services as a member of the Commission, effective as of this date.

"In taking this action, however, I desire to express my appreciation of your work and my confidence in your ability to carry on—a confidence which was reflected in my action in tendering you a reappointment last June.

"I have long known of your desire to return to private life and I desire to wish you happiness and all success in the practice of the law."

Colonel Brown has announced that Corwin R. Lockwood, recently with the law department of the Federal

Communications Commission, will engage in private law practice with him. In connection with Federal tax, Federal Trade and antitrust matters they will be associated with the firm of Brewster & Steiwer.

Former Secretary of State of Ohio, Colonel Brown became general counsel of the old Federal Radio Commission in 1929 and in 1932 was named by President Hoover as a member of the commission. He became vice chairman of the commission in 1933 before its reorganization and was on the broadcast division before it was abolished in the shake-up effected by Frank R. McNinch, former chairman.

## Communist Candidates

Supplementing the information contained in last week's NAB Reports, we list below the changes in the status of Communist candidates which have occurred this past week.

| | |
|---|---|
| Arkansas | —Court barred Communist candidates from the ballot. |
| Delaware | —No Communist candidates qualified. |
| Indiana | —Court barred Communist candidates from the ballot. |
| Maryland | —Court ordered Communist candidates for Presidential and Vice-Presidential electors and United States Senator certified for ballot. |
| New Hampshire | —Ballot Law Commission barred Communist candidates from the ballot. |
| New York | —Communist candidates for Presidential and Vice-Presidential electors, United States Senator and Congressman-at-Large (2) filed. |
| Missouri | —Court barred Communist candidates from the ballot. |
| Washington | —Court ordered Communist candidates certified for the ballot. |

The situation in the other states remains, so far as we have been able to learn, as set forth in NAB Reports of October 11, page 4665. Members will be promptly notified of any further changes.

## International Short-wave

The FCC on October 15 adopted the following new section 4.43(f) affecting international broadcast stations:

(1) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(2) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of two years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(3) If the broadcast is in a language other than English the licensee shall furnish to the Commission upon request such record and scripts together with complete translations in English.

These rules are in conformity with the views expressed by the licensees in the round-table discussions with the Commission staff on October 7. (See NAB Reports, October 11, page 4671.)

## BMI Developments

### BMI FEATURE TUNES
### October 21-28

1. PRACTICE MAKES PERFECT
2. YOU WALK BY
3. THE SAME OLD STORY
4. MAY I NEVER LOVE AGAIN
5. THERE I GO
6. I GIVE YOU MY WORD
7. I HEAR A RHAPSODY
8. SO YOU'RE THE ONE

The record of BMI music as to popularity, performance, and sales continues about what it was last week. *There I go, Practice makes Perfect, Same Old Story, I Give You My Word,* and *We could make Such Beautiful Music* all show up on the "sheet." *Practice* and *Story* are on the best seller lists and Vaughn Monroe's record of *There I Go* appears for the first time among the best selling retail records, making its bow on the regional list for the west coast.

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The regular meeting of BMI's Board of Directors was held at the Hotel Roosevelt, New York City, on October 15th in the morning. In the afternoon, the meeting of the stockholders was held at the office of the corporation, 580 Fifth Avenue, New York. At the stockholders meeting, the present officers of the corporation were unanimously re-elected and Mr. Julius P. Witmark, Jr., was also elected to the position of Assistant Secretary. The stockholders also voted to change the certificate of incorporation so as to increase the number of directors from seven to not less than seven and not more than eight.

Immediately following the meeting of the stockholders, another meeting of the Board of Directors was held at 580 Fifth Avenue. The directors voted that, as soon as the certificate providing for the increase of directors be filed with the Secretary of State, Mr. Theodore Streibert, Vice-President of Mutual Broadcasting System, should be elected a Director of BMI.

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A meeting was held between the orchestra leaders committee and representatives of the broadcasting industry at the office of Fred Waring, 1697 Broadway, N. Y., October 16, 1940. Present on behalf of the broadcasters were Messrs. Neville Miller, President of the NAB, John Elmer, a member of the Board of Directors of the NAB, Mr. Sydney Kaye, Copyright Counsel of the NAB; on behalf of the band leaders: Mr. Fred Waring, Mr. Meyer Davis, Mr. Ben Cutler, Mr. Johnny Greene, Mr. Nat Schilkret, Mr. Eddie Duchin, Mr. John O'Conner. The meeting discussed at length the problem which the broadcasters and band leaders found themselves confronted with and there was an interchange of views of the best possible solution of those problems. The meeting may be followed by further meetings between the same parties.

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Two more stations bring the BMI tally to exactly 400. We welcome WKPA, New Kensington, Penna., and WISE of Asheville, North Carolina. Around the time when hansom cabs, red plush portiers and Ward McAllister ruled New York society, the latter was supposed to have said that after all there were only four hundred people worth knowing in New York. Since that time the FOUR HUNDRED has meant the very top cream, or the collar on the beer, if you will. The difference between the BMI four hundred and the cake-and-cotillion coterie of the late Mr. McAllister is that, while BMI members certainly represent the tops, they are not at all exclusive and look forward with delight to the time when they will become the six hundred or the eight hundred.

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Preston Pumphrey joins the BMI staff as advertising agency contact man. Immediately before joining the BMI staff, Mr. Pumphrey was Radio Director of the Warwick and Legler Agency.

Mr. Pumphrey's whole experience has given him a useful background for his new work with BMI. In radio work since 1929, he has been Radio Director also of Fuller, Smith and Ross, and a member of the production staff of NBC and also Benton and Bowles.

He was Chairman of the New York AAAA Radio Committee at the time the standard radio spot agency contract was drafted. He produced the second largest transcription order of the country for the "Uncle Willard" program, of the Willard Storage Battery Company and he also produced such other shows as Westinghouse Salutes, Fred Allen's Town Hall Tonight, the Warden Lawes' program, Metropolitan Auditions Of The Air, and the Eddie Duchin programs.

Before entering the radio field, Mr. Pumphrey had taught English at Ohio-Wesleyan while he was taking his M. A. degree and had later spent five years in the Sales Promotion Department of the American Rolling Mills Co.

Jimmy Cairns, our Chicago representative, now has a business address in the Woods Theatre Building, 54 West Randolph Street, Room 304.

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Gene Buck, returning from the ASCAP show at the San Francisco World's Fair, issued a statement to the newspapers in which he is quoted as saying:

> "The fact that the fair was able to draw such a crowd for a special event without a bit of help from radio is proof that anyone with an important message to put across to the public can still do it exclusively through the press. *It shows that, in contacting the public, newspapers still come first.*"

Everybody living in 1940 knows that both newspaper and radio are necessary to the modern world, and that neither one can be placed before the other in a glittering generality but that their merits must be considered in reference to specific situations.

Mr. Buck knows this as well as anyone. When he makes derogatory remarks about the importance of radio in the activity from which the broadcaster derives his income, he is very carefully aiming a thoroughly foul blow.

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Five new BMI records are announced for future release:

*OKEH* (Columbia)

| | | |
|---|---|---|
| *So You're The One* | Dolly Dawn | Okeh 5842 |
| | Not before November 1st. | |

*DECCA*

| | | |
|---|---|---|
| *There I Go* | Woody Herman | Decca 3454 |
| | Not before November 14th. | |

*BLUEBIRD* (Victor)

| | | |
|---|---|---|
| *May I Never Love Again* | Bob Chester | B-10904 |
| | Not before November 1st. | |
| *So You're The One* | Vaughn Monroe | B-10901 |
| | Not before November 1st. | |
| *You Walk By* | Blue Barron | B-10894 |
| | Not before October 25th. | |

Previously announced:

*COLUMBIA*

| | | |
|---|---|---|
| *Here In The Velvet Night* | Ted Strater | Col. 35641 |
| *Practice Makes Perfect* | Eddy Duchin | Col. 35702 |
| *The Same Old Story* | Eddy Duchin | Col. 35724 |
| *There I Go* | Will Bradley | Col. 35743 |

*OKEH* (Columbia)

| | | |
|---|---|---|
| *I Give You My Word* | Al Kavelin | Okeh 5734 |
| *Madame Will Drop Her Shawl* | Al Donahue | Okeh 5704 |
| *Practice Makes Perfect* | Al Kavelin | Okeh 5746 |
| *Practice Makes Perfect* and *The Same Old Story* | Billie Holliday | Okeh 5806 |
| *The Same Old Story* | Frankie Masters | Okeh 5716 |
| *There I Go* | Tommy Tucker | Okeh 5789 |
| *What Good's The Moon* | Ray Herbeck | Okeh 5659 |

*DECCA*

| | | |
|---|---|---|
| *Practice Makes Perfect* | Terry Shand | Decca 3399 |

*BLUEBIRD* (Victor)

| | | |
|---|---|---|
| *I Give You My Word* | Mitchell Ayres | B-10895 |
| *Practice Makes Perfect* | Bob Chester | B-10838 |
| *The Same Old Story* | Freddie Martin | B-10830 |
| *We Are All Americans* | Dick Todd | B-10840 |
| *There I Go* | Vaughn Monroe | B-10848 |

# Records for Cole Catalogue Available for Broadcasting

Partial list of Phonograph Records of M. M. Cole Publishing Company publications available for broadcasting *January 1, 1941* to all stations having BMI licenses, *available immediately to all stations having SESAC licenses.*

| Title | Company | Number |
|---|---|---|
| **A** | | |
| **Alone With My Sorrows** | Decca | 5353-B |
| **Answer To The Prisoner's Dream** (Song) | Victor | 207411 |
| | " | 2074112 |
| | " | 507469 |
| | " | 5074691 |
| | Decca | 5468-B |
| **Atlanta Bound** | Varsity (U.S. Record) | 5015 |
| **Answer To Red River Valley** (Gene Autry) | Vocalion | 03101 |
| **Arizona Yodeler** (The) | Columbia | C9253-A |
| | " | V04616-A |
| | Brunswick | V04616-A |
| **B** | | |
| **Big Bass Viol** (The) | Decca | 2206-B |
| **Bringing Home The Bacon** | Decca | 5334-B |
| **Bring Your Roses To Her Now** | Columbia | C9181-B |
| | American Record | C9181-B |
| | Brunswick | V4724-B |
| **By A Window At The End Of The Lane** | Decca | 5515-B |
| **C** | | |
| **Convict's Dream** (The) (Gene Autry) | Vocalion | 03229 |
| **Cowboy's Heaven** | U.S. Record | 5004 |
| **D** | | |
| **Don't Waste Your Tears On Me** (Gene Autry) | Vocalion | 03070 |
| **Down The Lane Of Memory** | Columbia | V05002-B |
| **Down The Trail** | Columbia | V04011-A |
| | Brunswick | V04011-A |
| **E** | | |
| **End Of My Round-Up Days** (Gene Autry) | Vocalion | 04146 |
| | Columbia | V04146-B |
| | " | C8946-B |
| **F** | | |
| **Faded Love Letters Of Mine** | Victor | 206259 |
| | " | 2062592 |
| | " | 504803 |
| **Fetch Me Down My Trusty No. 45** | Columbia | V04092-A |
| | " | C9024-A |
| | Brunswick | V04092-A |
| | American Record | C9024-A |
| **Flowers Blooming In The Wildwood** | Columbia | C9231-B |
| | " | V04659-A |
| | Brunswick | V04659-A |
| **G** | | |
| **Girl In The Blue Velvet Band** | Decca | 5403-B |
| | " | 8027-B |
| **Goin' Back to Old Montana** | Columbia | C8827-B |
| | American Record | P70252-B |
| | " | C8827-B |
| | Brunswick | M70252-B |
| **Golden River** | Columbia | V04976-A |
| **Great Speckled Bird** (The) | Decca | 5555-A |
| | Imp'l. Industrial | 7174 |
| **Guitar Blues** | Columbia | V04704-A |
| | " | V04704-B |
| | " | C9252-B |
| | Brunswick | V04704-B |
| **H** | | |
| **Hiding All My Cares** | Decca | B8284-A |
| **Hillbilly Wedding in June** (A) | Decca | 5008-B |
| | American Record | P12980-A |
| | " | 9182-A |
| | " | C8192-A |
| **Hillbilly Wedding** | Brunswick | M12931-A |
| **I** | | |
| **I Am Just What I Am** | Decca | 5588-B |
| **I Hate To Say Goodbye To The Prairie** (Gene Autry) | Vocalion | 03262 |
| **I Lost My Love in the Ohio Flood** | Decca | 5332-A |
| | " | 8010-A |
| **I Only Want A Buddy** | Victor | 205666 |
| | " | 2056661 |
| | " | 205777 |
| | Decca | 5352-A |
| | " | 2807-A |
| | American Record | P70552-A |
| | " | P70854-A |
| | " | R70854-A |
| | " | C8844-A |
| | " | C8893-A |
| | Columbia | V05271-A |
| | " | V03292-A |
| | " | V03493-A |
| | " | V5235-B |
| | " | C8844-A |
| | " | C8893-A |
| | Brunswick | V2719-A |
| | " | V03493-A |
| | " | V03292-A |
| | " | M70854-A |
| | Imp'l Industrial | 7176 |
| **I'm A-Ridin' Up The Old Kentucky Mountains** | Columbia | V04742-B |
| | " | C9118-B |
| | Brunswick | V04742-B |
| **I'm Goin' West To Texas** | Columbia | V05081-A |
| **I'm Here To Get My Baby Out Of Jail** | Decca | 5312-A |
| | " | 5409-B |
| | " | 8011-A |
| **I'm Just Here To Get My Baby Out Of Jail** | Victor | 206621 |
| | " | 2066212 |
| | " | 206691 |
| | " | 2066911 |
| | " | 507017 |
| | " | 5070172 |
| | " | 507089 |
| | " | 5070891 |
| **I Want A Pardon For Daddy** (Gene Autry) | Vocalion | 04146 |
| | Columbia | V04146-B |
| | " | C8933-A |
| | Brunswick | V04146-B |
| | American Record | C8933-A |
| | Imp'l. Industrial | 7176 |
| **I Want To Be A Real Cowboy Girl** | Victor | 504802 |
| | " | 5048021 |
| | " | 206164 |
| | " | 2061641 |
| | Columbia | C9010-A |
| | " | V04234-A |
| | Brunswick | V04234-A |
| | American Record | C9010-A |
| | " | C8988-A |
| | " | P80454-A |
| | " | R80454-A |

| Title | Company | Number |
|---|---|---|
| **I Wish I'd Never Learned To Love You** | Columbia | V04986-B |
| **It's Time To Say Aloha** | Decca | 5003-B |
| **J** | | |
| **Just An Evening At Home** | Decca | 5167-B |
| **K** | | |
| **Keep A Light In Your Window** | Decca | 5003-A |
| | " | 45074-A |
| **Keep A Light In Your Window Tonight** | Columbia | V03538-B |
| | Brunswick | V03538-B |
| **L** | | |
| **Last Letter** (The) | Decca | 17051-A |
| | " | 5383-A |
| | " | 5726-A |
| | Imp'l Industrial | 7182 |
| **Little Girl Dressed In Blue** | Decca | 5008-A |
| | " | 5428-B |
| **Little Old Rag Doll** | Decca | 5329-B |
| | " | 5329-A |
| **Little Ranch House On The Old Circle** (Gene Autry) | Vocalion | 04998 |
| **Little Sweetheart Of The Ozarks** | Decca | 5450-B |
| | Columbia | V04023-A |
| | Brunswick | V04023-A |
| | American Record | C8981-A |
| | Imp'l Industrial | 6718 |
| **Lorena** | Columbia | V04313-A |
| | Brunswick | V04313-A |
| | American Record | C9117-A |
| **Louisiana Moon** (Gene Autry) | Vocalion | 04375 |
| **M** | | |
| **Me and My Burro** | Decca | 5129-A |
| | " | 5128-A |
| **Mellow Mountain Moon** | Columbia | V04049-B |
| | Decca | 5004-B |
| | Brunswick | V04049-B |
| **Mexicali Rose** (See below) | | |
| **Mississippi Valley Blues** (Gene Autry) | Vocalion | 02991 |
| **Mother Came to Get Her Boy** | Victor | 504718 |
| | " | 206383 |
| | " | 2063831 |
| | " | 5047182 |
| **My Dear Old Arizona Home** | Victor | 507861 |
| | " | 206255 |
| | Columbia | V04247-A |
| | " | C8979-B |
| | American Record | C8979-B |
| | Brunswick | V04247-A |
| **My Old Pal Of Yesterday** (See O's) (Gene Autry) | Vocalion | 04274 |
| **My Little Cowpony and I** | American Record | C9011-A |
| **Mexicali Rose** (Rosa de Mexicali) | Victor | 2064591 |
| | " | 206459 |
| | " | 2100071 |
| | " | 210007 |
| | " | 5072561 |
| | " | 507256 |
| | " | 5050341 |
| | " | 505034 |
| | " | 261362 |
| | " | 26136 |
| | " | 900035 |
| | " | 202963 |
| | " | 507970 |
| | Decca | 792-B |
| | " | 1039-A |
| | " | 10188-A |
| | " | 10190-A |
| | " | 5200-A |
| | " | 2001-A |
| | " | 2235-B |
| | " | 2779-A |
| **Mexicali Rose**—*Continued* (Gene Autry) | Vocalion | 03097 |
| | Columbia | B4426-B |
| | " | B8424-B |
| | " | V03086-B |
| | " | V03097-A |
| | " | V4479-A |
| | " | C8629-B |
| | " | C9169-A |
| | American Record | P60559-A |
| | " | C8629-B |
| | " | B4426-B |
| | " | C9169-A |
| | Brunswick | V03086-B |
| | " | V03097-A |
| | " | V4479-A |
| | " | M60559-A |
| | " | B4426-B |
| | Imp'l. Industrial | 6329 |
| **O** | | |
| **Old Buckaroo Goodbye** | American Record | R71260-A |
| | " | P71260-A |
| | " | C8882-A |
| | Brunswick | M71260-A |
| | " | V03291-A |
| | Columbia | C8882-A |
| | " | V03291-A |
| (Gene Autry) | Vocalion | 03291 |
| **Old Corral** (The) | Decca | 5258-B |
| **Old Missouri Moon** (Gene Autry) | Vocalion | 03007 |
| **Old Pal of Yesterday** | Victor | 205427 |
| (see **My Old Pal of Yesterday**) | " | 2054271 |
| **Old Shep** | Decca | 3389 |
| **P** | | |
| **Pal That Is Always True** (The) | American Record | C8748-A |
| **Please Don't Leave Me Now** | Decca | B8248-A |
| **Pretty Quadron** | Decca | 5084-A |
| | " | 45074-B |
| | Imp'l. Industrial | 5812 |
| **Prisoner's Dream** (A) | Victor | 507468 |
| | " | 207411 |
| | " | 2074111 |
| | " | 5074681 |
| | Decca | 5381-A |
| **R** | | |
| **Ridge Runnin' Roan** | Decca | 5302-A |
| **Rock Me to Sleep in My Rocky Mountains** | Decca | 5006-B |
| **Rosa de Mexicali** (See **Mexicali Rose**) | | |
| **Royal Telephone** | American Record | B60555-A |
| | " | O60555-A |
| | " | P60555-A |
| | " | R60555-A |
| | Brunswick | V04251-A |
| | " | M60555-A |
| | Columbia | V04251-A |
| **S** | | |
| **Seven More Days** | Decca | 8027-A |
| | " | 5403-A |
| **Some Day in Wyoming** (Gene Autry) | Vocalion | 04415 |
| **Song for Mother** (A) | Decca | 8010-B |
| | " | 5332-B |
| **Strawberry Roan** (The) | Columbia | V04482-A |
| | " | C9118-A |
| | Victor | 504778 |
| | " | 205667 |
| | " | 5047782 |
| | " | 2056672 |
| | " | 205392 |
| | Brunswick | V04482-A |
| | American Record | C9118-A |

| Title | Company | Number |
|---|---|---|
| **Strawberry Roan**—*Continued* | Decca | 5074-B |
| | “ | 45103-A |
| | “ | 45103-B |
| | “ | 4951-A |
| | “ | 4951-B |
| | Imp'l. Industrial | 5811 |
| | Varsity (U.S. Record) | 5036 |
| T | | |
| **Take Me Back To Renfro Valley** | Victor | 504803 |
| | “ | 5048031 |
| | “ | 206259 |
| | “ | 2062591 |
| | Brunswick | V03434-A |
| | Columbia | V03434-A |
| | American Record | P70370-A |
| | “ | C8784-A |
| | Decca | 5545-B |
| **Tell My Mother I'm in Heaven** | Columbia | C8165-A |
| | American Record | C8165-A |
| **That Silver Haired Daddy of Mine** (Gene Autry) | Decca | 5110-A |
| | Vocalion | 02991 |
| | Imp'l. Industrial | 5421 |
| | U. S. Record | 5001 |
| **There's An Empty Cot in the Bunkhouse Tonight** (Gene Autry) | Vocalion | 04375 |
| | Victor | 206226 |
| | “ | 504820 |
| | “ | 5048202 |
| | “ | 2062262 |
| U | | |
| **Uncle Noah's Ark** | Victor | 206609 |
| W | | |
| **Way Out in Texas** (Gene Autry) | Vocalion | 04485 |
| **We Buried Her Beneath the Willow** | Decca | 5229-B |
| **When It's Prayer Meetin' Time in the Hollow** | Brunswick | M13341-B |
| | Columbia | C8219-A |
| | American Record | C8291-A |
| | “ | P13122-B |
| | Decca | 5110-B |
| | “ | 45108-B |
| | “ | 4985-B |
| **When the Bloom Is on the Sage** | Brunswick | V03164-A |
| | “ | V4724-A |
| | Columbia | C9181-A |
| | American Record | C7733-A |
| | “ | P12615-A |
| | “ | B0704-A |
| | Decca | 5002-B |
| | “ | 2237-B |
| | Varsity (U.S. Record) | 5012 |
| | Imp'l. Industrial | 5010 |
| **When the Wild Flowers Are in Bloom** | Brunswick | V03263-B |
| | American Record | P80455-B |
| | “ | R80455-A |
| | “ | C8956-A |
| **Wonder Valley** | Brunswick | M70673-A |
| | American Record | P70673-A |
| | “ | R70673-A |
| | Decca | 5002-A |
| Y | | |
| **Yellow Rose of Texas** (The) (Gene Autry) | Vocalion | 04998 |
| **Yodeling Hobo** | Varsity (U.S. Record) | 5008 |
| **You're A Flower Blooming In The Wildwood** | Decca | 5503-B |

## 125 Stations Already Submitting Reports for Unit Plan

The Research Department reports that through Thursday, the 17th, 125 stations have sent in September business reports for use in the "Unit Measurement of Broadcast Advertising" plan. Many additional stations have committed to send in September information which will increase the number of stations analyzed in the September report. Undoubtedly, some of the delay in sending in reports is due to the fact that the Research Department was unable to get the printed forms in the hands of stations prior to September billing. Any stations who have not started preparation of a September report are urged to do so since this analysis of the broadcast advertising business for the use of broadcasters requires the active interest of all stations.

Details of the September analysis are well underway and it is planned a report will be issued early in November.

The 125 stations sending in September reports are given in the following list. It will be noted that no returns have been received from 10 states. The District of Columbia, although not a state, leads the country with 100% response. The State of Maryland leads the country with 42% response.

### DISTRICT 1

Connecticut
WDRC—Hartford
WELI—New Haven
Maine
WCOU—Lewiston
WCSH—Portland
Massachusetts
WLAW—Lawrence
WLLH—Lowell
New Hampshire
Rhode Island
Vermont

### DISTRICT 2

New York
WVFW—Brooklyn
WENY—Elmira
WJTN—Jamestown
WINS—New York City
WQXR—New York City
WHAM—Rochester
WHEC—Rochester
WTRY—Troy
WFAS—White Plains
WWRL—Woodside

### DISTRICT 3

Delaware
New Jersey
WCAM—Camden
Pennsylvania
WHJB—Greensburg
WHP—Harrisburg
WJAC—Johnstown
KYW—Philadelphia
WCAU—Philadelphia
KDKA—Pittsburgh
WKOK—Sunbury
WBAX—Wilkes-Barre
WRAK—Williamsport

### DISTRICT 4

District of Columbia
WJSV—Washington
WMAL
WOL
WRC
Maryland
WCBM—Baltimore
WFBR—Baltimore
WBOC—Salisbury
North Carolina
WBT—Charlotte
WBIG—Greensboro
WGTC—nr. Greenville
WPTF—Raleigh
WSTP—Salisbury
WSJS—Winston-Salem
South Carolina
WIS—Columbia
WFBC—Greenville
Virginia
WBTM—Danville
WGH—Newport News
WTAR—Norfolk
WPID—Petersburg
WRNL—Richmond
West Virginia
WJLS—Beckley
WBLK—Clarksburg
WPAR—Parkersburg
WWVA—Wheeling

### DISTRICT 5

Alabama
Florida
WDBO—Orlando
Georgia
WMGA—Moultrie
WSAV—Savannah
WTOC—Savannah
Puerto Rico

### DISTRICT 6

ARKANSAS
  KFPW—Fort Smith
  KARK—Little Rock
LOUISIANA
  KTBS—Shreveport
  KWKH—Shreveport
MISSISSIPPI
TENNESSEE
  WOPI—Bristol
  WAPO—Chattanooga
  WLAC—Nashville

### DISTRICT 7

KENTUCKY
  WCMI—Ashland
  WLBJ—Bowling Green
  WAVE—Louisville
OHIO
  WCKY—Cincinnati
  WGAR—Cleveland
  WTAM—Cleveland
  WBNS—Columbus
  WCOL—Columbus
  WHIO—Dayton
  WLOK—Lima

### DISTRICT 8

INDIANA
  WIBC—Indianapolis
  WFAM—South Bend
  WSBT—South Bend
MICHIGAN
  WJR—Detroit
  WWJ—Detroit
  WKZO—Kalamazoo

### DISTRICT 9

ILLINOIS
  WENR—Chicago
  WMAQ—Chicago
  WTMV—East St. Louis
  WJPF—Herrin
  WTAD—Quincy
  WDZ—Tuscola
WISCONSIN
  WTAQ—Green Bay
  WCLO—Janesville
  WIBA—Madison
  WTMJ—Milwaukee
  WRJN—Racine
  WSAU—Wausau

### DISTRICT 10

IOWA
  KRNT—Des Moines
  KSO—Des Moines
  WKBB—Dubuque
MISSOURI
  KFRU—Columbia
  WDAF—Kansas City
NEBRASKA
  KMMJ—Grand Island
  KGFW—Kearney

### DISTRICT 11

MINNESOTA
  WCCO—Minneapolis
  WTCN—Minneapolis
  KSTP—St. Paul
NORTH DAKOTA
  WDAY—Fargo
SOUTH DAKOTA
  KABR—Aberdeen

### DISTRICT 12

KANSAS
  KSAL—Salina
  KFBI—Wichita
OKLAHOMA
  KVSO—Ardmore
  KTOK—Oklahoma City

### DISTRICT 13

TEXAS
  KFDA—Amarillo
  KRIS—Corpus Christi
  KGKO—Fort Worth
  WBAP—Fort Worth
  KPDN—Pampa
  KPAC—Port Arthur
  KONO—San Antonio

### DISTRICT 14

COLORADO
  KIUP—Durango
IDAHO
  KRLC—Lewiston
MONTANA
  KFBB—Great Falls
  KGVO—Missoula
UTAH
  KDYL—Salt Lake City
WYOMING

### DISTRICT 15

CALIFORNIA
  KWG—Stockton
HAWAII
NEVADA

### DISTRICT 16

ARIZONA
NEW MEXICO
CALIFORNIA

### DISTRICT 17

ALASKA
OREGON
  KAST—Astoria
  KALE—Portland
  KOIN—Portland
  KWJJ—Portland
  KSLM—Salem
WASHINGTON
  KGA—Spokane
  KHQ—Spokane

## OREGON BROADCASTERS ORGANIZE

At a meeting of the Oregon broadcasters in Portland last week, a state association was organized and elected Lee Bishop of KMED, Medford, as president, and Frank Loggan of KBND, Bend, as secretary-treasurer.

The formation of the state association followed a full day's meeting attended by practically all broadcasters in Oregon.

Harry Spence of KXRO, Aberdeen, Washington, NAB Director, was a guest.

## ETHRIDGE TO ADDRESS ANA CONVENTION

Radio will be officially represented at the forthcoming convention of the Association of National Advertisers by Mark Ethridge, WHAS, Louisville and Paul Peter, NAB Director of Research. The ANA's annual meeting is scheduled for White Sulphur Springs, W. Va., October 24th to 26th.

Mr. Ethridge will address the convention on Thursday afternoon, October 24, when leading representatives of the four major media will acquaint the national advertisers with present day problems and developments in their respective fields. Other media will be represented by Grove Patterson, Vice-President and Editor, Toledo Blade; Roy Larsen, President of Time, Inc.; and former Senator George Wharton Pepper, of Pennsylvania, who is counsel to the outdoor industry.

Mr. Peter will be on hand to observe in addition to the media session the latest trends in product standardization, the consumer movement, national defense and its effect on manufacturing and marketing processes, and other developments affecting radio, as they will be brought forth at the convention.

Invited representatives of the networks and many individual stations are also expected to attend.

# National Defense

## RADIO AND PRESS PRAISES

Commendation for the Nation's newspapers, press services and radio broadcasting facilities for their outstanding assistance in disseminating information concerning the Selective Service Act and all phases of its operation was broadcast yesterday by Captain Ernest M. Culligan, public relations officer at the National Selective Service Headquarters.

In a nation-wide broadcast over NBC, Captain Culligan, speaking of plans for the registration of more than 16,000,000 men under the Selective Service Act, declared:

"The American people understand Selective Service only because the American press and radio news agencies continue to maintain their high tradition and unequalled efficiency in promoting a public understanding of national affairs and stimulating a public consciousness of national problems.

"The success of this registration owes much to our press and radio news agencies.

"The splendid public service they have rendered in publicizing Selective Service is a demonstration of the importance of a free and uncensored press and radio in a free and democratic country."

## RECRUITING

How effectively radio interests applicants for enlistment in the regular army is evident by the experience of WROK, Rockford, Ill., reported by William R. Traum, promotion director.

During September the Rockford recruiting office received fifty-seven applications. These were the result of eight different means of contact and publicity employed by the Army.

In a letter to WROK, Lieutenant A. C. Johansson reported that the Army's check indicated that one-fifth of the applicants were motivated in seeking enlistment by hearing programs and spot announcements over WROK.

"Inasmuch as we have used eight different means of contact and publicity," wrote Lieutenant Johansson, "we believe that this 20 per cent is very substantial and that it shows excellent results for radio."

———o———

WCAU, Philadelphia, gave a big lift to the national defense program recently when it broadcast the story of the building of a battleship. The program was one in the station's "Philadelphia Prepares" series.

Portable recording equipment was taken to the Philadelphia Navy Yard. Program started in the drafting room and moved to the mold loft where patterns are cut for every piece that goes into ship. The huge structural steel shop, where steel is cut to fit the moldings, was next; followed by pickups at the way where the keel of the 45,000-ton New Jersey is being laid. The next stop was on the bridge deck of the U. S. S. Washington, 35,000 tonner, launched last June and now nearing completion in dry dock.

There were interviews with officers, workmen and supervisors in the yard and sound effects ran rampant throughout the broadcast. Admiral A. E. Watson opened the show with a two-minute talk.

Joseph T. Connolly, WCAU promotion director, advises that scripts of this show and recordings are available to any interested member station.

## CIVIL SERVICE RESULTS

Forty thousand additional points of contact for skilled workers who want the national defense jobs being promoted by American broadcasters will soon be established. They will be located in all of the third and fourth class post offices of the United States.

This constructive move is expected to add impetus to the task of recruiting the second hundred thousand skilled workers.

Visual identification for these national defense information bureaus will be colored posters, entirely different from the one now placed in the 5,000 first and second class post offices and in police stations. Its design has just been approved and printing will begin almost immediately.

KWLM, Willmar, Minn., which has just started operation, is including the Man Power announcements in its daily schedule according to information from Edgar Parsons. Including KWLM the number of stations which have notified NAB headquarters of their cooperation totals 646.

Julien Smith, Jr., general manager, WHBB, Selma, Ala., has evolved a single daily program to carry such things as Man Power announcements and other national defense items.

It is called, "Uncle Sam on the Air." In addition to announcements there are patriotic transcribed selections and march tunes.

It was evolved in order that more time and more emphasis might be given to promotion of national defense. He reports that the program is well received by listeners.

Soon to go on the air, WSTV, Steubenville, Ohio, has arranged to broadcast Man Power announcements with the very first program. So reports John L. Merdian, program director.

Advice from the various national defense agencies, relayed to NAB by the United States Civil Service Commission, indicates that this important task of recruiting man power, which the industry has undertaken, is proceeding with eminent satisfaction.

# Promotion

## TWENTIETH BIRTHDAY CELEBRATION

Now that everybody has counted the candles on the cake on "Let's Celebrate Radio's 20th Birthday" broadside—

Now that station managers have approved the idea—

Now that program, promotion and publicity manager, special events men, salesmen and engineers are preparing suggestions, there can be no doubt that radio is in for a first class promotion next November 11-30.

The 20th anniversary of broadcasting is also receiving recognition from the RMA.

Bond Geddes, executive vice president, contracted the entire Board of Directors at the recent New York City meeting. And, on October 11, his remarks were supplemented in a bulletin to all members. The headline reads:

"GET IN AND HELP PROMOTE
"RADIO'S 'BIRTHDAY' CELEBRATION"

In the body of the letter he urged the set makers to tie in various ways including the purchase of time.

A particular paragraph follows:

"RMA members also are urged to supply their advertising agencies with details of the 'radio birthday' campaign and to recommend placement of advertisements with local broadcast stations, through cooperative advertising allowances or otherwise. It is also requested that RMA members supply their distributors with advertising material, such as forms of spot announcements, continuity, etc., for use by broadcast stations, similar to the advertising matter furnished to distributors for newspaper use."

The October 16 issue of Radio Weekly, widely circirulated throughout the manufacturing and distributing units of radio, gave a strong support to the efforts of RMA.

In addition to a two column, page one, editorial, "Twenty Years Old," there was a bold face paragraph on celebration on nearly every page.

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You may have noticed that important daily papers have started a black and white campaign to sell readers on the newspapers' contribution to the progress and well being of the community and nation. This is a constructive step as proven by the radio industry over a period of years.

Probably a great many more than the reported 250 newspapers already engaged in the promotion will follow suit.

Radio's 20th Birthday Celebration is the current example of this type of promotion in broadcasting. Others were National Radio Festival, Curtain Raiser and Open House, to mention a few.

Aside from content, the outstanding difference between the promotion by the newspapers and by the broadcast stations is in the method of communication.

With the former it's silent type.

With radio, it's a warm, vibrant voice which cuts across time and space to reach all ages, all races and creeds, people of all walks of life, simultaneously.

Radio and newspaper supplement each other. Maybe it would be a good idea to get the newspaper men over to your station. Invite him to relate the newspaper's contribution in building America over the air.

## "LISTEN BEFORE YOU VOTE"

From cities 3,000 miles apart, and in between, special reports have been received at headquarters of the productiveness of "Listen before You Vote" promotion.

From Washington state comes the news that the "Listen before You Vote" campaign is continuing with reasonable success. Informant is Peter Lyman, public relations director, KOMO and KJR.

These stations are also conducting a campaign to get out registration and voters for the November 5 election. "Like the 'Listen before You Vote' campaign, this activity," says Mr. Lyman, "has been well received and enjoys the backing of civic and political groups throughout the area."

"Along the same line, we cooperated with some twenty-two Seattle Service Clubs in a Town Meeting of Washington program last Friday evening (Oct. 11). The audience totaled over a thousand, and met in one of our local high school auditoriums. They listened to impartial discussions of the six initiatives and referendums to be voted on, followed by a question and answer discussion by the audience and leading pro and con representatives on each measure.

"The program was fed to Spokane and Wenatchee on the east side of the mountains, and was listened to by groups throughout the state, organized through clubs associated with those in Seattle who sponsored the program. The reaction to this program has been excellent, and it looks like the forerunner of a possible series on civic and state affairs."

WBAB, under direction of Norman Reed, managing director, has "Listen before You Vote" in full swing in Atlantic City.

Part of his promotion consists of a series of appropriate 68 lines x 2 column ads in the Atlantic City *Press* and the Atlantic City *Evening Union.*

Headline of a recent ad reads "LISTEN to station WBAB, before You Vote." Then, in part, the following:

"The whole process of national and local elections has been broadened and deepened in its significance by the tremendous part that radio plays in it.

"The National Association of Broadcasters has adopted the theme, 'Listen Before You Vote,' believing that the strength of a democracy is through an informed, alert citizenry.

"Radio brings its listeners directly in touch with rival candidates and rival policies in the same close and intimate style that characterized the days of town meetings and of platform debates between candidates."

## Cuts of NAB Seals Still Available

Many stations have been supplied with the one inch and ⅝ inch cuts of the NAB seal and are making effective use of it on their stationery and publicity. We still have a supply on hand and invite your order. There is no charge. (For sample of cut, see Reports of September 20, p. 4616.)

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Headquarters is gratified with the increase in the number of stations who are making daily announcements in connection with station identification, calling attention to the fact that station ——— is a member of the National Association of Broadcasters.

As the NAB becomes better known to the general public its ability to do a better job for the industry will increase.

## NEW MEMBERS
### Let's Make it 500

Since the last report on the subject of new members (NAB Reports, September 13, 1940, Page 4597) we are pleased to welcome to membership the following stations which have joined in the last month.

KFBC—Cheyenne, Wyoming
KYA—San Francisco, California
WAKR—Akron, Ohio
WCBI—Columbus, Mississippi
WESX—Salem, Massachusetts
WORD—Spartanburg, South Carolina
WOSU—Columbus, Ohio
WSPA—Spartanburg, South Carolina

This raises the total membership to 484. We urge members to pass up no opportunity to bring in the stations still on the outside. We would like to make that membership 500 by the first of the year. We ask your cooperation.

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Members will be interested in articles appearing in two current publications. *Harper's* Magazine for October carries an article entitled "The Battle of Tin Pan Alley," by Leonard Allen. In the October issue of *Saturday Evening Post,* there is an article on James C. Petrillo, president of the American Federation of Musicians, entitled "He Was Always Good at Arithmetic," by Bruce Dennis.

### COMMUNICATIONS DEFENSE BOARD MEETS

Meeting was held early this week of the Defense Communications Board and further meeting will be held on Friday.

James Lawrence Fly, Chairman of the Board, stated that at its Monday meeting it made progress in shaping up its organization and studying the whole problem. Mr. Fly said that the Communications Board has taken up the matter of Advisory Committees, but that no conclusions have been reached. He said that there had been some discussion as to the number of committees or subcommittees to be appointed, as well as how many people would be on each, but that no final decision has yet been reached.

### NO FURTHER EXTENSION

The promptness and cooperative efforts of the amateur and commercial radio operators in filing satisfactory proof of their citizenship and identification as required by Order No. 75 has been very gratifying to the FCC. In order to avoid any unnecessary hardship to the operators, the filing date for the responses to that Order has twice been extended by one month periods from the original date of August 15. Under the provisions of the Order as amended the responses are due on or before October 15, 1940. It is apparent that there has been an honest attempt on the part of the large majority of the operators to meet that filing date.

There will be no further extension granted. However, the Commission realizes that certain individuals and groups of operators will be unable to secure the necessary documentary proof of citizenship within the time provided by the Order due to factors beyond their control. Accordingly, the Commission is disposed to accept without further action such responses as may be tardily filed provided they are accompanied by satisfactory explanation of the reasons which prevented prompt compliance with the Order. At the same time it is desired to emphasize that arbitrary failure to submit the response in accordance with the Order, or to offer a reasonable explanation of the factors necessitating late filing, may be considered just cause for further action on the part of the Commission.

### CHAIN BROADCAST ARGUMENT SET

FCC on Thursday announced that oral argument in connection with its investigation of chain broadcasting would be held on December 2 and 3. The subject matter for argument will be limited to the issues of fact and policy raised by the report of the chain broadcasting committee dated June 12.

It was further announced that at the request of interested parties the final date for the filing of briefs would be extended to November 11.

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has announced the adoption of Statement of Facts, Grounds for Decision, and Order GRANTING the applications for renewal of licenses for station WLTH, The Voice of Brooklyn, Inc., and WARD, United States Broadcasting Corp., and DENIED application for modification of license by WBBC, Brooklyn Broadcasting Corp., in so far, only as the facilities of WARD and WLTH are requested. All stations operate on the frequency 1400 kilocycles with 500 watts power, sharing time equally, each station serving the Brooklyn, N. Y., area.

In 1932 four Brooklyn stations (WLTH, WARD, WBBC and WVFW), filed applications for increase of operating time, which if granted, would have required the deletion of one or more of the other stations. A hearing was held before an examiner in August and September, 1933. During this hearing and subsequent thereto a number of applications were filed by other parties seeking fulltime use of the 1400 kilocycle frequency. Also, the licensees amended their applications as to operating time requested. Therefore, the Commission ordered a further hearing to include these subsequent applications, which was held in December, 1934, and the Commission rendered its decision on December 17, 1935. Thereafter upon consideration of petitions for rehearing the Commission on February 5, 1936, ordered a hearing *de novo* to be held before it upon all the applications then pending and involving the use of the 1400 kilocycle frequency in Brooklyn, including renewal applications of the licensees. This hearing was held in March and April, 1937. On June 29, 1937, the Commission entered its order (1) granting the applications of WBBC for renewal of license and for renewal of auxiliary transmitter license, and granting in part, the application for modification of license, subject to compliance with Rule 131, in so far as that application requested the facilities of stations WARD and WLTH, and denying the application in so far as it requested the facilities of WVFW; (2) granting the applications of WVFW for construction permit to make equipment changes and for renewal of license, and (3) denying all other applications involved in the proceeding.

Thereafter WLTH and WARD each filed notice of appeal in the U. S. Court of Appeals for the District of Columbia from the Commission's decision of June 29, 1937, denying their applications for renewal of licenses. Appeals were also taken by the Brooklyn Daily Eagle Broadcasting Co. Inc. and the Debs Memorial Radio Fund, Inc., from the same decision which denied their applications for the operating time of WBBC, WLTH, WARD and WVFW. Later the appeals of Debs Memorial Radio Fund, Inc. and the Brooklyn Daily Eagle Broadcasting Co. Inc. were withdrawn.

On September 30, 1937, the Court of Appeals, on petitions filed by WLTH and WARD stayed the effectiveness of the Commission's order of June 29, 1937, in so far as it terminated the service of WLTH and WARD and assigned the operating time of said stations to WBBC. Pursuant to a motion filed by the Commission the Court of Appeals on October 13, 1939, remanded back to the Commission for further proceedings the cases which were the subject of the above appeals taken by WLTH and WARD with the stipulation that "The Commission and the other parties in interest agree that the status quo will remain until the Commission has acted on the remand."

Based upon the foregoing the Commission on October 27, 1938, ordered temporary licenses be issued to WLTH and WARD for their continued operation, and on the same date set aside its order of June 29, 1937, in so far only as the same denied the applications of WLTH and WARD for renewal of licenses and granted in part the application of WBBC for modification of license to utilize the time of WLTH and WARD. The Commission's order of October 27, 1938, also set aside the Statement of Facts and Decision of June 29, 1937, in so far as the same denied the renewal applications of WLTH and WARD and granted the application of WBBC for the operating time of WLTH and WARD. The Commission's reconsideration of this record has been limited to the evidence which relates to the applications of WLTH, WARD and WBBC.

In its grounds for decision the Commission concludes:

1. The broadcasting service rendered the public by Stations WLTH and WARD has been of the same general character and quality as the service rendered by Station WBBC and there is, in fact, no substantial distinction in the merits of the services of these three stations.

2. The licensees of Stations WLTH and WARD are qualified legally, technically, financially, and otherwise to operate their respective stations on the limited basis of a time-sharing station.

3. The granting of the application of WBBC for modification of license in so far as said application request authority to operate during the hours used by WLTH and the hours used by WARD would not serve public interest, convenience and necessity.

The order in this case will become effective October 22.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled before the Commission for the week beginning, Monday, October 21. They are subject to change.

### Monday, October 21

WGY & Auxil.—General Electric Company, Schenectady, N. Y.—Renewal of license and auxiliary, **790 kc.**, 50 KW night, 50 KW LS, unlimited time.

### Thursday, October 24

Oral Argument Before the Commission

Report No. B-122:

KGFI—Eagle Broadcasting Company, Inc., Brownsville, Tex.—In re: Revocation of Station License of KGFI.

### FUTURE HEARINGS

During the week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

### November 22

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.**, 1 KW night, 1 KW LS, unlimited time (DA night).

### December 6

WLAK—J. P. Marchant, D. J. Carey, and Melvin Meyer (Transferors), and Florida West Coast Broadcasting Co., Inc. (Transferee), Lakeland, Flordia.—Transfer of control of station WLAK, operating on **1310 kc.**, 250 watts, unlimited.

### December 9

WSAR—Doughty & Welch Electric Co., Inc. (Assignor), Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—Voluntary assignment of license; operating on **1450 kc.**, 1 KW, unlimited-DA.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Hampden-Hampshire Corp., Holyoke, Mass.—Granted construction permit for new station to operate on **1370 kc.**, with 250 watts, unlimited time (B1-P-1701).

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Granted modification of license to increase night power from 500 watts to 1 KW, operating on **880 kc.**, sharing with KPOF, Denver (B5-ML-941).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted construction permit to install directional antenna for night use; increase hours of operation from daytime only to unlimited; move transmitter to 2.5 miles northwest of center of Spartanburg, Saxon Mill, S. C., and operate with 1 KW on **920 kc.** (B3-P-2901).

KVIC—Radio Enterprises, Inc., Victoria, Tex.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on **1310 kc.** (B3-ML-975).

WGOV—E. G. Rivers, Valdosta, Ga.—Granted modification of license to increase night power to 250 watts, operating unlimited time on **1420 kc.** (B3-ML-1022).

WWJ—The Evening News Assn., Detroit, Mich.—Granted construction permit to make changes in transmitting equipment, increase night power from 1 to 5 KW, and install directional antenna for night use, operating unlimited time on **920 kc.,** with 5 KW day (B2-P-2680).

WLWO—The Crosley Corp., Cincinnati, Ohio—Granted modification of international broadcast station license authorizing unlimited time operation on frequency **9590 kc.** and addition of **11710** and **15250 kc.** and deletion of **11870 kc.** (B2-MLIB-39).

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of international broadcast station license authorizing deletion of frequency **15250 kc.** and addition of **15350** and **17750 kc.** (B1-MLIB-41).

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of international broadcast station license authorizing deletion of frequency **15250 kc.** and addition of **15350** and **17750 kc.** (B1-MLIB-42). The use of frequency **15130 kc.** authorized to WRUL-WRUW is subject to termination without advance notice or hearing pursuant to Executive Orders regarding assignment of this frequency.

KAQV—Central States Broadcasting Co. (Portable-Mobile), area of Omaha, Nebr.—Granted modification of relay broadcast station license for the period October 1, 1940, to October 1, 1941, deleting frequency **2022 kc.** heretofore assigned station and substituting frequency **2074 kc.,** subject to condition that no interference is caused to government stations on adjacent channels.

KAQY—The Farmers & Bankers Broadcasting Corp., Portable-Mobile, area of Wichita, Kans.—Granted modification of relay broadcast station license for the period October 1, 1940, to October 1, 1941, deleting frequency **2022 kc.** heretofore assigned station and substituting frequency **2074 kc.,** subject to condition that no interference is caused to government stations on adjacent channels.

## MISCELLANEOUS

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 9 to 10 p. m., October 16, in order to broadcast program sponsored by Willkie Democratic Clubs only (B2-5-855).

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7:30 p. m. to midnight, EST, October 11, in order to broadcast a football game between Manhattan College and Boston University only (B1-S-211).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Nov. 5 p. m., EST), November 5, to 4 a. m., November 6, in order to broadcast election returns only (B2-S-984).

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on the frequencies **60000-86000 kc.,** at 515 Madison Avenue, New York City, for the period October 11 to November 9, in order to conduct field tests.

W9XA—Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to operate high frequency broadcast station W9XA on frequency **26300 kc.,** using maximum power of 1000 watts, special emission (FM), in cooperation with the licensee of high frequency broadcast station W2XJI, for a period not to exceed 30 days, to conduct and determine the extent of mutual skywave interference existing between two stations operating with 1 KW on **26300 kc.,** employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via skywave will interfere with program reception of the desired station in its own coverage area.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted special temporary authority to operate a Type No. 50 UTX F.M. Link transmitter on the band **60** to **66 mc.,** 50 watts, A3 emission, and Type No. 25 UBX F.M. Link transmitter, 50 watts power as aural unit, in order to conduct site survey in Chicago area in connection with construction permit granted August 2, 1940, not to exceed 30 days.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted authority to change the name of the licensee of station KTKC, Visalia, Calif., from Tulare-Kings Counties Radio Associates—Charles A. Whitmore, President, to J. E. Richmond, Percy M. Whiteside, Homer W. Wood, and Visalia Publishing Company, d/b as Tulare-Kings Counties Radio Associated (B5-ML-1019).

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted motion to continue for 30 days the hearing now scheduled for October 23, in re application for construction permit to operate unlimited time with 1 KW power on **620 kc.** (DA-N* instead of daytime with 250 watts).

World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—Denied motion to accept proposed findings filed late in the matter of the application for construction permit for a new station in Oakland, Calif., to operate on **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc.,** 10 watts, unlimited time.

KWLC—Luther College, Decorah, Iowa.—Withdrew motion to extend time within which to file exceptions to Commission's Proposed Findings No. B-120.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 8 p. m., PST, to the conclusion of football games described in letter dated October 1, 1940, on October 18, 25, November 1 and 8, 1940, in order to broadcast said games only.

WABL—American Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft transmitter, call letters KHAAG, NC-14279, on frequency **2790 kc.,** from 2 p. m. to 2:15 p. m., October 10, 1940, in order to relay broadcast Fire Preventive Week program to Radio Station WSAI.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (October 5:45 p. m., EST) to midnight, EST, October 25, 1940, in order to broadcast the second anniversary of the opening of Radio Station WPIC.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted license to cover construction permit which authorized installation of new equipment and changes in authorized equipment; **1240 kc.,** 1 KW, unlimited time (B5-L-1288).

WAYX—Jack Williams, Waycross, Ga.—Granted authority to install new automatic frequency control equipment (B3-F-152).

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to transmit an address by the President on October 12 to radio station CMCK, Havana, Cuba, via RCA, Inc., only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with station WFAS from 4 p. m. to 5 p. m., EST, November 2, 9, 16 and 23, 1940, and from 1:45 p. m. to 4:30 p. m., EST, November 21, 1940, in order to broadcast football games only.

WGEO—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to conduct two-way communications with stations KRTA, KRTC and KRTK of the Byrd Antarctic Expedition between 12 midnight and 2 a. m., EST, for the period beginning November 1, 1940, to not later than February 1, 1941.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m., CST, October 18, 25, November 1, 1940, in order to broadcast football games only; to operate from 9:30 p. m., November 5, to 1:30 a. m., CST, November 6, 1940, in order to broadcast election returns only.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 10:45 p. m., October 18, 1940, and from 2 p. m. to 5:30 p. m., MST, November 1, 1940, in order to broadcast football games only.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 11 a. m. to 12 noon, EST, October 25, 1940, in order to broadcast the inauguration ceremonies of President Howard L. Bevis of Ohio State University only (provided WKBN remains silent).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 7 p. m. to 7:30 p. m., CST, October 11, 1940, in order to permit WGBF to broadcast a Republican National Committee program with Wendell Willkie speaking only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to broadcast a Republican National Committee program with Wendell Willkie speaking only.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary authority to operate high frequency station W1XSO on frequency **43.7 mc.** instead of **43.2 mc.**, for the period not to exceed 30 days, in order to eliminate certain interference.

KODL—Western Radio Corp., The Dalles, Ore.—Granted modification of construction permit as modified which authorized construction of a new broadcast station, for change in type of transmitter; **1200 kc.**, 100 watts, 25 KW LS, unlimited time (B5-MP-1082).

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted special temporary authority to operate from 2 p. m. to 6 p. m. LST, October 13, 20, 27, November 3, 1940, in order to broadcast Army football games only.

WCAB—WCAU Broadcasting Co., Newton Square, Pa.—Granted petition authorizing extension of effective date of Sec. 4.45 of the Rules Governing International Broadcast Stations until January 1, 1941.

WQAM—Miami Broadcasting Co., Miami, Fla.—Dismissed petition of applicant requesting classification of station WQAM as a Class III-A station, licensee to notify the Commission whether it desires its application for 5 KW power to be given further consideration.

WHCU—Cornell University, Ithaca, N. Y.—Granted petition to reconsider and grant without hearing the application of WHCU for renewal of license, and ordered that hearing on the application be cancelled and renewal granted to operate on **850 kc.**, with 1 KW power, daytime only.

WTNJ—WOAX, Inc., Trenton, N. J.—Adopted order cancelling construction permit granted on September 27, 1939, authorizing installation of auxiliary transmitter for emergency use only. This construction permit expired by its own terms on May 27, 1940, and no request for extension or for a license to cover same has been filed.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:30 p. m. to 8:45 p. m., October 14, 1940, in order to broadcast an address by Claude Wickard, Secretary of Agriculture only, from 8:30 p. m. to 9 p. m., October 28, and from 9:30 p. m. to 10 p. m., EST, October 31 1940, in order to broadcast addresses by Henry A. Wallace only.

W2XBS—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate television station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period October 14, 1940, to not later than January 1, 1941.

WSBT—The South Bend Tribune, South Bend, Ind.—Amended minute entry regarding grant of construction permit authorized on October 1, 1940, to show time of operation as unlimited instead of sharing with WGES.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted petition for reconsideration of the Commission's action of August 21, 1940, granting the application of Columbia Broadcasting System, Inc., for a new international station at Brentwood, N. Y.; ordered that the grant of August 21st be set aside, the application removed from hearing docket, and the application granted except as to use of frequency **9590 kc.**; that the construction permit for the new Brentwood station shall authorize the use of frequency **15,270 kc.** shared only with WCBX, Wayne, N. J., and WCAB, Newton Square, Pa., instead of with station WLWO as requested in application, and the grant of the Columbia Broadcasting System's application is made subject to condition that permittee shall file an application for modification of construction permit within 2 months after date of grant specifying dimensions and expected directional characteristics of proposed antenna systems, said antenna system to comply with Sec. 4.43 of the Commission's rules; and permittee shall install frequency control equipment capable of maintaining the operating frequency within 0.005% of assigned frequency in accordance with Secs. 4.41 and 4.47 of the Commission's rules.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. EST, October 15, 1940, in order to broadcast a political speech by Lewis Douglas only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (October, 5 p. m. CST) to 9 p. m. CST, October 16, 23, and 30, 1940, in order to broadcast program sponsored by the Chamber of Commerce only.

WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to operate from 6 p. m. CST to the conclusion of the Michigan State-Temple football game on October 18, 1940, in order to broadcast said game only.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with station WJBO from 9:30 to 11 p. m. CST, October 19, 1940, in order to broadcast program in connection with Corps Dance of A. and M. College only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m. October 15, 1940, in order to broadcast program sponsored by the Democratic National Committee; from 6:30 p. m. to 6:45 p. m. October 16, 1940, in order to broadcast program sponsored by the Republican State Committee of Massachusetts; from 7:45 p. m. to 8 p. m. October 18, 1940, in order to broadcast program sponsored by the Massachusetts Independent Voters; from 9 p. m. to 10 p. m. EST, November 4, 1940, in order to broadcast program sponsored by the Massachusetts Republican Committee.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 1:30 p. m. to 2:30 p. m. instead of from 2 to 3 p. m. CST, October 17, 1940, as outlined in agreement of September 9, 1940, in order to broadcast a political address by Senator McNary only (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 1:30 to 2:30 p. m. only instead of from 2 to 3 p. m. CST, October 17, 1940, as outlined in agreement of September 9, 1940, in order to permit KGGF to broadcast a political address by Senator McNary only.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Scheduled for oral argument on November 21, 1940, the Proposed Findings (B-115) in re application for renewal of license of station WBAX.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted construction permit to increase night power from 1 KW to 5 KW and make changes in directional antenna system for day and night use; **560 kc.**, 5 KW LS, unlimited time, directional antenna (B4-P-1990).

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Granted construction permit to make changes in directional antenna for nighttime use and increase night power from 1 KW to 5 KW; **560 kc.**, 5 KW LS, directional antenna night (B3-P-2870).

Columbia Broadcasting System, Inc., New York, N. Y.—Denied without prejudice application for construction permit for new experimental Class II point-to-point telephone station in the fixed service; frequency **156525 kc.**, 50 watts power, special emission for frequency modulation (T1-PE-3905).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 8:30 p. m. October 18, 1940, and from 10 p. m. to 10:30 p. m. November 4, 1940, in order to broadcast program sponsored by the Democratic National Committee; to operate from 10:30 p. m. to 11 p. m. October 28 and from 9:30 p. m. to 10 p. m. EST, October 30, 1940, in order to broadcast speeches by President Roosevelt only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF from 8:30 p. m. to 10 p. m. October 15, 1940; from 8:30 p. m. to 9 p. m. October 22 and 29, from 8 p. m. to 9 p. m. October 18, 21, and November 1, from 8:30 p. m. to 10 p. m. CST, October 19, 26, and November 2, 1940, with power reduced to 250 watts, in order to broadcast Democratic political programs only

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to permit KFRU to broadcast Democratic political programs only.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. October 15, 1940, in order to broadcast a speech by Lewis Douglas and from 8 p. m. to 9 p. m. EST, October 18, 1940, in order to broadcast a speech by

Representative Johnson and others only, using power of 100 watts.

WNYC—City of New York, Municipal Broadcasting System.—Granted special temporary authority to operate from 6:45 p. m. to 7:30 p. m. EST, October 15 and from 6:45 to 10 p. m. EST, October 16, 1940, in order to broadcast official information relative to Selective Service announcements and fill-in programs only.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 7:30 p. m. to midnight EST, October 18, 1940, in order to broadcast the Manhattan-Detroit University football game only (broadcast sustaining music from sign-off to game time).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 8:30 p. m. CST, October 16, 1940, in order to permit WGBF to broadcast a Democratic National Committee program only.

WGY & auxiliary—General Electric Co., Schenectady, N. Y.—Granted in part motion for continuance until after January 1, 1941, of hearing now set for October 21, 1940, to continue to November 7, 1940, only, in re application for renewal of license of station WGY and auxiliary; **790 kc.**, 50 KW, unlimited time (B1-R-264).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Changed date of oral argument on Proposed Findings (B-115) in re application for renewal of license of station WBAX from November 21, 1940 to November 12, 1940.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast a Democratic National Committee program only.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—License to cover construction permit (B3-P-2681) for increase in power and changes in directional antenna system (night use only). (Sec. 5a thru 5h, 51, 5m, 9 & 10c.)

### 920 Kilocycles

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Modification of license to change day power from 500 watts to 1 KW.

### 940 Kilocycles

WDAY—WDAY, Inc., Fargo, N. D.—Authority to install automatic frequency control equipment.

### 970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—License to cover construction permit (B2-P-2645) as modified, for new transmitter, increase in power, and change in hours of operation.

### 1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter, change frequency from **1040** to **1340 kc.**, increase power from 250 watts to 500 watts night, 1 KW day, and change hours of operation from daytime to unlimited time. Amended: To change requested power from 500 watts night, 1 KW day to 1 KW day and night, install directional antenna for day and night use, and omit request for contingency on KOY going to another frequency.

### 1120 Kilocycles

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—License to cover construction permit (B2-P-2770) as modified, for a new station.

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1200 Kilocycles

KODL—Western Radio Corp., The Dalles, Ore.—Modification of construction permit (B5-P-2838) as modified, for change in type of transmitter.

### 1210 Kilocycles

WBIR—J. W. Birdwell, Knoxville, Tenn.—Modification of construction permit (B3-P-2840) for a new station, requesting increase in power from 100 watts night, 250 watts day to 250 watts day and night, approval of antenna, approval of studio site at Chamber of Commerce Bldg., 618 S. Gay St., Knoxville, Tenn., and transmitter site at 300 feet north on Wilder Place from junction of Wilder Place and Brooks Ave., Knoxville, Tenn.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1210** to **1220 kc.**, increase power from 250 watts to 1 KW and move transmitter. Class III-B station.

NEW—Western Gateway Broadcasting Corp., Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited hours. Amended: Re antenna system and to specify transmitter site.

### 1220 Kilocycles

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Construction permit to install directional antenna for day and night use and move transmitter from south of Tonganoxie, Kans., to southwest of Kansas City, Kans., and move studio from Lawrence, Kans., to Kansas City, Mo. Amended to make changes in directional antenna and change power from 1 KW night, 5 KW day. to 5 KW day and night, using directional antenna.

### 1270 Kilocycles

WWNY—The Brockway Company, Watertown, N. Y.—Modification of construction permit (B1-P-937) for a new station, requesting authority to install new transmitter, approval of antenna, approval of studio site at Woodruff Hotel, 49 Public Square, Watertown, N. Y., and transmitter site at Outer Holcomb St., Watertown, N. Y.

### 1310 Kilocycles

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—License to cover construction permit (B4-P-2370) as modified for a new station.

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Construction permit to change frequency from **1370 kc.** to **1060 kc.** (under N. A. Regional Agreement); change power from 250 watts to 500 watts night, 1 KW day; install new transmitter and antenna.

WCBI—Birney Imes, Columbus, Miss.—License to cover construction permit (B3-P-2675) as modified for a new station.

WCBI—Birney Imes, Columbus, Miss.—Authority to determine operating power by direct measurement of antenna power.

WCBI—Birney Imes, Columbus, Miss.—Modification of construction permit (B3-P-2675) as modified to change type of transmitting equipment.

### 1380 Kilocycles

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—License to cover construction permit (B5-P-2278) as modified for change of frequency, power, move of transmitter and studio, install new equipment and vertical antenna.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—License to cover construction permit (B3-P-2646) for changes in equipment, increase in power, and move of transmitter and studio (Sec. 10c and Studio site).

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Modification of construction permit (B2-P-2711) for new transmitter and directional antenna for night, change frequency from **1420 kc.** to **590 kc.**, increase in power from 250 watts to

1 KW, requesting authority to make change in directional antenna, install new transmitter, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts.

NEW—Findlay Radio Co., Findlay, Ohio.—Construction permit for a new station to be operated on **1500 kc.,** 250 watts, unlimited time. Class IV station. Amended to request **1420 kc.**

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Voluntary assignment of license from Chester Howarth and Clarence Berger to Silver Broadcasting Co.

### 1490 Kilocycles

NEW—Western Massachusetts Broadcasting Co., Pittsfield, Mass.—Construction permit for a new station to be operated on **1500 kc.** (**1490 kc.** under North American Regional Agreement), 100 watts, unlimited time.

### 1500 Kilocycles

NEW—P. K. Ewing, Kosciusko, Miss.—Construction permit for a new station to be operated on **1500 kc.,** 100 watts night, 250 watts day, unlimited time (no reply to Commission letters).

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Authority to determine operating power by direct measurement of antenna power.

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—License to cover construction permit (B2-P-2879) as modified, for a new broadcast station.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Authority to transfer control of corporation from Owensboro Publishing Co. to L. W. Hager, 77 shares, W. B. Hager, 77 shares and George M. Fuqua, 37 shares. (Jurat Part I, Sec. 4(a) Part II.)

## TELEVISION APPLICATION

W2XD—General Electric Co., Schenectady, N. Y.—Modification of construction permit (B1-PVB-55) as modified, for a new television station, requesting extension of completion date from 11-12-40 to 1-1-41.

## MISCELLANEOUS

W2XOY—General Electric Co., New Scotland, N. Y.—Modification of license to increase power from 1000 watts to 2500 watts.

W2XOY—General Electric Co., New Scotland, N. Y.—License to cover construction permit (B1-PHB-112) for increase in power and move of transmitter.

W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-PVB-58) for a new Class II television broadcast station, requesting approval of antenna and approval of transmitter site.

WEIC—General Electric Co., Portable-Mobile.—License to cover construction permit (B1-PRE-346) for increase in power and installation of new transmitter.

NEW—Racine Broadcasting Corp., Racine, Wis.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 10 watts, A-3 emission. Amended re antenna.

WEND—WHP, Inc., Portable-Mobile.—Construction permit to change frequencies from **33380, 35020, 37620, 39820 kc.** to **1696, 2022, 2102, 2750 kc.,** and make changes in equipment, increase power from 0.5 watt to 2 watts. Amended to request frequencies **1606, 2074, 2102, 2758 kc.**

KEHS—WDAY, Inc., Portable-Mobile.—Construction permit to change frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.,** increase power from 1 watt to 5 watts, and install new equipment.

NEW—Loyola University, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.,** 100 watts, Emission A-3.

WOEG—General Electric Company (Area of Schenectady, N. Y.). —License to cover construction permit (B1-PRY-216) for a new transmitter.

KEHO—Intermountain Broadcasting Corp., Portable-Mobile (area of Salt Lake City, Utah).—Modfication of license to change frequencies from **132260, 134080, 135480, 135760 kc.** to **156075, 157575, 159975, 161925 kc.,** in accordance with new Group H frequencies.

W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PHB-281) to install new transmitter, antenna changes and move of transmitter.

WEIE—Havens & Martin, Inc., Portable-Mobile (area of Richmond, Va.).—Construction permit to change type of transmitter and decrease power from 25 watts to 2 watts.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Capital Drug Company**—See Rex Drug Company.

**Carlton Mills Company, Inc.**—A complaint has been issued charging Carlton Mills Co., Inc., 241 West Wyoming Ave., Philadelphia, fabric manufacturer, with misrepresentation.

The complaint alleges that through labels supplied by the respondent to manufacturers and retailers for attachment to coats and other garments manufactured from its fabrics, the respondent company represents that its fabrics and the garments made therefrom are manufactured from the peltries of Persian lambs, Karakuls and Caraculs, or from wool taken from such animals. However, the complaint alleges, the respondent's products and the garments made therefrom are composed of ordinary wool and cotton, or ordinary wool and rayon, or cotton and rayon.

The complaint alleges that on its labels supplied to garment manufacturers and retailers the respondent uses names such as "Genuine Babelamm", "Karagora", "Pelkara", "Bashkara Lamm", and "Kosva-Lam", together with picturizations or figures of lambs. Other labels used by the respondent, according to the complaint, bear the names "Pershian Royal", "Rivalamm", "Volgalam", "Persialaine", "Lam Kurl Persian", "Aristo Kurl", "Russkara", "Kurl Kohvar", and "Galykurl". (4321)

**Cutter Laboratories**—A complaint has been issued against Cutter Laboratories, Berkeley, Calif., alleging misrepresentation in the sale of a product for treating cattle. The respondent corporation has depots and branch offices in Los Angeles, Chicago, San Antonio, Seattle, Denver, Boise, Fort Worth, El Paso and New Orleans.

According to the complaint, the respondent advertised a vaccine preparation designated "Blacklegol", recommending its use as a means of rendering cattle immune to the ailment "Blackleg". Through advertising matter disseminated by mail and by other means in various States, the respondent, according to the complaint, has represented that its preparation is 100 per cent effective and that the immunization effect from the use of the product is invariably unfailing or permanent, when such are not the facts, and there have been deaths from blackleg of animals treated with the respondent's preparation.

The complaint further alleges that the respondent has misleadingly and unfairly disparaged "bacterin" and "aggressin" preparations of competitors by publishing the false assertion that immunity obtainable from such competitive preparations is only one-half that of the respondent's product; that the respondent's preparation assures immunity even to the last drop after it is injected into the animal's tissues, and that competitors' preparations do not produce such immunity, when in fact there is no scientific basis for the respondent's claims. (4348)

**Franklin Institute**—John L. Keenan, trading as Franklin Institute, 550 East Main St., Rochester, N. Y., is charged with making misleading representations in the sale of correspondence courses intended for preparing students for United States Civil Service examinations in a complaint.

In advertisements circulated in various States, the respondent, according to the complaint, represents or implies that he has positions to offer under the United States Government; that examinations for Government positions will be held within a short time in certain localities; that starting salaries are greater than they are in fact; that promotions are automatic and regular; that full time employment is furnished railway postal clerks at the start, and that the classification of file clerk and clerk are currently used for examinations by the United States Civil Service Commission.

According to the complaint, the respondent is not connected with the Federal Government or the United States Civil Service Commission; has no Government positions at his disposal and cannot assist students in respect to such positions other than to give them instruction in preparation for examinations. The complaint alleges that, contrary to the respondent's representations or implications, no examinations were held or were to be held at the time and places indicated; that regular examinations for file clerks and clerks have not been held for many years by the Civil Service Commission; that railway postal clerks are required to serve as temporary employees before they are eligible for regular employment, and that the respondent's representations with respect to starting salaries and promotions are inaccurate and misleading.

The complaint alleges that through his agents the respondent represents that positions are immediately available or guaranteed upon a student's passing an examination, and that the respondent, by use of so-called "blind" advertisements in which only a post office box is given as a reply address, conceals the fact that the advertisements are those of a correspondence school, and thereby represents that the advertiser is in a postion to offer employment.

The complaint alleges that the respondent uses the fictitious name "International Creditors Protective Association" solely to intimidate purchasers and compel them to pay for the courses even when purchased as a result of the mistaken belief engendered by the respondent's deceptive practices as alleged. (4347)

**Monarch Printers & Binders**—Ora R. Yates and Charles W. Miller, trading as Monarch Printers and Binders, 812 Hunt St., Adrian, Mich., engaged in the sale and distribution of sales promotion cards and other merchandise to wholesale dealers, jobbers and retail dealers, are charged in a complaint with placing in the hands of dealers the means for conducting lotteries, and with misrepresentation.

The complaint charges that the respondents sell cards so designed and arranged as to involve the use of games of chance, gift enterprises or lottery schemes when used by dealers in promoting and increasing sales of their merchandise to the consuming public. The respondents are also charged with having caused display cards, letterheads and sales promotion cards to be distributed through the States, containing thereon the firm name of the respondents, "Monarch Printers and Binders," when in truth, the complaint continues, the respondents do not own, operate or control a plant for the printing and binding of sales promotion cards and other merchandise. (4339)

**Parker Pen Company**, Janesville, Wis., is charged with making misleading representations in the sale of fountain pens in a complaint.

The complaint alleges that the Parker Company advertises its "Blue Diamond Vacumatic" pens as being of such superior quality and durability that they will last a lifetime and as being guaranteed for life, when in fact the respondent's pens are not such that they will last a lifetime, and the respondent's purported lifetime guarantee is in no sense such a guarantee but only a contract whereby the respondent agrees for the life span of the purchaser to make necessary repairs and adjustments at a flat rate of 35 cents each time a pen is sent to it for such service.

The Parker company, according to the complaint, in the sale of its "Vacumatic" pens, advertises that "its sacless filler abolishes 14 old-style parts," and that its pens are equipped with points which make them absolutely scratchproof.

The complaint alleges that the respondent's "Vacumatic" pens do not have any fewer parts than a number of other self-filling fountain pens; that the respondent has not eliminated the rubber sac or any other parts but merely changed their size, shape or function; that the respondent's fountain pens are subject to the same trouble as other self-filling fountain pens with rubber sacs; and that its pen points designated "Scratch-proof" possess no novel, exclusive features which make it impossible for them to scratch under all conditions. (4338)

**Patent Specialty Company**—In a complaint, George W. Brenner and John M. Kurtz, doing business as Patent Specialties Company, 1060 Julia St., Teaneck, N. J., are charged with misrepresentation.

The complaint alleges that the respondents are engaged in the manufacture and sale of two devices known as the "Magic Wand Welder" and the "Super Magic Wand Welder", designed to be used in welding different kinds of metals, using electric current as the heating agency.

Through advertisements in trade publications and circulars, according to the complaint, the respondents have represented, among other things, that the Magic Wand Welder is a genuine heavy duty device which will, when connected with an ordinary automobile storage battery, weld all base metals in any form; that the Super Magic Wand Welder is useful for heavy duty in welding base metals of all kinds, and that it is a safe and efficient device to use in obtaining a "sun tan" on the skin.

The complaint alleges that in truth both devices are of light and flimsy construction; that the Magic Wand Welder will not, when connected to an automobile storage battery, generate sufficient heat, when used according to instructions, to prepare any metal for proper welding; that the Super Magic Wand Welder does not generate heat sufficient to do a good job of welding except on extremely thin metals; that it is dangerous, both to the user and to the wiring of any ordinary house circuit; and that the flame produced by the carbon arc, if employed by a novice in the use of violet-ray, might result in severe injury to the eyes and skin. (4336)

**Rex Drug Company**—Complaints alleging misrepresentation in the sale of medicinal preparations have been issued against Rex Drug Company and Louis Podrofski, its president, trading as Rex Drug Company, 201 East 35th St., Chicago; Max Caplan, trading as Capital Drug Company, 18 East Campbell Ave., Roanoke, Va., and Sherry's Cut Rate Drug Company, Inc., 406 Federal St., Bluefield, W. Va.

The complaint against Rex Drug Company and the respondent Podrofski alleges that they disseminate advertisements through the mails and by other means in which they represent directly or through inference that their product "Rex Perio Pills" constitutes a competent and effective treatment for delayed and painful menstruation, and that the preparation is safe and harmless. (4342)

The complaints against Capital Drug Company and Sherry's Cut Rate Drug Company, Inc., charge the respondents with disseminating advertisements in which they represent directly and by implication that the preparation designated as "Mrs. Bee Femo Caps" constitutes a safe, competent and effective treatment for delayed menstruation; that there is no risk in its use; that it does not cause the user discomfort or inconvenience, and that it is harmless and effective in suppressed cases. (4343 and 4345)

According to the complaints, the products sold by each respondent are not competent or effective treatments for delayed menstruation and are not safe or harmless in that they contain certain drugs in quantities sufficient to cause serious and irreparable injury to health, if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaints further charge that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of their preparations under such conditions may result in serious injury.

The Capital Drug Company and Sherry's Cut Rate Drug Company, Inc., last month were restrained by United States District Courts, on petition of the Federal Trade Commission, from further dissemination of advertisements containing representations similar to those charged in the Commission complaints, pending issuance of the complaints and their final disposition.

**W. A. Sheaffer Pen Company**, Fort Madison, Iowa, is charged in a complaint with making misleading representations in the sale of fountain pens.

According to the complaint, the Sheaffer company advertises that its "Lifetime" fountain pens are of such superior quality and durability that they will last a lifetime without repair or adjustment; that only the respondent manufactures a fountain pen of such quality and that its "Lifetime" pens are guaranteed for life and are the only fountain pens so guaranteed.

The complaint alleges that the quality and durability of the respondent's pens are not such that they will last a lifetime without repair or adjustment; that the designation "Lifetime" is not warranted and that the respondent's purported lifetime guarantee is in no sense such a guarantee but only a contract whereby the respondent agrees for the life span of the purchaser to make necessary repairs and adjustments at a flat rate of 35 cents each time a pen is sent to it for such service. (4337)

**Sherry's Cut Rate Drug Co., Inc.**—See Rex Drug Company.

**William Silver & Company**—Violation of the brokerage provision of the Robinson-Patman Act is alleged in a complaint issued against William E. Francis S. Silver, trading as William Silver & Co., Aberdeen, Md. The respondents, according to the complaint, are engaged in the business of field brokers, and while so engaged act as agents of the sellers in transactions of sale and purchase of canned fruits and vegetables between sellers thereof and jobbers, wholesalers, retail chain stores and other purchasers.

The complaint alleges that the respondents, while engaged as field brokers, effect sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondents; that for their service to the sellers the respondents receive from the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where the respondents effect sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the respondents, such allowance and discount usually being the equivalent of the brokerage paid by the respondents to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the complaint, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondents.

The complaint further alleges that the respondents also purchase canned fruits and vegetables for their own account for resale to jobbers, wholesalers, retail chain stores and other purchasers and that in connection with such purchases and the resale of such commodities they have received and accepted from the sellers and have granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The complaint charges that the respondents have violated section 2 (c) of the Clayton Act, as amended by the Robinson-Patman Act, by receiving and accepting and by granting and allowing the brokerage fees and commissions or allowances and discounts in lieu thereof, as alleged. (4340)

**Vonnegut Hardware Company**—Alleging price discrimination in violation of the Robinson-Patman Act, a complaint has been issued against Vonnegut Hardware Company, 120 East Washington St., Indianapolis, operator of retail hardware stores in Indianapolis and manufacturer of self-releasing fire exit devices. The manufacturing part of the respondent's business is conducted under the name "Von Duprin."

The complaint alleges that the respondent discriminates in price between different purchasers buying its Von Duprin products of like grade and quality by selling such products to some purchasers at a 40 per cent discount from uniform list prices while selling similar products to other customers at a 50 per cent discount, such customers being competitively engaged one with the other.

The effect of the alleged discrimination, according to the complaint, has been and may be substantially to injure, destroy or prevent competition with the respondent and also with those purchasers receiving the benefit of the discriminatory prices. (4344)

**Walton Training Bureau**—Alleging misrepresentation in the sale of correspondence courses intended to prepare students for United States Civil Service examinations a complaint has been issued against Milton S. Long, trading as Walton Training Bureau, 121 Ellison St., Paterson, N. J.

In advertising matter circulated in various States, the respondent is alleged to represent or imply that United States Government positions are immediately available; that the respondent can obtain positions for students; that examinations will be held frequently; that the starting salaries are greater than they are in fact; that the respondent obtains information from the United States Civil Service Commission with respect to examinations being held which is not available to students, and that qualified instructors grade and mark examination papers. Among positions advertised, according to the complaint, are railway postal clerk, city mail carrier, post office clerk, and rural mail carrier.

The complaint alleges that in fact no positions are immediately available in the United States Postal Service; that the respondent is not connected with the United States Civil Service Commission and has no control over any appointments to Government positions, and that with respect to positions named in his advertisements, there have been extended periods during which no examinations were held, and only residents of the districts in which they may be held at some future date are eligible to take the examinations.

According to the complaint, the respondent does not employ qualified instructors; he has had no experience in preparing applicants for Civil Service examinations in the subjects offered, and has no information with respect to dates and locations of such examinations which is not available to the public generally. (4346)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Jno. O. Flautt Manufacturing Company, Inc.,** Jno. O. Flautt and John M. O'Connor, who formerly traded under the name O'Connor-Flautt Company, all of 1219 California St., Denver, have entered into a stipulation with the Federal Trade Commission in which they agree to cease certain representations in the sale of "Lifegard" life preservers or buoyancy belts. The respondents agree to cease representing, directly or inferentially, that their products afford complete protection from drowning; that purchasers and users of "Lifegard" belts are insured by Lloyds of London, or that purchasers are insured against drowning in the sum of $1,000 or any other amount, unless, in direct connection with such representations, all limitations or qualifications are clearly stated. The respondents also agree to cease using statements concerning their product such as "When needed, it inflates itself into a man-size life preserver," implying that the inflating mechanism in "Lifegard" belts is completely automatic, and to desist from use of the word "guarantee" or words of similar meaning, unless whenever used clear disclosure is made of exactly what is offered by way of security. (2951)

**Moto-Sway Corporation of America,** 430 South Green St., Chicago, manufacturer of pneumatic automobile jacks, which sway or rock automobiles during the greasing or servicing operations, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing, directly or inferentially, that automobile shock absorbers cannot be examined or refilled without the use of "Moto-Sway" automobile jacks; that enclosed springs of automobiles cannot be lubricated without the use of such appliances; that the use of the respondent's appliances results in the removal of all oils and sediment from crank-cases or in the elimination of repair bills, or in any other manner implying that the respondent's equipment is essential for the lubrication or other servicing of automobiles.

**Myco-Lac Mineral Yeast Company, Inc.,** 121 North Fourth St., Atchison, Kans., has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of "Myco-Lac Mineral Yeast," a livestock and poultry food or food supplement.

Among various representations which the respondent agrees to discontinue are that a product composed of 32 pounds of oats and one-third pound of "Myco-Lac" is equal in feeding value to 56 pounds of corn, and, directly or inferentially, that its product is superior to all competing products for increasing weight, stimulating appetite, rounding out cattle for market or for any other purpose.

The respondent also agrees to cease making representations which imply that "Myco-Lac" is a prophylactic, an effective treatment or a competent remedy for any malady, disease or ailment to which farm livestock or poultry are subject; that it builds up the resistance of livestock, or is an insurance against disease or a safeguard for health. The respondent also agrees to desist from representing, directly or inferentially, that the product, when used or fed as directed, provides sufficient protein for livestock or poultry; is a potent or adequate source of yeast, cod liver oil or Vitamins A, B, D and G for livestock deficient in vitamins; is adequate as a supplement to rations lacking in vitamins, or will produce miraculous or almost miraculous results. (2945)

**Overall Paint & Lead Company, Inc.,** 6318 Kinsman Road, Cleveland, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing that its liquid roof coating conforms to Federal Government specifications for that product, and to desist from using the letters "WPA" in a manner tending to convey the impression that its product has been sponsored or approved by the Work Projects Administration or any Federal Government agency. The respondent, according to the stipulation, also operates under the trade names Nu-Ruf Roofing & Manufacturing Company, Fibre-Oil Roofing & Manufacturing Company, Western Products Company, Top-All Roofing & Manufacturing Company, and Crescent Products Company. (2947)

**Roxborough Knitting Mills, Inc.,** Maple Shade, N. J., engaged as a wholesaler in the selling and distribution of hosiery, has agreed to cease and desist from use of the words "Union Made" or of any mark or insignia resembling or simulating the Union Label upon or in connection with products not made by workmen affiliated with the American Federation of Labor or with any labor union organization, and from use of the words "Knitting Mills" as part of its corporate or trade name, and from use of either the word "Knitting" or "Mills" in any way so as to import or imply that the Roxborough Knitting Mills, Inc., actually owns and operates or directly and absolutely controls the plant or factory in which its products are knitted or manufactured. (2948)

**Seneca Textile Corporation,** 91 Franklin St., New York, manufacturer of textiles, including vat-dyed prints and cretonnes used as furniture covering material, has entered into a stipulation with the Commission in which it agrees to desist from the use of either the word "Sunfast", "Tubfast" or "Faskolor", or of any other words of similar meaning, as descriptive of fabrics the appearance or color of which is changed or affected when the fabrics are laundered or exposed to light; and from the use of such words as descriptive of fabrics so as to imply that their coloring is unfadable or proof against fading, as when the fabrics are exposed to light or are laundered. (2950)

**Springfield Dyeing Company, Inc.,** Bordentown, N. J., engaged in the dyeing and finishing of hosiery furnished it in the grey, for the owners of such products, agrees in connection with the dyeing and finishing and subsequent sale of the products to cease and desist from marking, stamping, branding or labeling the products with the words "Union Made" or with any mark or insignia resembling or simulating the Union Label, when in fact the products are not made by workmen affiliated with the American Federation of Labor or with any labor union organization. (2949)

**Stock-Gro, Inc.,** 612 North Michigan Ave., Chicago, has made a stipulation in which it agrees to cease representing that its product "Stock-Gro" or any product of similar composition, is a competent treatment or effective remedy for, or prevents, or "corrects" necro enteritis, blackhead, coccidiosis, round worm, scours or any other livestock or poultry disease.

The respondent also agrees to cease representing, directly or inferentially, that its preparation possesses any therapeutic properties or is efficacious as a food conditioner beyond any nutritive properties which it may possess.

Other representations which the respondent agrees to discontinue are that lactic acid is "a most excellent antiseptic", aids the growth of animal tissue, or has any beneficial effect in preventing or treating round worm infestation, intestinal disturbances or other diseases of animals, and that "Stock-Gro" will cut the cost of milk feeding 40 per cent. (2946)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Ralph Corn Underwear, Inc.**—An order has been issued directing Ralph Corn Underwear, Inc., 36 East 31st St., New York, to cease and desist from making misleading representations in the sale of women's wearing apparel.

Commission findings are that through the mails, and on labels and letterheads, the respondent corporation represented the character and quality of its garments by the following, among other, representations:

"Ralph Corn Underwear, Inc., the king of Satins, Satin and Pigment Crepe Slips, Gowns and Man-Tailored Pajamas. Pigment Back Silk Satin Slip. Pigment Crepe Heavy Quality Satin Striped Gown. Multifilament Crepe Gowns."

However, the findings continue, none of the garments sold by the respondent were made entirely of silk, but of rayon or other non-silk material, or a mixture of rayon and silk.

According to findings, the respondent further used in its advertising material and on letterheads the words "Manufacturers of Silk Undergarments", thereby representing itself to be the manufacturer of the garments it sells, when in fact its method of production does not constitute the respondent a manufacturer, and the respondent does not own, operate or control a manufacturing plant.

The Commission order directs the respondent corporation to cease and desist from using the unqualified terms "Satin" or "Crepe" or other descriptive terms indicative of silk to describe any garment or fabric not composed wholly of silk; provided, however, that when these terms are truthfully used to describe the type of weave, construction or finish they should be qualified by use, in immediate connection therewith, in letters of equal conspicuousness, of words accurately describing the constituent fibers.

The order also prohibits use of the unqualified term "Silk", or other terms of similar meaning, to describe a garment or fabric not composed wholly of silk; provided, however, that in case of a garment or fabric made in part of silk and in part of other materials such terms may be used as descriptive of the silk content when immediately accompanied by other words of equal conspicuousness accurately designating such other materials in the order of their predominance by weight, beginning with the largest single constituent.

The order further prohibits the advertising or sale of garments or fabrics composed in whole or in part of rayon, without clearly disclosing the rayon content. When such garments or fabrics are composed in part of rayon and in part of other materials, such other materials, including the rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order. (4017)

**Parker T. Frey Company**—An order has been issued directing Parker T. Frey, trading as Parker T. Frey Company and Nearby Sales Company, 8 South Front St., Philadelphia, to cease and desist from violations of the brokerage provision of the Robinson-Patman Act. The respondent is a broker in the sale of food products, particularly canned sea food and vegetables.

In buying such food products for his own account for resale, the Commission findings relate, the respondent Frey, trading in his own behalf principally under the name of Nearby Sales Company and often under the name of Parker T. Frey Company, receives and accepts from numerous sellers a brokerage fee or an allowance or discount in lieu of it.

The Commission order directs that the respondent cease and desist from accepting from sellers, directly or indirectly, on purchases of commodities made for the respondent's own account any brokerage and any allowances and discounts in lieu of brokerage, and from accepting from sellers anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon purchases of commodities made for the respondent's own account. (4290)

**Interwoven Stocking Company** has been served with an order directing it to cease and desist from misleading representations in the sale of men's hosiery.

Pointing out that many purchasers prefer foreign-made hosiery, especially that made in England, the Commission's findings are that the respondent's manner of branding and labeling certain of its hosiery products gives the impression that they are machine made and imported from England. The findings continue that the presence of the English Crown superimposed above an oval portion of the respondent's stamping or printing followed by the words "Genuine 6x3 Ribbed" thereunder further implies that the hose were "Imported from England" but "Made on Machinery." Originally, the findings continue, 6x3 ribbed hose were made only in England, although later machinery therefor was imported into the United States from England and other countries, and American machinery was later devised for the manufacture of 6x3 ribbed hose.

The respondent's use of the word "Genuine" before "6x3 Ribbed" according to the findings, gives the further impression and effect that the hose are imported from England, inasmuch as England was originally the only source through which a "6x3 Ribbed" hose could be obtained.

The Commission order directs the respondent, in connection with the sale of hosiery, to cease and desist from using the term "Imported from England," either alone or in connection with any other term indicative of English or other foreign manufacture, to describe hosiery manufactured in the United States, and the term "Made on Machinery Imported from England" to describe hosiery made in the United States on machinery imported from England, unless, in each instance, the words "Made on Machinery" appear in immediate connection with the words "Imported from England" in letters and type of equal prominence and conspicuousness.

The order also directs the respondent to discontinue the use of a facsimile of the English crown, or any other symbol indicative of England, alone on in connection with the words "Genuine 6 x 3 Ribbed", or in any other manner, so as to imply that hosiery manufactured in the United States is imported from England, and the representation, in any manner, that hosiery made in the United States is imported from England or any other foreign country. (4179)

**M & M Bag & Suit Case Company**—Meyer Brodie and Morris White, trading as M & M Bag and Suitcase Company, 26 Exchange Place, Jersey City, N. J., engaged in the sale and distribution of leather luggage, have been ordered to cease and desist from misrepresentation of their products.

Findings of the Commission are that the respondents have represented that traveling bags, suitcases and other luggage sold by them are "Made of Genuine Buffalo Walrus Leather", when in fact these products are not made of walrus leather but of buffalo leather.

The respondents are ordered to cease and desist from representing that traveling bags, suitcases or other articles of luggage made of buffalo leather are made of walrus leather, or representing that any traveling bag, suitcase or other article of luggage is made of any specified material, when such traveling bag, suitcase or other article of luggage is not, in fact, made of the material specified. (4046)

**Nearby Sales Company**—See Parker T. Frey Company.

**Siegal-Kahn Company, Inc.**—An order has been issued directing Siegal-Kahn Company, Inc., trading as Manshire Mills and as Snugintucks Mills, 93 Worth St., New York, to cease and desist from making misleading representations in the sale of women's undergarments.

Commission findings are that the respondent company represented that its products designated "Snugintucks" contained 30 and 15 per cent wool, respectively, when in fact the actual fiber content of each product was 88 per cent cotton, 9 per cent rayon, and 3 per cent wool.

Through use of the word "Woolywarms" in the name if its product "Dr. Ames Treat Yourself Woolywarms Multi-Ply Crotch, Full Combed", unaccompanied by any specific designation of the fiber content, the respondent, according to findings, represented that this product contained a substantial percentage of wool, when in fact it was composed entirely of cotton.

The Commission order directs the respondent to cease and desist from misrepresenting the wool or other fiber content of its products, and from using the term "Woolywarms" or other terms containing the word wool to designate garments or fabrics not composed entirely of wool, provided, however, that such terms may be used to describe garments of fabrics composed of wool and other materials when the true wool percentage is adequately disclosed.

The order further directs the respondent to cease advertising or selling garments or fabrics composed in whole or in part of rayon, without clearly disclosing the rayon composition. In cases where such products are made in part of rayon and in part of other fibers, such fibers or materials, including rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order.

Use of the word "Doctor" or "Dr." to designate a garment or fabric not designed or approved by physicians, and of the word "Mills" as a part of the respondent's trade name or otherwise to represent that it manufactures the products it sells, also are prohibited in the order (4204).

**Snugintucks Mills**—See Siegal-Kahn Company, Inc.

**Spors Company**—Frank Spors, trading as The Spors Company, Le Center, Minn., a dealer in medicinal products, household accessories and other articles, has been ordered to cease and desist from making misleading representations in the sale of certain of his products.

Commission findings are that the respondent has represented that a medicinal preparation known as "Super-Pure Laxative Bromide Quinine Tablets" constitute a cure or remedy for colds; that a water heater designated "Electro Heat-Kwik" is capable of heating substantial quantities of water for family uses, is entirely safe for use, and has been approved by the Underwriters' Laboratories; that a product described as "Savarip" is of substantial value in the prevention of runs, snags and breaks in silk and rayon hosiery and lingerie; that fountain pens described "Elgin Stylo Pointed Pens" are comparable with fountain pens retailing for sums up to $5 each, and that salesmen or agents reselling such pens are enabled to make a profit of 300 per cent.

According to findings, the quinine tablets, while possibly affording temporary relief for cold symptoms, do not constitute a cure or remedy for colds and the other products will not accomplish the results claimed. Commission findings are further that the respondent's hot water heater is not entirely safe for use, and that while the cord attached to it may have been approved by the Underwriters' Laboratories, the heater itself has not been so approved.

The Commission order directs the respondent to cease and desist from disseminating advertisements representing, directly or through inference, that "Super-Pure Laxative Bromide Quinine Tablets" are a cure or remedy for colds; to cease representing that the products "Savarip," "Elgin Stylo Pointed Pens" and "Electro Heat-Kwik" will accomplish the results claimed, and that the heater has been approved by the Underwriters' Laboratories, and to discontinue representing that the heater is entirely safe for use, through failure to reveal that a user coming in contact with any grounded metal object may suffer severe shock (4246).

**Jordan Stevens Company**—An order has been issued directing Jordan Stevens Company, 200 Third Ave., North, Minneapolis, to cease and desist from the use of lottery methods in the sale of coffee.

The order prohibits the respondent from selling or distributing coffee or any other merchandise so packed and assembled that sales may be made by means of a lottery; supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of coffee or other mechandise, or separately, which devices may be used in selling such coffee or other merchandise to the public; or selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme. (4269)

## FTC CASES CLOSED

Federal Trade Commission has dismissed a complaint charging Shaw's Jewelry Company and Shaw's, 1618 Main St., Dallas, Tex., with violation of the Commission Act in the sale of jewelry and silverware. The respondent corporations are no longer engaged in business and have been legally dissolved.

The Commission has also closed its case against Reading Batteries, Inc., Temple, Pa., and others, without prejudice to its right to resume proceedings should future facts so warrant. Other respondents include Bowers Battery Manufacturing Company, Inc., Reading, Pa.; Royal Battery Corporation, New Brunswick, N. J.; Price Battery Corporation, Philadelphia, and Perrine Quality Products Corporation, Waltham, Mass. The respondents had been charged with unfair methods of competition in the sale of automobile storage batteries.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 43, October 25, 1940

## THE WEEK IN WASHINGTON

Stanley E. Hubbard, President and General Manager of Station KSTP, St. Paul, announced this week that he was recommending to his Board that the station join the BMI. Gene O'Fallon, KFEL, Denver, told ASCAP why an ASCAP number sometimes was heard on his station although it was station policy not to use ASCAP music on local programs. BMI tunes were 2, 3 and 4 on the "Variety" sheet this week. Independent broadcasters endorsed BMI at a New York meeting. (p. 4707.)

Broadcasters who have given the meat industry free advertising for many years should note that the industry passed up radio in its current $2,000,000 campaign. (p. 4710.)

The 40-hour week under the Wage and Hour Act is now in effect. Members having questions about exemptions should write to the NAB Labor Relations Department. (p. 4710.)

Plans for radio's Twentieth Birthday Celebration, November 11-30, are being made all over the country. (p. 4712.)

Results of the draft drawing can be broadcast; it is not a "lottery". Utah was the only state to report a change in the status of the Communist Party this week. (p. 4712.)

Oregon and California broadcasters held meetings. (p. 4713.)

Better broadcasting was the theme of the University of Iowa's first annual conference on applied radio. (p. 4714.)

Broadcasters are urged to prepare for handling the news of conscription drawings. (p. 4716.)

Short-wave broadcasters will meet in New York City, Tuesday, October 29, to discuss the new FCC rules. (p. 4716.)

A partial list of phonograph records of the Peer International Corporation Publications available for broadcasting is included in this issue. It supplements a list of Cole publications records published in last week's issue. (p. 4718.)

## BMI Developments

### STANLEY HUBBARD JOINS

Stanley E. Hubbard, president and general manager of Station KSTP, St. Paul, announced this week that he was recommending to his board that the station join BMI. Mr. Hubbard issued the following statement:

Stanley E. Hubbard, President and General Manager of KSTP, which has the largest musical library of any independent station in the United States, announced today that he was recommending to the Board of Directors that his station, KSTP, join Broadcast Music, Inc. Mr. Hubbard's decision was reached after an investigation of BMI.

"For several months I have been investigating the music situation as its availability would affect the future programming of broadcast stations. This study was undertaken and carried on by me without the knowledge of any other broadcaster for the purpose of ascertaining in the most thorough and independent way possible what the facts were before reaching a conclusion as to what position we should take with reference to Broadcast Music, Inc. I investigated BMI, its facilities, its library and its production schedule, and after giving careful consideration to all the facts involved I have decided that BMI will not only take care of all the musical needs of the broadcasters, but that BMI offers the best service that has been known to American music in my time in making possible a hearing for music produced by independent composers, and in making its music available to orchestra leaders and musicians in general without any strings tied to it. I was very much impressed with the practical arrangements which BMI is making of the world's greatest music by which orchestras, both large and small, and independent radio stations will be able for the first time to meet the growing demand of the public for good music. We have discovered that a large percentage of our audience wants the music of great masters, such as Stephen Foster, and BMI will give it to them.

"Because I knew from experience that BMI could not succeed, even though it possessed all the facilities and advantages mentioned, unless the major networks gave their sincere and unqualified support to it, during the course of my investigation I took occasion to ascertain what the attitude of the networks would be toward BMI. I found that the networks were doing all they could to insure its success and I went so far, after being convinced that BMI was otherwise worthy of support, as to secure the unqualified and absolute assurance from executives of the major networks that they would stand behind BMI and give it their wholehearted support. I also secured like assurances from them that the networks would continue to fight along side and with the independent broad-

*(Continued on page 4708)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

### STANLEY HUBBARD JOINS

*(Continued from page 4707)*

casters in their efforts to build and maintain a responsible and adequate source of interesting and high class music and to make it available for broadcasting.

"With these facts disclosed through an independent study and investigation and on the basis of the unqualified assurances given me by network executives, I am convinced that BMI is definitely over the hump and that it is assured of success. I am just as completely convinced that BMI has broken the strangle-hold which has bound music for the past twenty years.

"In 1925 in my early days of radio I put Olsen and Johnson on the air for the first time and naturally have been interested in their success ever since. I have had an understanding with Olsen and Johnson and J. Levison regarding the music from their show, Hell Z' Poppin', now a musical hit on Broadway and which has already broken all records for musical comedies. From time to time we have discussed what to do with the musical numbers from this show, and because of my deep-seated interest in their success I have withheld by advice until I could complete the investigation of BMI. Being convinced that the success of BMI is assured, I have released all my rights to these numbers and have advised Olsen and Johnson to go in BMI with all their present and future show hits, which they have done. KSTP, too, is joining BMI and will be on board the new band wagon of American music."

Upon learning of Mr. Hubbard's action, Neville Miller issued this statement:

"We are naturally delighted with the action of Stanley E. Hubbard, president and general manager of KSTP. The fact that he approved of BMI only after a thorough investigation should be convincing evidence to those who have hesitated until now to join.

"His action in securing the Olsen and Johnson music is especially appreciated. I have heard two of the numbers and they are just what we want—real hits.

"I heartily second Mr. Hubbard's statement that BMI is definitely over the hump and it is assured of success."

## GENE O'FALLON, KFEL, ELIMINATES PRACTICALLY ALL ASCAP MUSIC

Gene O'Fallon, KFEL, Denver, has sent the following letter to ASCAP:

October 15th
1940—Our 18th Year

Mr. Herman Greenberg
American Society of Composers,
Authors and Publishers
Thirty Rockefeller Plaza
New York, N. Y.

Dear Mr. Greenberg:

Information has reached us that you and your Associates may be using certain information regarding the musical content of programs originated by KFEL in your contact with other stations. We would like to clarify our position so that such stations will have full facts available in considering the value of your information.

Frankly, the information we have is that ASCAP is supposed to be circulating a check sheet on our program originations showing that we are performing certain music copyrighted by ASCAP.

We assume that this is being used in your sales talk to offset the effect of our announced policy of restricting the use of ASCAP music since the latter part of last July. So that you and any stations to whom such information is presented may have all of the facts let it be understood that for the duration of our existing ASCAP license period, i.e., until December 31st of this year, we shall make whatever use we desire of ASCAP music in conformity with our license—we have been doing so and will continue to do so until December 31st. In addition we are performing other copyrighted music for which we are licensed by SESAC, Associated Music Publishers and the various catalogs which have been acquired by BMI.

The plain facts of the case are that we have eliminated practically all ASCAP music from our local program originations since last July 25th, but there have been some instances where it was to our advantage to occasionally perform an ASCAP composition. Where it has suited our convenience, we have made such performances of ASCAP music which we have a perfect right to do under the terms of our license—a typical instance is on a commercial program for a roller skating rink in which we have permitted the Agency to select the musical compositions—the fact that this rink employs an organist who has been in the past, and perhaps may be at present, employed as an ASCAP spotter for infringements may have something to do with the selection of certain ASCAP compositions for its programs.

We should like to go further and explain that we have two purposes in mind in concentrating upon non-ASCAP music in our program originations. In the first place, we have been informed repeatedly by your organization that the performance of your music by radio broadcasting has been injurious to your music—specifically, that radio has "killed your tunes". We still do not acknowledge this effect but we certainly have no desire to injure your compositions.

In the second place, our policy is giving us the opportunity of acquainting our listeners with music other than that controlled by your Society so that they may become familiar with it prior to the expiration of our ASCAP license, which we do not intend to renew because your Society has consistently refused to permit us to purchase any portion of your service without requiring us to pay for the use of your entire catalog. Probably you have the right to dictate the terms upon which we can use your product, but we don't see how you can force us to use it if we don't like your terms.

It has been your contention that radio performances have ruined your music and it has been our contention that radio performances have built it up. To support our contention we have invested in a music corporation to give us another source of supply. We feel it will be best for all concerned to prove once and for all which contention is right. We have always acknowledged and do not now deny that your Society controls some desirable music for radio broadcasting, but we feel our industry has progressed to the point where it can no longer be dependent upon a single source of supply for music, any more than for other broadcasting material, such as news, sports, special events, drama, quizzes and forums, which are supplementing musical programs in ever increasing numbers.

We hope you will keep these facts in mind in any information you release regarding the musical performances by KFEL.

Cordially yours, Gene O'Fallon, KFEL.

## BMI FEATURE TUNES
### October 21-November 4

1. PRACTICE MAKES PERFECT
2. YOU WALK BY
3. THE SAME OLD STORY
4. MAY I NEVER LOVE AGAIN
5. THERE I GO
6. I GIVE YOU MY WORD
7. I HEAR A RHAPSODY
8. SO YOU'RE THE ONE

The BMI big three, *Practice, Story,* and *There I Go,* stand in second, third and fourth places on the "sheet" this week. *I Give You My Word* is climbing up toward them, and *We Could Make Such Beautiful Music* appears for the fifteenth week. Last week, *Practice* and *There I Go* were numbers two and ten respectively on the Hit Parade.

On every one of the best seller lists, both for sheet music and for phonograph records, *Practice Makes Perfect* appears, and two different records of it appear in sixth and eighth places on the list for the Midwest. The recording by Bob Chester is the sixth in line of the biggest money makers in the automatic phonographs.

National Independent Broadcasters, an association composed wholly of independently owned broadcasting stations, voted Tuesday, October 22, 1940, at their Convention at the Waldorf-Astoria to support Broadcast Music, Inc., radio's new source of music supply. The resolution which was passed during the morning reads: "Resolved that National Independent Broadcasters support Broadcast Music, Inc., in its effort to create a permanent and adequate supply of music for broadcasting and urge that all independent stations immediately cooperate with Broadcast Music, Inc., to the best of their ability."

This places the radio industry unanimously on record in favor of the BMI plan to create an open and competitive market for music by means of which other licensing agencies may compete with ASCAP (American Society of Composers, Authors and Publishers).

The present "blanket licensing" by ASCAP was condemned as contrary to just and equitable business practice and the association went on record as favoring a "per-program" basis of payment which would require payment only on those programs using ASCAP music.

At the end of the Monday afternoon session of the NIB Convention, BMI entertained the delegates in the Perroquet Suite of the Waldorf. Carl Haverlin, BMI's Station Relations Director, spoke briefly to the guests and they were given an opportunity to question him and other representatives of BMI who were present.

We add three more to our previous 400 stations. BMI welcomes the following new members:

**WIBX, Utica, N. Y.**
**WKPT, Kingsport, Tenn.**
**WSLS, Roanoke, Va.**

At the end of last week, BMI moved into enlarged quarters. At the present time the offices occupy nearly the entire fifth floor of 580 Fifth Avenue. The new quarters add about 5,600 square feet, which somewhat more than doubles the floor space. Earlier this month, the Arranging and Production Departments took over another floor at 23 West 47th Street. BMI now occupies with all its forces about 18,000 square feet of office space and in addition keeps nine or ten independent printing companies working full time or over time to turn out the music with which it fills five Railway Express truck loads a week.

This week, there will be shipped 40,000 regular orchestrations, 16,000 dance orchestrations, 22,000 professional and sheet music copies of popular music, 4,000 copies of standard music, 15,000 re-prints from the Hinds, Hayden and Eldride catalogue—a total of 97,000 units.

A somewhat natural confusion seems to have arisen as to the music covered by BMI's contract with G. Ricordi and Company of Milan, Italy. The confusion is caused by the fact that there is a G. Ricordi, Inc., of New York, originally a branch of the old Milan company but now operating as an American publishing house and a member of ASCAP. Naturally, the music of the New York house is not covered by the contract with BMI. The music of the New York house may be distinguished from that of the Milan house by the "Inc." after the name. Where the "Inc." appears, the music is not covered by the arrangements with BMI.

Harry Engel has been engaged to head the BMI office in Los Angeles.

Mr. Engel has had a noteworthy career in the music industry, having spent approximately 18 years during which he became familiar with every phase of the business. His first years were spent with Jack Robbins, later becoming a member of the firm under the name of Robbins Engel, Inc. During his association with Robbins over a period of ten years, he acted as the business executive of the company, spending a great deal of his time contacting the music dealers and in general professional contact throughout the country.

In 1928 Engel replaced Bobby Crawford as sales manager of the Irving Berlin Company at the time Bobby Crawford formed De Sylva, Brown, Henderson publishing firm. Engel remained with Irving Berlin for eight and one-half years after which he formed his own publishing company known as Davis-Coots, and Engel, Inc.; Davis and Coots being the well-known popular writers, Benny Davis and J. Fred Coots. This firm enjoyed the reputation of being one of the fastest producers of hit songs publishers in the industry. They started out immediately with the musical comedy success "SONS O' GUNS." Amongst the songs published by the firm the first couple of years were such numbers as "WHY," "I STILL GET A THRILL," "DREAM A LITTLE DREAM," "FAREWELL TO ARMS," "WE JUST COULDN'T SAY GOODBYE," "AS YOU DESIRE ME," and a score of others, equally well-known.

In 1934, approximately, Engel affiliated his company with the National Broadcasting Company of which Leo Feist, Inc., and Carl Fisher, Inc., were the other two companies in the group of publishers controlled by Radio Music Corp. At the time Radio Music Corp. went out of existence, Engel bought his interest back from Radio Music and operated the business under the firm name of Harry Engel, Inc. About three years ago he sold his company to Fred Waring, Guy Lombardo, and Paul Whiteman.

Recently he has been affiliated with Fanchon and Marco, in charge of the motion picture division. During this time he has placed numerous people under picture contracts, including Judy Canova. His work in the past three years has kept him in close contact with the entire amusement industry.

## Free Offers

### "IT'S YOUR MOVE, NOW!"

"Meat Makes Its Move" is the title of a recent Printers' Ink article (Sept. 13) reporting on the current promotion campaign of the American Meat Institute. Designed as a cooperative effort to increase meat consumption, which has fallen off per capita considerably in the past twenty years, the $2,000,000 campaign broke in 16 general magazines and some 150 newspapers throughout the country. Radio was not on the list, and many members have written the Bureau of Radio Advertising asking why.

Here is a perfect example of the evils resulting from the free offer problem. Why isn't radio getting a fair share of the $2,000,000? Because it is the American Meat Institute's firm conviction (based on their own experience and that of others) that radio can be depended on for plenty of free time. In its handling of free offers and in its contacts with individual time-chiselers, the Bureau has had considerable correspondence with the National Live Stock and Meat Board, the Institute of American Meat Packers, and other groups represented in the current campaign, on the subject of radio advertising. Admitting that many individual advertisers in this field have been and are regular users of paid time, the extent to which radio is being bled still appears as the chief reason for its being shut out of the present campaign.

Every broadcaster is familiar with the flood of publicity scripts, recipes, menu suggestions, booklet offers and other so-called "news for housewives" which these same groups have constantly sought to place on women's programs and domestic science hours throughout the country. Such efforts are not new or surprising. The regrettable fact remains that far too many stations have either been too receptive to such offers, or too lax in their supervision of scripts where such commercialism is hidden. The problem is a very real and complicated one. But when the meat packing industry, which has warded off radio's sales solicitations for years with the excuse "No funds for advertising", invests $2,000,000 in printed media (while still seeking and expecting free time on the air) it may well be that the time has come for radio to "make its move".

A firm and united stand—that is all that is needed to solve the free offer problem. Many courageous and far-sighted station managers are constantly battling in this cause. In the NAB's opinion, it is a worthy cause, deserving of industry-wide support. No better proof of that can be found than the American Meat Institute campaign. $2,000,000 is a lot of money. Even half of it would buy time for a respectable campaign on every member station, and though it may be too late, so far as this particular account is concerned, there will be others. Radio cannot afford to and must not play the sucker, if it is to share equally with other major media in cooperative campaigns and industry promotion efforts of the future. If it is to protect itself from the chiselers, it will have to take a firm stand and present a united front in refusing to accept free offers. There is no other solution. It's our move now.

## Labor

### WAGE AND HOUR ACT

A great many broadcasters have written to the NAB during the past week about the redefinitions of executive, administrative, and professional employees, and outside salesmen under the Wage and Hour Act. The Act exempts employees in these categories from its wage and hour provisions. No overtime, therefore, needs to be paid to employees in these categories.

In last week's REPORTS, page 4686, the NAB expressed the opinion that an executive of a department which was in operation, for instance, for 126 hours a week could do the same type of work as those under him 25.2 hours a week without losing his executive status. This opinion has been challenged. Some contend that Section F of the new definition of an executive refers to the hours of individuals under him and not to the aggregate number of hours worked by those under him. Until this question is cleared up it would perhaps be best for executives not to do more than 20 per cent of the same type of work performed by the individuals under him, to retain their executive status. That is, a "chief engineer" should do no more than 8 hours at the controls each week if the technicians under him normally work 40 hours per week.

There appears to be a little confusion as to what employees can be classed as administrative. The report from the Wage and Hour Administration accompanying the new definitions includes the following paragraph which may be helpful:

> "Here, as in the other instances, the differentiation between the clerk and the person with true administrative responsibility is to be found, first, in the exercising of discretion and independent judgment, and, second, in the receipt of an appropriate salary."

The Administration found that "an appropriate salary" was $200 or more a month. The same report also indicated that no administrative worker could do any substantial amount of manual labor and retain his administrative status. It said:

> ". . . The performance of some incidental manual work, in a technical sense, should not serve as a bar to exemption. For example, if otherwise qualified, the incidental performance of stenographic work by an executive secretary or the incidental operation of a machine by a machine demonstrator would not disqualify them from the exemption."

The NAB again urges stations who have any doubt about the status of individual employees to send in a complete description of their duties. If the NAB is unable to give an opinion as to their status, an official opinion from the Wage and Hour Administration will be secured.

## RATHBORNE RESIGNS

Mervyn Rathborne, president of the American Communications Association (CIO), has resigned. Ill health was given as the reason. Joseph P. Selly, vice-president, has been named acting president.

## PAYMENTS TO DRAFTEES

Under a ruling of the Bureau of Internal Revenue sums paid to employees absent in the military service or serving the Government in other ways at a nominal compensation during the present emergency will be deductible from gross income for Federal income tax purposes.

The ruling, in response to several inquiries by business organizations, pointed out that a similar practice was followed in 1917 and 1918.

Test of the ruling is as follows:

> "Advice is requested whether the M Company, which intends to make payments of salaries to employees who are called for military service, may deduct amounts so paid from gross income for Federal income tax purposes. In 1917 and 1918 many employers adopted the practice of making such payments. At that time the question arose whether employers could deduct the amounts so paid from their gross income. It was held that salaries paid by employers to employees who were absent in the military or naval service or were serving their government in other ways at a nominal compensation but who intended to return at the conclusion of such services were allowable deductions from income. The same rule will apply to salaries paid during the present emergency."

## CONSCRIPTION

For the information of member stations who will be called from time to time by various people, including employees, seeking information about the rights of men drawn into selective service training, we publish herewith a statement from the Selective Service Headquarters in Washington:

> Four important provisions for the protection of the civil rights of men in Selective Service training, or in the armed forces of the Nation that are given by The Soldiers' and Sailors' Civil Relief Act of 1940, are emphasized by National Headquarters, Selective Service System, in a summary of the Act.
>
> The major provision, it is pointed out, is the wide discretionary power given to all courts in the country with regard to the enforcement of the judgments as well as for the protection of defendants when suits are entered and heard. Important specific general provisions of the Act are:
>
> 1. No default judgment can be obtained against any man of military age unless the court first is informed by affidavit of his military status. The penalty prescribed for making a false affidavit is imprisonment for one year or a fine of not more than $1,000, or both.
> 2. Generally, no judgment can be collected against any man in military service unless a bond is posted to indemnify him should the judgment be reversed after he has finished military service.
> 3. The court may extend the time for payment of a judgment not exceeding three months after completion of military service, or may arrange for its payment in instalments over a longer period.
> 4. No man in military service may be sued unless he is represented in court. If he is not represented by his own attorney, the court will appoint an attorney to act for him—but he is not bound by the action of an attorney so appointed.

The summary of the Act reads:

> *General Relief:* Persons in the military service are granted an extension of time to apply to any court which has entered certain judgments against them, while they were in service Other relief in connection with legal proceedings is also provided.
>
> *Rent, Installment Contracts and Mortgages:* The courts are allowed to be more lenient in certain cases of nonpayment of rent for the dwelling place occupied by the wife, children or other dependents of a person in military service. Where an automobile, tractor, clothing, furniture or other personal property has been purchased under an installment or deferred payment contract, prior to October 18, 1940, and the purchaser has entered the military service and thereby becomes unable to make the payments, the property cannot be repossessed by the seller without a court order. The court may stay the proceedings as provided in the Act, or may make such other disposition of the cases as may be equitable to conserve the interests of all parties to the contract. The court may order all or any part of the deposit or installment payments to be refunded to the purchaser before the seller can resume possession of the property, or the court may adjust the payments to the financial ability of the person in military service. or it may arrange for the payments to be completed after the period of military service.

The Act provides that the purchaser and seller can change or cancel the contract on such terms as they mutually agree upon in writing or they can make a new contract if they so desire. Similar relief is provided for real estate contracts and mortgages.

*Life Insurance:* Persons in or entering the military service may secure through the military and naval authorities information as to how they may apply to the Veterans' Administration for the benefits of the Act to safeguard their life insurance. Premiums for not more than $5000 worth of life insurance in one or more policies on the legal reserve plan, under certain conditions will be advanced in full or in part by the government. The amount of premiums paid by the government remain as a lien against the policies unless the individual pays the company within one year after he has left the military service.

*Taxes:* The payment of any taxes or assessments, general or special, falling due during the period of military service in respect to real property owned and occupied for dwelling, agricultural or business purposes by a person in military service or his dependents may be postponed until six months after the termination of the period of military service, by filing the prescribed affidavit with the collector of taxes. If the property has been sold or forfeited for taxes it may be redeemed within six months after the termination of military service, by the payment of the amount of back taxes together with 6 per cent interest. Other penalties are to be waived.

*Public Lands:* The Act provides for the protection of rights and allows certain credits to persons in the military service who have made application for homestead entry, desert-land entry, or are claimants of mining locations under permit or lease.

The purpose of the law is to protect the civil rights of persons in the military or naval service, and is clearly stated in the law as follows: "* * * to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of Civil liabilities, in certain cases, of persons in the military service of the United States * * *, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified * * *."

# Promotion

## RADIO'S TWENTIETH BIRTHDAY

Early as it is broadcasters are at work making plans for taking a hand in celebrating Radio's 20th Birthday next November 11-30.

Robert Greenberg, promotion manager, WHK-WCLE, Cleveland, has tied-up a string of prominent store windows, of a nationally known chain, for a portion of the participation of his stations.

From Boston, New York, Philadelphia, Baltimore, Pittsburgh, the Middle West and Seattle have come rumblings of big things to happen.

Dave Finn, advertising manager of RCA Manufacturing, has sent all of RCA dealers a folio containing a series of commercials which tie-in with Radio's Birthday.

Three birthday programs and one pre-birthday show are set for 7:30 p. m. EST, Fridays, over WJZ and NBC—Blue, according to word from Dr. O. H. Caldwell, editor, *Radio Today*.

A synopsis of these four programs follows:

### "TWENTY YEARS OF RADIO PROGRESS"

Nov. 8—"RADIO'S MILLIONS." Somebody Buys a Receiving Set Every Two Seconds—a Radio Tube Every Quarter Second. Fifty Million Sets in Use. Homes with Radio. Cars with Sets. Billions Invested in Receivers. Radio Stations. Statistics of the New Art. Spending Half-a-Million a Day—and All Free to You!

Nov. 15—I. "TWENTY YEARS OF RADIO." Milestones of Discovery and Invention that Led up to the Beginnings of Broadcasting. Pioneers Who Blazed the Way. Forward Steps along Radio's Pathway, 1920-1940. Locations in New York City Which Made Radio History, as Viewed from a Plane, from Which the Broadcast Will Be Conducted.

Nov. 22—II. "FROM CRYSTAL SET TO SUPERHET." The Story of Home Receivers. Building Always toward Better Reception and Greater Convenience for the Listener. Improvements in Tubes and Speakers. Modern Fidelity and Lifelike Reproduction. How to Get the Most Out of Your Radio Receiver.

Nov. 29—III. "RADIO'S EFFECTS ON HOME LIFE." What It Does for Us from Dawn 'til Bedtime. Time, Weather, News, Music, Drama, Education of the Masses. Creating New Alertness and Awareness throughout the Nation. Family IQ's and Listening Hours.

## LISTEN BEFORE YOU VOTE

This week's burst of political oratory over the airways by members of both major parties caused a fresh demand for "Listen Before You Vote" posters. But no more posters were available.

The increased broadcasting tempo, however, is demonstrating to everybody that radio has become the modern counterpart of the old New England town meeting.

Whichever way the election goes, recognition of the unsurpassed effectiveness of radio as a medium to reach people will penetrate to the remote corners of these United States.

## RADIO GETS DEFENSE JOBS

Radio has sold 23,000 individual jobs to skilled workers in the last thirty days to October 15. In all 123,000 men have been put to work in national defense agencies since June of this year. Recruiting of the great majority has occurred since the broadcasting industry took over this job at the request of the United States Civil Service Commission.

The addition of two more stations to the list of known cooperators brings the total to 649. It is assumed that many other stations are likewise helping to recruit workers. Hearing from stations which have not previously reported their assistance will be appreciated.

WLOF, Orlando, Fla., and KRKO, Everett, Wash., are the two new additions to the list.

George A. Hazlewood, president, wrote that WLOF would take the air the week of October 21 and that Man Power Announcements would have a place on the schedule from the first day's operation.

# Legal

## DRAFT A "LOTTERY"?

The question has been raised as to whether the Selective Training and Service "lottery" to be held October 29 is a lottery within the meaning of Section 316 of the

Communications Act so as to bar the broadcasting of information concerning it. NAB Counsel is of the opinion that it is not such a lottery, and upon taking the question up with the FCC, received authorization to state that the Commission concurs in that view.

### COMMUNISTS IN UTAH

Further supplementing the information contained in the NAB Reports of October 11 (page 4665) and October 18 (page 4688), we set out below the only change in the status of Communist candidates which has occurred this past week:

UTAH: Court ordered Communist candidates certified for the ballot. Communist candidate for Governor withdrew after the court order was issued, so there will appear on the ballot only the names of the four Presidential and Vice-Presidential electors under the title of the Communist Party of Utah.

### COURT UPHOLDS STATION

The Communist Party of Rochester and Monroe County, New York, was denied a mandatory injunction by the New York Supreme Court last week to require Station WSAY, Rochester, to complete performance of a contract for thirteen broadcasts. The decision was based on WSAY's contractural right to cancel. The opinion of Justice Van Voorhis follows:

The complaint and the moving papers set forth that plaintiff is a voluntary unincorporated political association of Rochester, New York, affiliated with a state party unit of another unincorporated political association known as the Communist Party of the United States of America, of New York City; that the defendant is the owner and operator of a commercial radio broadcasting station known as radio station WSAY, at Rochester, New York, engaged in the business of selling broadcasting time and facilities for advertising purposes; that on June 25, 1940, plaintiff and defendant entered into a written agreement for the use of said broadcasting facilities "for the promotion of plaintiff's political party and campaign interest; preliminary to the fall elections of 1940, by thirteen weekly Sunday afternoon broadcasts beginning July 14, 1940, and ending November 3, 1940"; that six of said Sunday afternoon broadcasts have been made commencing July 14, 1940, but that on September 20, 1940, prior to the seventh broadcast scheduled to occur on September 22, 1940, defendant notified plaintiff that the station management had cancelled the broadcasting contract with the plaintiff and that no further broadcasts provided for by the said contract would be permitted; and the prayer for relief is that a mandatory injunction issue commanding the defendant to permit the plaintiff to conduct the remaining broadcasts for which it contracted. The temporary injunction applied for is to secure the same relief during the pendency of the action.

In opposition defendant sets forth that the programs were not submitted ten days in advance of the broadcast, as required by the terms of the contract, that the material to be given out on September 22nd contained defamatory matter which plaintiff's agent refused to alter notwithstanding that it might subject the defendant to actions for slander or libel, and that for these and other reasons, including the general character of the broadcasts, the defendant elected to end the contract under clauses providing that all program material is subject to the approval of the station management and that the contract may be terminated by either party upon two weeks' notice to the other. The contract on which the action is based is upon a printed form consisting of an order sheet with terms and conditions stated upon the reverse side. In such terms it is written that "this agreement may be terminated by either party by giving the other party two weeks' notice, unless otherwise stipulated on the face of this order." No stipulation to the contrary is stated on the face of the order. There is a statement that "the station reserves the right to cancel this contract if any legal enactment makes such program illegal." But this refers to immediate cancellation upon the happening of the contingency mentioned and does not negative the general right to cancel on two weeks' notice. It was to be in addition to the latter. The intention was evidently that if broadcast by the Communist Party should be outlawed by legal enactment, then the contract would be ended before the two weeks' notice of cancellation otherwise provided for could be given. Nothing indicates that the immediate termination of the relationship of the parties if the law intervened was meant to be a substitute for the right of cancellation upon two weeks' notice. Where the station exercises the right of cancellation upon two weeks' notice and the parties fail to agree upon some other time for the broadcasts, it is expressly provided that the sponsor shall pay for the broadcasts that have been conducted at the same rate as though there were to be the larger number originally contemplated, but that otherwise the parties' obligations to each other shall be concluded.

By notifying plaintiff on September 20, 1940, that no further broadcasts would be permitted, defendant relieved itself of any obligation to conduct them after two weeks from that date, viz., October 4th. It is immaterial to the present motion whether defendant had a right to withhold its facilities from plaintiff for the broadcasts scheduled for September 22nd and 29th, inasmuch as those dates were already past when the motion was made. That is to say, defendant's cancellation applied in any event to the Sunday afternoon broadcast of October 6th and to those scheduled to occur thereafter. This motion was returnable October 7th, with the result that when it came before the Court, the question had already become academic.

*Churchill Evangelical Ass'n. Inc. vs. Columbia Broadcasting System, Inc.* (142 Misc. 210, Aff'd 236 App. Div. 624) like the present action, was brought for the specific performance of a contract to require a defendant to broadcast a radio program, but relief was denied for the reason that the contract if it were to be held that any had been entered into, permitted cancellation at the option of either party. For the same reason, the application for a temporary injunction in this action must be denied.

Neither the complaint nor the moving affidavits contain allegations bringing the action within 48 St. 1088, providing that if any licensed broadcasting station shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, it shall afford equal opportunities to all other such candidates for that office in the use of such station. No decision is made concerning whether any portions of plaintiff's programs were, in fact, misleading or defamatory, nor is the question raised by the papers before the Court whether a radio station can be compelled (other than as required by 48 Stat. 1088, supra, or by contract) to supply radio time to sponsors against its will. It has been generally understood, thus far, that except insofar as it shall bind itself by contract a radio broadcasting station has the right to select what programs it will transmit and to reject such as it chooses provided that 48 Stat. 1088 be not violated (*Sta.-Shine Products Company, Inc. vs. Station WGBB*, 188 I.C.C. 271; *Summit Hotel Co. vs. National Broadcasting Co.* (Sup. Ct. of Pa.) 8 Atl 2nd 302; Dill; Radio Law, pp. 104-5).

It has been argued in defendant's behalf that public interest, convenience and necessity requires the exclusion of Communists from the air. Plaintiff, on the other hand, asserts that it has been denied its fair share of publicity over the radio and in newspapers. No such questions are now before the Court, which is asked to grant the relief applied for solely upon the ground of contract right. That relief must, as has been stated, be denied.

Dated: October 16, 1940.

## District Meetings

### OREGON BROADCASTERS MEET

The broadcasters of Oregon met at Portland on October 11 to form the Oregon State Association of Broadcasters. At this meeting Lee Bishop of KMED was selected as president of the Association and Frank Loggan of KBND was appointed secretary and treasure. Mr. Bishop will appoint a committee to draft by-laws and another meeting will be held in the very near future to complete the organization.

This is the first time an Oregon broadcasters association has been organized, and from the enthusiasm displayed at the meeting, it was the consensus of opinion it will be a very successful move.

Judge John C. Kendall, representing several of the northwest stations, talked on the music situation as it affects broadcasting stations. Also Harry Spence of KXRO, Aberdeen, drove down to be one of the principal speakers on the subject, "What NAB Has to Offer the Independent Stations". Marie Hornbeck, director of women's activities of the Oregonian, spoke on "What Women Desire in a Home Economics Program". Mr. Mac Wilkins of Mac Wilkins & Cole Advertising Agency, who is one of the eight directors of the radio committee appointed at a recent meeting of the AAAA, spoke at the luncheon meeting on "What an Advertising Agency Expects from a Radio Station" directing his remarks particularly to those stations outside the metropolitan areas. Also, Harry Singleton, chief engineer of KGW-KEX addressed the group on FM Broadcasting and general engineering problems. A visitor at the meeting was Ralph Wentworth of Long-Worth. He gave a very enlightening dissertation on BMI music as it affects transcription companies.

The late afternoon hours were given over to a cocktail party to which advertising executives were invited.

The committee organizing the meeting consisted of Chuck Myers, KOIN; Carey Jennings, KGW; Lee Bishop, KMED; and Frank Loggan, KBND.

Those in attendance were:

James C. Wallace, KAST, Astoria; Harry Spence, KXRO, Aberdeen; Ben E. Stone, KOOS, Marshfield; Don Parker, KWJJ, Portland; J. G. Bauriedell, KUIN, Grants Pass; Judge John C. Kendall, Portland; George Kincaid, KFJI, Klamath Falls; Mac Wilkins, Portland; Lee Bishop, KMED, Medford; Marie Hornbeck, Portland; R. C. Wentworth, Lang-Worth Co., New York; Paul Connet, KGW-KEX, Portland; Harry Read, KSLM, Salem; W. Carey Jennings, KGW-KEX, Portland; M. H. Pengra, KRMR, Roseburg; Bob Prigmore, KGW-KEX, Portland; Frank Loggan, KBND, Bend; Joe Messme, KGW-KEX, Portland; C. G. Phillips, KIDO-KORE, Boise; Chet Blomsness, KGW-KEX, Portland; Frank L. Hill, KORE-KIDO, Eugene; H. Q. Cox, KGW-KEX, Portland; James Mount, KGW-KEX, Portland; C. Roy Hunt, KOIN-KALE, Portland; C. W. Myers, KOIN-KALE, Portland; H. M. Swartwood, KOIN-KALE, Portland; Charles Couch, KOIN-KALE, Portland; Henry Buckendahl, KOIN-KALE, Portland; Ted Kooreman, KOIN-KALE, Portland.

### DISTRICT 15

Twenty-two broadcasters representing 19 stations in District 15 and the Northern California Broadcasters Association held a joint meeting Wednesday in San Francisco. The music situation, the daylight saving proposal on the California ballot and foreign language broadcasts were among the subjects discussed. Howard Lane, district director, reported that it was an excellent meeting.

## Miscellaneous

### IOWA EDUCATIONAL CONFERENCE

Opening the State University of Iowa's First Annual Conference on Applied Radio, in Iowa City, October 17, Dr. James Rowland Angell, Educational Counselor for the National Broadcasting Company and former president of Yale University, spoke on "The Place and Function of Radio in a Democracy," pointing out that democracy must recognize radio as a major instrument for meeting the revolutionary changes which are facing America today.

"It is repelling to think that we must adopt totalitarian methods," Dr. Angell said. "If a crisis comes to this country, radio is likely to be one of the first mediums of influence to be taken over. Radio must be kept clear, it must not become a tool of government."

Dr. C. A. Siepmann of Harvard University, former Program Director of the British Broadcasting Corporation, set the keynote for the Educational Directors' session with the statement, "The business of education is to make people free."

"The magnificent function of the broadcaster is to put up signposts, give direction to people's thoughts and hopes. Radio must get across to a mass audience the feeling of belonging, of being, not alone, but part of a great nation. This must be done by utilizing the immense resources of the radio industry, adapted to the longings, experience, and limitations of that great audience. The educator should not be ashamed to use the techniques of radio which are already successfully exploited by the entertainer," he said.

Miss Harriett Edwards, Director of Educational Programs, KMOX, St. Louis, showed various ways of getting over to the listener the educational offerings of radio, through adequate merchandising which will reach all classes of listeners.

That a serious responsibility falls on the station to set up standards and to determine what meets the listeners' needs was pointed out by Miss Harriett Hester, Educational Director, WLS, Chicago. Kenneth Graham, Director of Education at KMBC, Kansas City, supplemented this with the explanation that network programs alone will not solve the problems of educational radio, but that the programs to fit community needs must be built locally.

Mrs. Lavinia Schwartz, Educational Director, Midwest Division, Columbia Broadcasting System, stated that all the success of educational programs eventually is based on their content. "We cannot get lost in our objective, for fundamentally the job is to give good programs."

Continuing on this subject, Harold W. Kent, Director of the Radio Council of the Chicago Public Schools, stated that local programs should be of the same quality as network offerings, with the same authenticity and standards, supplementing the network show by meeting the local educational need.

Miss Judith Waller, Educational Director, Central Division, National Broadcasting Company, was chairman of the session. She summarized the contributions and pointed out the relations between the respective tasks of the network and local stations.

Conducted by Thomas D. Rishworth, Educational Director of KSTP, St. Paul, the panel on Organization programs set up five standards for desirable organization programs.

These were: (1) To find programs of general listener interest and mass appeal. (2) To solve production difficulties through the formation of Radio Councils and the establishments of budgets by the organizations desiring programs. (3) To cooperate with university stations for the writing and production of better scripts. (4) To merchandise programs both to and through the members of the organizations. (5) To develop interest on the part of organizations in listening and analyzing programs and assisting stations in evaluating them rather than in producing their own programs.

Those participating in the discussion were Mrs. Wilma Briggs, President of the Iowa Department of the American Legion Auxiliary; F. C. Eighmey, Manager, KGLO, Mason City, Iowa; W. I. Griffith, Director of Radio, Iowa State College, Ames, Iowa; Mrs. George B. Palmer, Radio Chairman of the Minnesota Federation of Women's Clubs; Miss Agnes Samuelson, Executive Secretary, Iowa State Teachers' Association and Chairman of the Department of Education, General Federation of Women's Clubs; Woody Woods, Educational Director, WHO, Des Moines.

Lively discussion of what makes a good script was part of the session on Scripts for School Use directed by Geraldine Elliott, Dramatic Director, WJR, Detroit.

The panel consisted of Burton Byers, Franklin High School, Cedar Rapids, Iowa; Clara Krefting, Bradley Polytechnic Institute, Peoria, Ill.; Thomas D. Rishworth, Educational Director, KSTP, St. Paul; Wilbur Schramm, Department of English, State University of Iowa; and Luther Weaver, Luther Weaver and Associates, St. Paul.

## Farm Broadcasting

"Farmers aren't dumb," said Ray Anderson of the Cedar Rapids (Iowa) Gazette in opening the discussion of what the farm audience is. "The farmer is keen, intelligent and can spot insincerity in a radio broadcast just as quickly as he can in print. This can be explained perhaps in the light of his position as the "hub" of the nation. Political campaigns are directed at him, and he is a member of the largest single occupational group in America—as such he is industry's greatest potential customer. Farm audiences, then, have seen the necessity of analyzing all information and opinions which come their way. Then, too, a farmer has time to think. As he rides a tractor or cultivator, he is by himself and depends upon his own judgment in deciding what is right and just. His trips to town are infrequent during the harvest season and contact with outside opinions usually is made by radio. Hence broadcasters have a real responsibility in serving the farm population."

"Farmers like music, drama, news, and all the other features that the average Americans like—but he likes markets, it may be a matter of profit or loss to him if he is late in knowing the markets," Anderson continues.

In closing his remarks, Anderson said that the Agricultural Adjustment Administration perhaps had made a mistake in not allowing the farmer to make the program its own. "The farmer hates dictation—he won't have things stuffed down his throat. The A.A.A local committees have had difficulty in some cases in 'selling' the idea in their own community, because members of the state committees have power to dictate the policies."

At this point, Charles Stookey, CBS farm program director, expressed the opinion that a local A.A.A. committeeman who was a member of the farmer's own community could do a better job of leading the farmer to accept new ideas than could an extension worker who might be considered an outsider.

Discussion after Mr. Anderson's speech and those that followed was led by Ed Mason, WLW's dynamic farm program director and an Iowa University graduate.

Charles Worcester, WNAX, Yankton, South Dakota, farm service director, spoke second on the subject, "How technical can a farm program be?" Worcester pointed out that the program must be planned with the needs and general education of the listeners in mind. He expressed the general view that the program should employ non-technical language and be simple, entertaining and practical.

Discussion and sharp difference of opinion was immediately voiced by panel members, and Mrs. Harriet Rinehart of Winterset, Iowa, said that if the farmer didn't know what 'parity payments' and other terms that have come into common use, meant, then radio had missed a good bet—it was radio's job to tell them.

J. O. Maland, vice president of the Central Broadcasting Company, Des Moines, said in defense of radio—"WHO has been explaining those terms, and the government program for seven years, in the best way we know how, many of our listeners have undoubtedly become familiar with most of the phases of the program, while just as surely others have not."

"The Farm Program of the Small Station in a Farming Community" was explained as it applied to WDZ, Tuscola, Illinois, by the station director, Clair Hull. "In our community, the farm program starts in the morning and finishes at the sign off. We have found the policy of inciting the farmer into action over an issue the most effective," said Mr. Hull.

He went on to explain that the farmers in the WDZ community hated orders, but if an opinion was expressed over the station which was unpopular, a flood of letters were received from the opposition.

"If Rural Electrification, for example, is not of interest to our community, we would have a man speak who was against the plan—immediately those who believe in REA and its program, will organize and present their arguments in a way which will be to the best interests of the program. Get the farmer to champion his own cause, then, is the duty of the farm program of the small station," Mr. Hull concluded.

Arthur Page, veteran WLS Farm Program director, said on the topic, "Composition of the Regular Farm Program," "We find at WLS that the noon hour, which is an excellent time for farm listeners, is also an hour which attracts city and suburb listeners, so we must remember that the needs of both groups must be served. The programs must be interesting and combine service with entertainment.

"City listeners are interested in the farmer and his problems," said Phil Evans of KMBC, Kansas City, in discussing "Build Farm Shows Without Regard to Urban Listeners?" Mr. Evans explained that a study of audiences by KMBC showed no appreciable drop in number of city listeners when a farm broadcast was on the air. Also, the farmer only wants to know whether oats, wheat, hogs, or other products are up or down—long explanations and complicated trends are for farm readers, not the listener, in Mr. Evans' opinion.

Herb Plambeck, Farm Editor of WHO, Des Moines, discussed "Radio News," and praised much of the United States Department of Agriculture releases and stressed the importance of personal contacts with farmers. Plambeck averages 25,000 miles a year in this latter phase of the work. WHO's public relations plan includes bringing the farmer to the station, not only as contributors to farm broadcasts but also that they may understand the job radio does.

"The Ideal Program for Farm Women," was the subject discussed by Mrs. Elizabeth Wherry, Wyoming, Iowa. Mrs. Wherry explained that through the work of county agents, home demonstration work and farm bureau activities the woman on the farm today is conscious of modern improvements, is cultured, appreciates good music and welcomes it over the air. The popular folk-music should be replaced by music of a higher type, which, according to Mrs. Wherry, the average farm woman is now educated to appreciate.

Mr. J. O. Maland of WHO was ready with statistics to show that folk music well played and interpreted is what most people listen to and a discussion of the relative merits of the two types brought the session to a close.

## Building the Radio Audience

Describing the present radio picture as a "Dr. Jekyll and Mr. Hyde" situation, J. Oren Weaver, Director of Public Affairs for the Midwest Division of the Columbia Broadcasting System, opened the session on "Building the radio audience." "The voice of radio is one big eighteen hour program and its personality is represented by the combined efforts of that voice." Mr. Weaver charged that the sustaining features did not stand up to the commercial programs, and that until this was remedied, no station could hope to hold its audience throughout the day. Speaker Weaver also cited the problems of program duplication, perfect balance in programming, and "news-tailoring" for the individual markets.

As might be expected the "soap opera" question was brought up for considerable discussion. Ed Smith, radio program manager of General Mills, upheld the daytime dramas, claiming that the sponsors were putting out what the women want to hear, and will continue to do so until such time comes when it is proven the audience wants another type of entertainment. "Radio advertising is too costly to experiment with," added Mr. Smith.

Getting away from script shows, J. C. Rapp, manager of KMA, Shenandoah, pointed out that a tremendous audience could be built by adopting a "friendly attitude" toward the listener, not one of intellectual superiority. Robert DeHaven, program director for WTCN, Minneapolis, presented the possibilities of building a daytime audience with music and good comedy, using the NBC-Blue net and its "Breakfast Club" and "Club Matinee" programs as illustrations. Luther Weaver of Luther Weaver and Associates, Minneapolis, pointed out that the audience must be educated to like what is good, if the "soap operas" are to be replaced.

Both Mr. Oren Weaver and Mr. Smith expressed interest in the question of whether "premium build the audience." William Quarton, commercial manager of WMT, Cedar Rapids, insisted that it was up to the sponsor to sell his product, not a gadget. The rebuttal to this statement by Ted Enns, sales manager of the Cowles Stations, was the use of premiums as an audience or station check.

Luther Hill, vice-president of the Iowa Broadcasting Company, was chairman of the meeting.

## CONSCRIPTION DRAWING

The order in which each of America's approximately 17,000,000 registrants for Selective Service will be called to qualify for military training, to be determined by the National Lottery in the National Capital next Tuesday, will be a matter of immediate permanent record as well as of instantaneous, oral and visual announcement.

Each number, as it is drawn from the historic goldfish bowl that was used in the 1917-1918 drafts, will be announced over a loudspeaker system, displayed on a blackboard, and electrically photographed for the National archives. The slips of light cardboard bearing the numbers also will be strung by needle and thread in the sequence they are drawn and constitute another carefully protected record.

In announcing the arrangements for the national lottery, C. A. Dykstra, director of Selective Service, emphasized that they had been planned so that the press, radio and photo agencies could give as complete a story as possible to the registrants, their families and friends. It is hoped, he said, that everyone in the country will feel that he or she is an actual spectator at this historic event.

For the millions of registrants beyond the range of the loudspeaker systems within and immediately outside the Departmental Auditorium, where the historic ceremony will be staged, virtually as instantaneous information of its results will be given by the most intensive and extensive news coverage ever arranged.

Some ten thousand capsules, each containing an individual number, will be placed in the famous goldfish bowl at high noon next Tuesday. Secretary Stimson will draw the first number. All major networks will broadcast the drawing ceremonies. It is estimated that fifteen hours will be necessary to complete the lottery because each capsule will be opened individually.

The news services serving radio stations will carry the numbers drawn so that individual radio stations will be able to broadcast the numbers periodically throughout the afternoon and night of October 29, and also the morning of Wednesday, October 30, when it is estimated that the drawing will be completed. Each person who has registered has received a number which will correspond to those drawn in Washington. Therefore, every station has a certain number of families in its listening area who are concerned with the order in which the numbers are drawn, because it is this order which will be followed by the local draft boards in summoning before them those subject to military training. In other words, if serial number 29 is the first one drawn, then those people who have been given serial number 29 become the first ones considered for selective compulsory military training by their local draft boards, and so on through the list. It is estimated that not more than 7,500 people have registered at any one registration point. However, in order to make certain that an adequate supply of numbers will be drawn, 10,000 numbers will be drawn from the bowl on October 29.

Those stations having display points on the street or in their studios might find it helpful to publish these numbers as they come over the wire after they have been broadcast. Many stations will be subject to telephone inquiries for verification of numbers read out, and NAB suggests that telephone operators be supplied with a list. The most extreme care is necessary in handling these numbers, both in clear enunciation over the air and in correct reference by station employees upon inquiry from the public. Newspapers, it is understood, will have some similar set-up for the information of the general public.

## LIBRARY OF CONGRESS HELP

Archibald MacLeish, the Librarian of Congress, has announced that the Rockefeller Foundation has placed at the disposition of the Library of Congress the services of two Fellows in Radio Research whose first duty will be to survey those resources of the Library which might be of service to educational broadcasting groups.

University broadcasting stations and other educational stations throughout the country may apply to the Fellows by mail or wire for their assistance in planning programs, in supplying background material, and in suggesting bibliographic and other supplementary material. It is believed that the Fellows will be of particular use in connection with programs drawing upon the rich resources of the Library of Congress in the fields of American History and of American Folk Music and Folk Tales.

The Library's Fellows in Radio Research are Philip H. Cohen, former production director of the Office of Education radio division and associate director of the New York University Radio Workshop, and Charles T. Harrell, Program Director of station WLB, on leave from the University of Minnesota station.

# FEDERAL COMMUNICATIONS COMMISSION

## SHORT-WAVE MEETING

A meeting has been called by NAB for the purpose of discussing the new FCC rules concerning international short-wave broadcasting stations. The meeting will be held in New York City, Tuesday, October 29. The following short-wave broadcasters have been invited to attend: Columbia Broadcasting System, Crosley Corporation, General Electric, Mutual Broadcasting System, National Broadcasting Company, WCAU Broadcasting Company, Westinghouse Electric and Manufacturing Company and World Wide Broadcasting Corporation. Mr. Arney and Mr. Smeby will attend on behalf of NAB.

## REHEARING FOR WGAN GRANT DENIED

International as well as domestic considerations figured in denial by the FCC of two petitions for rehearing of its grant, on July 16, to the Portland Broadcasting System, Inc., of a construction permit to change the frequency of radio station WGAN at Portland, Me., from 640 to 560 kilocycles, and to increase power from 500 watts limited time to 5 kilowatts unlimited time.

Rehearing was sought by two petitioners each of whom has an application pending for the use of 560 kilocycles. They are Community Broadcasting Service, Inc., licensee of WABI, at Bangor, which has applied to change its frequency from 1200 kilocycles to 560 kilocycles and to increase its power from 250 watts to 1 kilowatt; and William H. Rines, who has applied for a construction permit to erect a new station at Portland to operate on 560 kilocycles, with power of 5 kilowatts day and 1 kilowatt night. The three applications are mutually exclusive.

The Commission points out that before WGAN filed its present application, it had filed an application (later withdrawn) for unlimited time on 640 kilocycles. Shortly thereafter the government of Newfoundland advised the Commission that the 640 frequency was assigned to it by the North American Regional Broadcasting Agreement and that station VONF, which operates on this frequency, is in many instances the only effective means of keeping the Newfoundland public informed as to weather reports, government decreases, and other news. Newfoundland pointed out that even as then operated WGAN caused serious interference to the secondary service area of VONF and that the grant of the application would increase the interference. Newfoundland proposed that if the Commission would not assign 640 kilocycles to any station in the United States which would cause interference to VONF's secondary service area, Newfoundland would relinquish in favor of the United States all claims to the frequency 560 kilocycles also assigned to Newfoundland. These terms are mutually agreeable to both countries.

The Commission found that WGAN and WABI were both qualified to operate stations as proposed in their applications. Between these two stations the question narrowed as to whether the public would be better served by location of new facilities in Portland (WGAN) or in Bangor (WABI).

It was found that WGAN would provide a greater service than WABI. Further it appeared that there is greater need in Portland for the radio service requested than in Bangor. Portland, Maine's largest city, is served both day and night by only one local station as compared to two stations serving Bangor, with less than half Portland's population.

In the case of the Rines application, the Commission determined that public interest, convenience or necessity would be better served by the WGAN grant. WGAN offered more adequate coverage. The WGAN grant did not involve objectionable interference to any station, whereas the proposed Rines service would interfere with CJKL at Dane, Ontario, in violation of the North American Regional Broadcasting Agreement. The WGAN equipment is satisfactory but part of the proposed Rines installation is not. The licensee of WGAN is better qualified and has had more radio experience than Rines. Competition between radio stations in Portland will be keener under the WGAN grant, for the Rines family is interested in Portland's other station—WCHS—as well as WRDO, Augusta, and WFEA, Manchester, N. H.

## PROCEDURE FOR EXAMINATION OF APPLICATIONS REVISED

The Federal Communications Commission announced that its procedure for examination of standard broadcast applications by the staff departments has been revised with a view to more orderly and expeditious handling. Provision has been made for the consideration of these applications simultaneously, as far as possible, by the technical departments. The methods of operation of each of the individual units responsible for the review of applications is also being studied with a view to speeding up the work.

The Secretary of the Commission has been directed not to regard applications as formally filed with the Commission until they are in his hands, duly executed, and complete with respect to the answering of all required questions. Under the new procedure, an acknowledgment card will be sent to the applicant immediately upon receipt of the application. If it is necessary to return the application for the correction of formal defects or to enter into correspondence with the applicant with regard to correcting his application in respect of any matters of form, the applicant will be notified that his application is not in form for consideration by the Commission and that the application will not be shown on the records of the Commission as officially filed until the formal defects specified in the letter of notification have been corrected. Upon the return of the application in proper form, a file number will be assigned and the application will take its place in the regular order for consideration.

## BROADCAST MEASUREMENTS

During September the FCC measured 696 broadcast stations, leaving 160 not measured.

Of this number, 635 stations had a maximum deviation within 0-10 cycles; 56 stations a maximum deviation within 11-25 cycles; 3 stations with a maximum deviation within 26-50 cycles; and 2 stations with a maximum deviation of over 50 cycles.

## Records for Peer Catalogue Available for Broadcasting

Partial list of Phonograph Records of the PEER INTERNATIONAL CORPORATION publications available for broadcasting January 1, 1941, to all stations having BMI licenses, available immediately and until December 31, 1940, to all stations licensed by ASCAP.

The performing righ's are now held by Southern Music Publishing Company, Inc. (an ASCAP member), and these rights are being transferred to the PEER INTERNATIONAL CORPORATION and to BMI on January 1, 1941.

| Title | Company | Number |
|---|---|---|
| A | | |
| Abandono | Brunswick | 41576 |
| A de Diego | Victor | 46060 |
| Adios | Victor | 22963 |
| | “ | T-17 |
| | Decca | 455 |
| Adios A Gardel | Victor | 32537 |
| Adios Borinquen | Brunswick | 15002 |
| Adios del Emigrante | Victor | 46686 |
| Adios Ingrata Mujer | Victor | 46598 |
| Adios Mariquita Linda | Victor | 26542 |
| | “ | 26248 |
| | Decca | 10380 |
| Adios Mi Chaparrita | Victor | 32245 |
| | “ | 32140 |
| | “ | 75570 |
| | “ | 32393 |
| | “ | 2214 |
| | “ | 5582 |
| | “ | 4861 |
| Adrede | Victor | 3078 |
| | “ | 82215 |
| | Decca | 10283 |
| | “ | 10309 |
| Advertencia-Habanera | Victor | 46497 |
| Africa | Victor | 32372 |
| | “ | 32390 |
| Aguacate, Agucatito | Victor | 46768 |
| Aguinaldo de Puerto Rico | Victor | 30142 |
| Ahora Seremos Felices | Victor | 3329 |
| | “ | 82621 |
| | “ | 82679 |
| | “ | 82815 |
| | Decca | 10419 |
| | Columbia | 5749 |
| Alborada | Brunswick | 41613 |
| Alegre Conga | Victor | 10679 |
| | “ | 82273 |
| | “ | 82101 |
| | “ | 82084 |
| | “ | 75982 |
| | Columbia | 5590 |
| | Decca | 18000 |
| Alegre En El Canaveral | Victor | 32924 |
| Alejado De Este Mundo | Victor | 46431 |
| Alguna Vez | Victor | 30309 |
| Alice | Victor | 30552 |
| Alla Va | Victor | 30840 |
| Alma de Mujer | Victor | 2915 |
| | “ | 7120 |
| | Columbia | 5439 |
| Alma de Roca | Victor | 32719 |
| Alma Mia | Victor | 30490 |
| | Columbia | 17192 |
| Almendra | Victor | 83028 |
| | “ | 82768 |
| Altiva | Victor | 30412 |
| Amar | Victor | 82263 |
| Ambiciosa | Victor | 46845 |
| Ame Una Joven | Victor | 46899 |
| Amor De Ciego | Brunswick | 41532 |
| Amor Del Chano | Victor | 46473 |
| Amor de Mi Bohio (El) | Victor | 82910 |
| | “ | 82992 |
| | “ | 82683 |
| | “ | 82812 |
| | “ | 76214 |
| | Columbia | 5927 |
| | Decca | 21062 |
| Amor Fingido | Victor | 30065 |
| Amor Perdido | Decca | 21004 |
| Amor y Duda | Victor | 46436 |
| Anoche En Tus Brazos | Victor | 46958 |
| A Poco No | Victor | 75687 |
| | Brunswick | 9114 |
| | Decca | 10259 |
| Aquello Ojos Verdes | Victor | 30397 |
| | “ | 30186 |
| | “ | 37447 |
| | “ | 37054 |
| | “ | 22729 |
| | Decca | 10360 |
| | “ | 10242 |
| Aquinaldo De Navidad | Victor | 30141 |
| Arlequin | Victor | 46887 |
| Arriba La Conga | Victor | 82876 |
| Arroyito | Victor | 32081 |
| Asi So You | Victor | 30988 |
| A Tus Pies | Victor | 1564 |
| | “ | 4242 |
| A Una Muneca Como Tu | Victor | 32220 |
| Aun Viven Tus Recuerdos | Brunswick | 41547 |
| Automobil Gris (El) | Victor | 46614 |
| Aventurera | Victor | 30271 |
| Ay Que Chulo Es Guarajuato | Victor | 46473 |
| Ay Que Mujer | Victor | 75766 |
| Ay, Simon | Victor | 32398 |
| B | | |
| Babalu | Victor | 82634 |
| Bajo El Cielo Azul | Decca | 21097 |
| Bamba, La | Victor | 32937 |
| | “ | 32868 |
| | “ | 3907 |
| | Columbia | 5748 |
| | Brunswick | 9836 |
| Barandales del Puente (Los) | Victor | 46614 |
| Bendito Amor | Victor | 32218 |
| Besa | Victor | 30704 |
| | “ | 30753 |
| Beso Diabolico | Victor | 32616 |
| Beso Indeleble | Victor | 46685 |
| Boca Loca | Victor | 46377 |
| Bonitos Ojitos | Victor | 46878 |
| Borinquen | Brunswick | 7463 |
| | Columbia | 5293 |
| Borinquen Bella | Victor | 30706 |
| Borracha, La | Victor | 3317 |
| | “ | 75968 |
| | Columbia | 5890 |
| | Brunswick | 9221 |
| | Decca | 10446 |
| Borrachita, (La) | Victor | 3117 |

NOTE: LA, LAS, EL and LOS are articles. Look under list for second word in title. The same applies to UN, UNA and UNO when they mean "a", but not when they mean the numeral "one."

| Title | Company | Number |
|---|---|---|
| Botijona, (La) | Victor | 2908 |
| | “ | 2906 |
| | “ | 32896 |
| | “ | 75314 |
| | Brunswick | 8839 |
| | “ | 8874 |
| Boton De Rosa | Victor | 30779 |
| Bruca Manigua | Victor | 25770 |
| | “ | 82403 |
| | “ | 82114 |
| | Decca | 10313 |
| | “ | 1688 |
| | Columbia | 5641 |
| Brujeria | Victor | 30661 |
| Buche y Pluma | Victor | 30454 |
| | Decca | 18013 |
| C | | |
| Caballo Paloma, El | Victor | 82278 |
| | “ | 75429 |
| | “ | 3505 |
| | “ | 3070 |
| | Columbia | 5546 |
| | Brunswick | 8903 |
| Cabellera Blanca | Victor | 30886 |
| Cabellera Negra | Victor | 30660 |
| Cabellera Rubia | Victor | 30413 |
| | Brunswick | 41531 |
| Cachimba De San Juan, La | Victor | 30804 |
| | “ | 24249 |
| | “ | 30596 |
| Cachita | Victor | 82109 |
| | “ | 2947 |
| | “ | 32907 |
| | “ | 82156 |
| | “ | 32970 |
| | “ | 82149 |
| | “ | 75245 |
| | Brunswick | 8848 |
| | “ | 4304 |
| | Decca | 2072 |
| | “ | 10152 |
| | “ | 1574 |
| | Columbia | 5667 |
| | “ | 5439 |
| Calabaza | Victor | 32076 |
| Calientito | Victor | 82542 |
| | “ | 26428 |
| | “ | 32867 |
| | “ | 75246 |
| | Brunswick | 8848 |
| | Columbia | 5440 |
| Calla | Victor | 46336 |
| | Columbia | 97437 |
| Cambio Globos Por Botellas | Victor | 30927 |
| Caminante | Victor | 30321 |
| Campanas De Mi Aldea | Brunswick | 41633 |
| Campanas De Mi Tierra | Victor | 30115 |
| | Brunswick | 41533 |
| Campanitas De Cristal | Victor | 32521 |
| | “ | 75416 |
| | “ | 32639 |
| | “ | 32662 |
| | Columbia | 5295 |
| | Decca | 10245 |
| | “ | 1289 |
| Cancion Del Campo | Victor | 75765 |
| | Decca | 10411 |
| Cancion Del Mar | Decca | 10376 |
| Cantares De La Sierra | Victor | 30262 |
| Canten Y Bailen | Victor | 32672 |
| Caprichito De Verdad | Victor | 82104 |
| | Columbia | 5588 |
| Capulin, El | Victor | 30323 |
| | “ | 32110 |
| | “ | 30861 |
| | Brunswick | 41461 |
| | “ | 41460 |
| Capullito De Aleli | Victor | 30398 |
| | “ | 37473 |
| | “ | 30635 |
| | “ | 5747 |
| | “ | 4862 |
| Capullito De Aleli—*Continued* | Brunswick | 41464 |
| | “ | 41509 |
| | Decca | 18014 |
| | Columbia | 5038 |
| | “ | 4730 |
| | “ | 4160 |
| | “ | 5034 |
| Capullito de Azucena | Victor | 30813 |
| Caramelero, El | Victor | 30785 |
| | “ | 30746 |
| | “ | 624 |
| | Brunswick | 41521 |
| | “ | 41480 |
| | “ | 12756 |
| Carino Perdido | Brunswick | 41633 |
| Carita De Virgen | Victor | 75173 |
| Cataplum | Victor | 30849 |
| Cautiva | Victor | 30414 |
| Celia | Victor | 46954 |
| Celos | Victor | 32363 |
| | Brunswick | 41507 |
| Cementerio Virginal | Victor | 30718 |
| Chamaquita | Victor | 32357 |
| Chiapas | Victor | 75939 |
| Chan Li Po | Victor | 32977 |
| Chin, Chum, Chao | Victor | 75624 |
| Clara | Victor | 30936 |
| | “ | 39772 |
| | “ | 6001 |
| Claudia | Brunswick | 41612 |
| Claveles | Brunswick | 41619 |
| Clavel Sevillano | Victor | 46970 |
| Coas Viejas | Victor | 30863 |
| Cobarde | Victor | 46876 |
| Colombina | Victor | 46779 |
| Colorin Colorao | Victor | 75696 |
| Columbia, Columbia | Victor | 30065 |
| Como Dos Punales | Victor | 30320 |
| Comparsa De Los Congos | Victor | 30746 |
| | Brunswick | 6762 |
| Conga, Gonguita | Victor | 75246 |
| Condenala, Senor | Victor | 30574 |
| Congoja | Victor | 82105 |
| | “ | 32920 |
| | Brunswick | 9060 |
| | Columbia | 5569 |
| | “ | 5686 |
| | Decca | 10265 |
| Conque Ese Era Tu Amor | Victor | 46884 |
| Consagracion | Brunswick | 41532 |
| Contraste | Victor | 30339 |
| Coqueta | Victor | 46756 |
| Corrido De Texas, El | Victor | 46616 |
| Cortesana | Victor | 30322 |
| | Brunswick | 30247 |
| Cruel Tormento | Victor | 82262 |
| | Columbia | 5641 |
| Cuando Me Vaya | Victor | 4233 |
| | “ | 1565 |
| | “ | 5003 |
| | “ | 4001 |
| | Columbia | 1565 |
| Cuando Las Mujeres Quieren A Los Hombres | Victor | 46299 |
| Cuando Te Acuerdes De Mi | Victor | 82683 |
| Cuando Tu Me Querias | Victor | 32795 |
| | “ | 32963 |
| | Columbia | 5445 |
| Cuartito Sagrado | Victor | 30847 |
| | “ | 32746 |
| Cuatro Vidas | Victor | 83064 |
| | “ | 76118 |
| | Decca | 10390 |
| Cubanacan | Victor | 30848 |
| | “ | 32062 |
| | Columbia | 5730 |
| | “ | 352 |
| | Brunswick | 7875 |
| Cuidadito Compay Gallo | Victor | 32885 |
| | “ | 32976 |
| | “ | 32978 |
| | “ | 82083 |

| Title | Company | Number |
|---|---|---|
| Cuidadita Company Gallo—*Continued* | Columbia | 5514 |
| Culembo Toca La Corneta | Victor | 30863 |
| Cumbancha, La | Victor | 2339 |
| | “ | 32169 |
| | “ | 32629 |
| D | | |
| Decimas De Amor | Victor | 30141 |
| Dejame Que Te Bese | Brunswick | 4167 |
| Dejame Solo Con Mi Vida Loca | Columbia | 5874 |
| Desde el Destierro | Victor | 30633 |
| Desolacion | Victor | 30224 |
| Despierta Holgazan | Victor | 30956 |
| Desvelo de Amor | Victor | 82452 |
| | “ | 32333 |
| | “ | 75438 |
| | “ | 30898 |
| | Brunswick | 8889 |
| Devuelveme los Besos | Victor | 46336 |
| Dia Sone, Un | Victor | 82042 |
| | “ | 75308 |
| | “ | 7253 |
| Dichosa Suegra, La | Victor | 32014 |
| Dime por Dios | Victor | 46459 |
| | “ | 46338 |
| | “ | 3382 |
| Dime, Por Que | Victor | 30666 |
| Divina | Victor | 32728 |
| Divina Mujer | Victor | 30271 |
| | “ | 30321 |
| | Columbia | 3428 |
| Dolor Cobarde | Victor | 82114 |
| Do-re-mi-do-re-mi | Victor | 30466 |
| Dos Almas | Columbia | 5739 |
| Dos Corazones | Brunswick | 8947 |
| Dos Mendigos | Brunswick | 5335 |
| Duerme | Victor | 82542 |
| | “ | 82365 |
| | “ | 75743 |
| | “ | 82112 |
| | Brunswick | 8936 |
| | Decca | 21023 |
| | Columbia | 5717 |
| Duerme Princesa | Victor | 32004 |
| Dulce Serenidad | Victor | 82123 |
| | “ | 82108 |
| Dulce Veneno, El | Victor | 30054 |
| Dulzura | Victor | 75309 |
| | Brunswick | 8942 |
| E | | |
| Echale Cinco Al Piano | Victor | 82955 |
| | “ | 82767 |
| | “ | 75904 |
| | “ | 75747 |
| | Decca | 10286 |
| Echa Un Pie En La Congas | Columbia | 5899 |
| Ella Dijo Asi | Victor | 30027 |
| Enamorada | Victor | 30712 |
| Enamorado De Ti | Victor | 75304 |
| En El Silencio de La Noche | Victor | 2357 |
| | Brunswick | 41523 |
| Enlutada, La | Victor | 30018 |
| Ensonacion | Victor | 82968 |
| Entre Tu y Yo | Victor | 82189 |
| | “ | 75668 |
| | “ | 82423 |
| En Vano Sufro | Victor | 46789 |
| Eres Tu | Victor | 1646 |
| Errante | Victor | 75417 |
| | “ | 2203 |
| | Decca | 10163 |
| Eso Es Mentira | Victor | 46389 |
| | “ | 30495 |
| Espana | Victor | 46322 |
| | “ | 30492 |
| Espejito | Victor | 82448 |
| | “ | 82840 |
| | “ | 25693 |
| | Brunswick | 9101 |
| | Columbia | 5726 |
| | Decca | 10335 |
| Esther | Victor | 30130 |
| Estoy Enamorado | Victor | 75763 |

| Title | Company | Number |
|---|---|---|
| Es Tu Amor | Victor | 46778 |
| | Brunswick | 8421 |
| Expiacion | Victor | 82247 |
| | Brunswick | 41522 |
| | “ | 41461 |
| F | | |
| Falsa | Brunswick | 9270 |
| | Victor | 76040 |
| | “ | 8605 |
| Fidelidad | Victor | 76178 |
| Flauta y Saxofon | Victor | 32347 |
| Flor de fuego | Victor | 32848 |
| | “ | 32704 |
| | “ | 32758 |
| Florecita, Margarita | Victor | 46876 |
| Flores Negras | Victor | 3052 |
| | “ | 75457 |
| | “ | 82154 |
| | “ | 82589 |
| | Brunswick | 9019 |
| | “ | 9049 |
| | Columbia | 5655 |
| | “ | 5662 |
| | Decca | 10272 |
| Flor Silvestre | Columbia | 5340 |
| Frenesi | Victor | 76160 |
| | “ | 26542 |
| | “ | 76162 |
| | “ | 76163 |
| | “ | 76161 |
| | Decca | 21035 |
| | Columbia | 5962 |
| Fufunando | Victor | 82343 |
| | Decca | 10326 |
| G | | |
| Gata de Wenceslao | Victor | 32366 |
| Gavilan, El | Victor | 46584 |
| Gavilan, Gavilancito | Victor | 46389 |
| Gentil Princesita | Victor | 46778 |
| Gotas de Amor | Victor | 30413 |
| | Columbia | 704041 |
| Guadalajara | Victor | 3173 |
| | “ | 82587 |
| | “ | 75238 |
| | “ | 75409 |
| | “ | 3501 |
| | Decca | 10253 |
| | Brunswick | 9008 |
| | Columbia | 5665 |
| Guantanamera, La | Victor | 30054 |
| Guarapero, El | Victor | 30324 |
| Guitarras y Flores | Victor | 46939 |
| H | | |
| Haciendo El Bongo | Victor | 32493 |
| Hasta El Cepillo | Victor | 75412 |
| | Brunswick | 8969 |
| | “ | 8961 |
| | Columbia | 5608 |
| | Victor | 3001 |
| | “ | 3082 |
| Hasta La Tumba | Columbia | 5340 |
| Heroismo Boricua | Victor | 30771 |
| Hollywood Ciudad De Ensueno | Victor | 30553 |
| Hombres Son Sinverguenzas, Los | Victor | 32658 |
| | Columbia | 6315 |
| Huateque, El | Victor | 46541 |
| Hubo Una Noche | Victor | 46687 |
| I | | |
| Ilusion China | Victor | 32053 |
| | “ | 30619 |
| | “ | 32112 |
| Incertidumbre | Victor | 8594 |
| | “ | 83034 |
| | “ | 76110 |
| | “ | 82661 |
| | “ | 3379 |
| | “ | 82868 |
| | Brunswick | 9285 |
| | Decca | 21039 |
| | “ | 21065 |
| | Columbia | 6962 |
| | “ | 5967 |

| Title | Company | Number |
|---|---|---|
| **India Bella** | Victor | 82348 |
| **Infiel** | Victor | 46442 |
| **Ingrata** | Victor | 32052 |
| **Inspiracion** | Victor | 82831 |
| | Columbia | 5810 |

J

| Title | Company | Number |
|---|---|---|
| **Jaibera, La** | Victor | 32867 |
| | “ | 75237 |
| **Julita** | Victor | 42850 |
| **Justina** | Victor | 30767 |

L

| Title | Company | Number |
|---|---|---|
| **Lagrima** | Victor | 75166 |
| **Lagrimas Negras** | Victor | 24449 |
| | “ | 30509 |
| | Brunswick | 12657 |
| **Lagrimas y Besos** | Victor | 30404 |
| **Lamento Borincano** | Victor | 30787 |
| | “ | X-5 |
| | “ | 24249 |
| | “ | 30735 |
| | “ | 30804 |
| | “ | 32514 |
| | “ | 2240 |
| | “ | 30638 |
| | “ | 30008 |
| | Brunswick | 41521 |
| | “ | 41479 |
| | “ | 12576 |
| | Columbia | 5095 |
| | Decca | 20465 |
| **Lamento Cubano** | Victor | 30830 |
| | “ | 30751 |
| **Lamento Esclavo** | Victor | 25043 |
| | “ | 32061 |
| | Decca | 10242 |
| **Lamento Gitano** | Victor | 46922 |
| | “ | 30931 |
| | Decca | 10165 |
| | Brunswick | 41598 |
| **Languidez** | Victor | 30969 |
| | Brunswick | 8630 |
| **Lejos de Mi Tierra** | Victor | 82541 |
| | Columbia | 5790 |
| **Lejos de Ti** | Victor | 82919 |
| **Lejos de Tu Querer** | Victor | 82319 |
| **Le Pido a Dios** | Victor | 46585 |
| **Libertad** | Columbia | 5804 |
| **Linda Amapola** | Victor | 30707 |
| **Llorar Llorar** | Victor | 46857 |
| **Luisa** | Columbia | 5374 |
| **Lulu** | Columbia | 5327 |
| **Luna Amiga** | Victor | 76133 |
| **Luna de Plata** | Victor | 76163 |
| **Lydia** | Brunswick | 41600 |

M

| Title | Company | Number |
|---|---|---|
| **Madre** | Victor | 04308 |
| | “ | 30522 |
| **Mamauca** | Victor | 75624 |
| **Manojo de Rosas** | Victor | 30647 |
| **Maracas de Cuba, Las** | Victor | 32190 |
| | “ | 30936 |
| | “ | 18-6001 |
| **Maraqueando** | Victor | 7526 |
| | Decca | 455 |
| **Mariachi, El** | Victor | 75266 |
| **Maria Elena** | Victor | 2207 |
| | “ | 30972 |
| | “ | 2202 |
| | “ | 32010 |
| | “ | 2216 |
| | “ | 32325 |
| | “ | 24464 |
| | “ | 32723 |
| | “ | 37913 |
| | Brunswick | 9108 |
| | “ | 41614 |
| | “ | 41642 |
| | “ | 41603 |
| | “ | 8497 |
| | Columbia | 5525 |
| | “ | 5698 |

| Title | Company | Number |
|---|---|---|
| **Maria Elena**—*Continued* | Decca | 10003 |
| | “ | 10011 |
| **Ma Rosenda** | Columbia | 5659 |
| **Masabi** | Victor | 32142 |
| | “ | 30880 |
| | “ | 32353 |
| | Brunswick | 7443 |
| **Mendigo** | Brunswick | 8779 |
| | Columbia | 5410 |
| **Me Dejaste** | Victor | 75450 |
| | “ | 75183 |
| **Melcochero, El** | Victor | 82331 |
| **Mentirosa** | Victor | 30728 |
| **Merce** | Victor | 30821 |
| **Mercedes** | Victor | 30328 |
| **Mi Cancion** | Victor | 82161 |
| | “ | 32104 |
| **Mi Desesperacion** | Victor | 82553 |
| | “ | 3184 |
| | Brunswick | 8934 |
| **Mi Islita** | Victor | 41607 |
| **Mi Pensamiento** | Columbia | 5949 |
| | “ | 5981 |
| | Brunswick | 9270 |
| | Victor | 76064 |
| **Mi Pesame** | Columbia | 5335 |
| **Mi Ramon** | Victor | 46592 |
| **Mi Ranchito** | Victor | 3241 |
| | “ | 75818 |
| **Mi Secreto** | Victor | 46800 |
| **Misma Estrella, La** | Columbia | 5776 |
| | “ | 5805 |
| **Modelando el Amor** | Victor | 32351 |
| **Monisima** | Brunswick | 46807 |
| **Montuno O Pantaleon** | Victor | 30983 |
| **Morena** | Victor | 32565 |
| | “ | 2432 |
| | “ | 37712 |
| | “ | 37705 |
| | “ | 2369 |
| | “ | 30486 |
| **Morena Linda** | Brunswick | 9221 |
| | Columbia | 5890 |
| | Victor | 8591 |
| | “ | 82754 |
| | “ | 75790 |
| **Muchacha** | Victor | 46740 |
| | “ | 46736 |
| **Muchacha Tropical** | Victor | 75178 |
| **Mujer** | Victor | 37068 |
| | “ | 30802 |
| | “ | 30245 |
| | “ | 30025 |
| **Mujer de Antonio, La** | Victor | 46402 |
| **Mujer del Paraiso, La** | Victor | 46846 |
| **Mujer Rejega** | Victor | 75691 |
| **Munequita de mi Vida** | Victor | 30864 |
| **Murmullo** | Victor | 82108 |
| | Decca | 1753 |
| | “ | 10304 |
| **Musme** | Victor | 30896 |

N

| Title | Company | Number |
|---|---|---|
| **Nada** | Victor | 75176 |
| **Nadie Sabe Lo Que Tiene** | Victor | 32028 |
| **Naufragio** | Victor | 83026 |
| | “ | 82747 |
| | “ | 76074 |
| | Columbia | 5967 |
| | Decca | 10298 |
| | “ | 21026 |
| | Brunswick | 9285 |
| **Negra Ingrata** | Victor | 46789 |
| **Negra Linda** | Victor | 82707 |
| **Negrita** | Victor | 30853 |
| | “ | 30419 |
| **Negro Bembon** | Victor | 30821 |
| **Negro Bengue** | Victor | 82847 |
| **Nicolasa, La** | Victor | 46570 |
| **Nina del Cine, La** | Victor | 32356 |
| **Nina de Los Ojos Azules** | Victor | 30492 |
| **Ninfa de Amor** | Victor | 30008 |
| **Noche de Amor** | Victor | 30706 |

| Title | Company | Number |
|---|---|---|
| Noche de Comparsa | Victor | 82125 |
| No Es Igual | Columbia | 5705 |
| | Brunswick | 8888 |
| | Victor | 75420 |
| No Me Celes Mas | Victor | 30677 |
| No Me Culpes | Brunswick | 41596 |
| No Pienses Mas | Victor | 32658 |
| Norma | Brunswick | 41599 |
| Nostalgia | Victor | 75491 |
| | " | 75162 |
| | " | 82460 |
| | " | 3166 |
| No Seas Tonta | Victor | 46663 |
| Novillero | Victor | 75196 |
| | " | 75167 |
| | " | 38214 |
| | " | 38137 |
| | " | 75261 |
| | " | 2481 |
| | " | 2901 |
| | " | 32937 |
| | " | 32865 |
| | " | 32792 |
| | " | 32780 |
| | " | 32792 |
| Nuestro Son | Victor | 82948 |
| Nunca Te Olvidare | Victor | 46740 |
| | " | 4153 |
| Nupcial | Victor | 46756 |
| O | | |
| Odio | Decca | 21068 |
| | " | 21064 |
| Ojos Malvados | Victor | 82109 |
| Oprobios | Victor | 30595 |
| Orgullo Mexicana, El | Victor | 30129 |
| Otra Vez | Victor | 3102 |
| | " | 72304 |
| Oyeme Dulce Amor | Brunswick | 41547 |
| P | | |
| Paginas Rotas | Victor | 46980 |
| Pajarita, La | Victor | 32039 |
| Pajarito Borinqueno | Victor | 46538 |
| Palmera | Victor | 32093 |
| | " | 32094 |
| Palomita, La | Victor | 3059 |
| | " | 82172 |
| | " | 82151 |
| | " | 708 |
| | " | 3046 |
| | " | 75490 |
| | Columbia | 5608 |
| | Decca | 10275 |
| | Brunswick | 8961 |
| Palomita Palomita | Victor | 46920 |
| Palomita Ranchera | Victor | 32083 |
| Palomitas, Las | Victor | 82623 |
| | Columbia | 5821 |
| Palo Verde | Victor | 81398 |
| Panchita, La | Victor | 3059 |
| | " | 82242 |
| | " | 82382 |
| | " | 82172 |
| | " | 7410 |
| | " | 3050 |
| | " | 75497 |
| | Decca | 10260 |
| | Columbia | 5629 |
| | Brunswick | 9030 |
| | " | 9004 |
| | " | 8989 |
| Panguelero, El | Victor | 30735 |
| | " | 30805 |
| | Brunswick | 41523 |
| Pa Que Me Buscas | Victor | 32004 |
| Para no Darme Cuenta | Victor | 46585 |
| Pa Ran Pan Pan | Victor | 26565 |
| | " | 82685 |
| | " | 76056 |
| | " | 76152 |
| | Columbia | 5879 |

| Title | Company | Number |
|---|---|---|
| **Para Ti** | Victor | 46613 |
| | " | 30638 |
| | Columbia | 5929 |
| | " | 30638 |
| | Brunswick | 9245 |
| **Patron, El** | Brunswick | 8985 |
| **Pecador** | Columbia | 5681 |
| **Pedacito de Sol** | Victor | 3274 |
| | " | 75694 |
| | " | 76981 |
| | " | 8314 |
| | Decca | 10334 |
| **Pedro El Pelu** | Victor | 75245 |
| **Penas** | Victor | 46371 |
| **Penas de Pierrot, Las** | Victor | 30677 |
| **Pense Que Valverias** | Victor | 32728 |
| **Perdone Por Dios** | Victor | 46442 |
| **Perfidia** | Victor | 75940 |
| | " | 75939 |
| | " | 76074 |
| | " | 75939 |
| | " | 82682 |
| | " | 10626 |
| | " | 75940 |
| | " | 26334 |
| | " | 7674 |
| | " | 82690 |
| | " | 38849 |
| | Columbia | 5881 |
| | " | 5887 |
| | " | 5898 |
| | Brunswick | 9220 |
| | Decca | 21002 |
| | " | 21032 |
| **Perfil** | Victor | 75178 |
| **Perfume de Gardenia** | Victor | 32602 |
| | Decca | 10265 |
| **Perlas de Tu Boca, La** | Victor | 37641 |
| | " | 32188 |
| | " | 30769 |
| **Pervertida** | Victor | 30323 |
| **Petate, El** | Victor | 75309 |
| | " | 2909 |
| | " | 2906 |
| | " | 32978 |
| | " | 75474 |
| | " | 32702 |
| | Columbia | 5520 |
| | Brunswick | 8863 |
| | " | 8876 |
| **Piedrecita Del Camino** | Victor | 46541 |
| **Pin Pon** | Victor | 32366 |
| **Piripiti** | Victor | 82269 |
| | " | 82123 |
| | Columbia | 5628 |
| **Piruli** | Victor | 32617 |
| | Columbia | 5429 |
| | Decca | 10360 |
| | " | 1120 |
| | " | 10159 |
| **Pobre Lola** | Victor | 30875 |
| **Poco A Poquito** | Victor | 46899 |
| | Brunswick | 9089 |
| | Decca | 10279 |
| **Por Ahi Dicen** | Brunswick | 9089 |
| | Decca | 10271 |
| **Porque Regresas Tu** | Victor | 82677 |
| **Porque Tus Ojos** | Victor | 82329 |
| **Por Si No Te Vuelvo A Ver** | Victor | 30078 |
| **Portenita Mia** | Victor | 3290 |
| | " | 75955 |
| **Por Ti Aprendi A Querer** | Victor | 32103 |
| | " | 32859 |
| | Brunswick | 8906 |
| | Columbia | 5544 |
| **Por Tu Amor Mi Vida Diero** | Brunswick | 41627 |
| **Por Ultima Vez** | Victor | 74509 |
| **Pregon de Las Flores** | Victor | 46300 |
| **Pregunta** | Victor | 3386 |
| | " | 82869 |
| | " | 76115 |
| | Columbia | 5957 |

| Title | Company | Number |
|---|---|---|
| Pregunta—*Continued* | Decca | 21034 |
| | Brunswick | 9275 |
| Prenda Del Alma (Prenda De Mi Vida) | Columbia | 46738 |
| Presagio | Victor | 82887 |
| Presidente Ortiz Rubio | Victor | 46718 |
| | " | 46706 |
| Pretenciosa | Victor | 46958 |
| | " | 46470 |
| Primavera | Victor | 30849 |
| Princesa | Victor | 24632 |
| Prisionero, El | Victor | 46712 |
| | Columbia | 5514 |
| Puerquito Pinto | Victor | 46878 |
| Punal, Un | Victor | 32181 |
| Punalada | Victor | 3009 |
| | " | 82068 |
| | " | 75060 |
| | " | 75168 |
| Purisima | Victor | 82623 |
| | Columbia | 5900 |
| Pu Ru Pu Pu Ru | Victor | 32399 |
| **Q** | | |
| Que Felicidad | Victor | 32076 |
| Que Le Den | Victor | 30666 |
| Que Me Importa | Victor | 75488 |
| | Brunswick | 8987 |
| | Decca | 10386 |
| | " | 10397 |
| | Columbia | 5673 |
| Que Orgullo Tiene | Victor | 46845 |
| Que Puntada | Victor | 76211 |
| Que Sera | Victor | 75470 |
| | " | 75436 |
| | Brunswick | 8928 |
| | Columbia | 5669 |
| Que Te Importa | Victor | 3306 |
| | " | 82970 |
| | " | 75662 |
| | " | 75989 |
| | " | 8590 |
| | " | 75671 |
| | Brunswick | 9181 |
| | " | 9063 |
| | Columbia | 5714 |
| | " | 5894 |
| Quien | Victor | 33073 |
| Quiereme | Victor | 32018 |
| Quiero Besar Tu Boca | Victor | 30707 |
| Quiero Decirte | Victor | 82678 |
| | " | 75950 |
| | " | 46588 |
| | Columbia | 5888 |
| Quimbamba | Victor | 26302 |
| | " | 75169 |
| | " | 32591 |
| | Decca | 1102 |
| | " | 11059 |
| | Columbia | 5354 |
| Quimbera | Victor | 32594 |
| Quisiera Estar En Casa | Brunswick | 41613 |
| Quisiera Olvidar Tus Ojos | Victor | 1646 |
| Quisiera Ser | Columbia | 5727 |
| **R** | | |
| Rachel | Victor | 30771 |
| Rebambaramba | Victor | 82229 |
| | " | 3080 |
| Recien Casado, El | Victor | 46788 |
| Recuerdos | Brunswick | 41618 |
| Recuerdo Andaluz | Victor | 46300 |
| Recuerdos de Borinquen | Victor | 30750 |
| Redencion | Victor | 82340 |
| | " | 32985 |
| | " | 2956 |
| Reina | Columbia | 5582 |
| Reina Mora | Brunswick | 41602 |
| Reloj, El | Victor | 76053 |
| Rifle, El | Victor | 82520 |
| | " | 82580 |
| Rincon Mexicano | Brunswick | 9086 |
| | Columbia | 5703 |
| Rita | Victor | 30871 |

| Title | Company | Number |
|---|---|---|
| Rizos de Oro | Victor | 30717 |
| Romance | Victor | 82649 |
| | " | 82982 |
| | " | 32066 |
| | Columbia | 5945 |
| | Decca | 21036 |
| | " | 21072 |
| Rosa | Victor | 37068 |
| | " | 46922 |
| Rosa Oriental, La | Victor | 30143 |
| Rumba en el Cacique, La | Victor | 30718 |
| **S** | | |
| Salambo | Victor | 82328 |
| | " | 25785 |
| | " | 161 |
| Santa | Victor | 30700 |
| | Columbia | 5038 |
| Sara | Victor | 30328 |
| Se Acabo El Platanar Tormento Guajiro | Victor | 30899 |
| Se Bastanta | Victor | 82977 |
| Se Fue La Comparsa | Victor | 32430 |
| | Decca | 18003 |
| Seis Jibaro | Victor | 30142 |
| Senora Tentacion | Victor | 32746 |
| | " | 30712 |
| | Brunswick | 41467 |
| | Columbia | 5035 |
| Senorita | Victor | 30699 |
| Serenata | Victor | 32052 |
| Se Rompio La Batea | Victor | 32020 |
| Serpentina | Victor | 30990 |
| Se Te Ve | Victor | 30988 |
| Shunca, La | Victor | 82448 |
| | " | 3229 |
| | " | 82480 |
| | " | 75693 |
| | Brunswick | 9101 |
| | Columbia | 5726 |
| | Decca | 10334 |
| Siempre Fuerte | Victor | 32149 |
| Siempre Lloro | Victor | 46769 |
| Silencio | Victor | 30720 |
| | " | 32100 |
| | " | 32137 |
| | " | 2436 |
| Sin Ella | Victor | 76114 |
| Si Supieras | Victor | 32234 |
| | Columbia | 5683 |
| Sitiera, La | Victor | 32861 |
| | " | 32319 |
| | " | 30884 |
| | Columbia | 5403 |
| Si Yo Fuera Un Marino | Columbia | 5342 |
| Si Yo Pudiera | Victor | 46980 |
| Sola Y Triste | Victor | 82466 |
| | " | 32616 |
| | Columbia | 5399 |
| Solo Tu | Victor | 46682 |
| | Columbia | 46682 |
| Songoro Cosongo | Victor | 30830 |
| Soy Para Ti | Victor | 76134 |
| Sucedio | Victor | 82229 |
| Sueno Guajiro | Victor | 82849 |
| | " | 76179 |
| Sueno, Un | Victor | 46970 |
| Suspiro, Un | Victor | 76174 |
| | Decca | 21049 |
| **T** | | |
| Taboga | Victor | 82121 |
| | " | 32876 |
| Tabu | Victor | 75206 |
| | " | 24631 |
| | " | 24840 |
| | " | 32115 |
| | Brunswick | 7490 |
| | Columbia | 5296 |
| | " | 5293 |
| | Decca | 2070 |
| | " | 10243 |
| | " | 10361 |

| Title | Company | Number |
|---|---|---|
| **Talisman** | Victor | 82815 |
| | “ | 3329 |
| | “ | 8601 |
| | “ | 30660 |
| **Tanto y Tanto** | Victor | 32398 |
| **Tapatia** | Victor | 32345 |
| | “ | 102 |
| | “ | 32345 |
| **Tehuanita** | Victor | 46832 |
| **Tehuantepec** | Victor | 82779 |
| | Decca | 10335 |
| **Temporal** | Victor | 46237 |
| **Tengo Fe En Ti** | Victor | 30767 |
| **Te Quiero Mas Que A Mi Vida** | Victor | 46611 |
| **Te Quiero Dijiste** | Victor | 30078 |
| | “ | 32711 |
| | “ | 30861 |
| | Columbia | 30078 |
| | Brunswick | 41625 |
| **Three Nine Eight (398)** | Victor | 32041 |
| **Tierra Brava** | Victor | 75746 |
| **Tierra Divina** | Victor | 32419 |
| **Todo Depende De Ti** | Victor | 30871 |
| **Todo Para Ti** | Victor | 82158 |
| | “ | 82110 |
| | “ | 75450 |
| | “ | 32699 |
| | Brunswick | 9027 |
| | Columbia | 5571 |
| **Toro Coquito, El** | Victor | 75492 |
| | “ | 3083 |
| | Brunswick | 8986 |
| | Columbia | 5621 |
| | Decca | 10254 |
| **Tortitas** | Columbia | 5423 |
| **Traicion** | Victor | 32920 |
| | “ | 82112 |
| | Columbia | 5566 |
| | Brunswick | 9034 |
| | Decca | 10263 |
| **Traidores Labios Rojos** | Victor | 30923 |
| **Tras La Tempestad** | Victor | 30840 |
| **Triguenita** | Victor | 30785 |
| | “ | 24449 |
| | Decca | 10244 |
| **Tu Me Haces Falta** | Victor | 2948 |
| | “ | 82014 |
| | “ | 32585 |
| | Columbia | 5346 |
| | Brunswick | 8713 |
| **Tu No Comprendes** | Victor | 76059 |
| | “ | 82696 |
| | “ | 82990 |
| | “ | 82724 |
| | “ | 82772 |
| | Columbia | 5852 |
| | “ | 5957 |
| | Decca | 21011 |
| | “ | 21004 |
| | Brunswick | 9275 |
| **Tu No Yo Si** | Victor | 32191 |
| **Tu Partida** | Brunswick | 8877 |
| | Victor | 32886 |
| | “ | 75172 |
| **Tu Sourisa** | Victor | 46850 |
| **Tus Pupilas** | Victor | 30705 |
| | “ | 30924 |
| **Tu Traicion** | Columbia | 5342 |
| **Tu Ya Es Mi Vida** | Victor | 30779 |
| **Tu Ya No Soplas** | Victor | 3067 |
| | “ | 82266 |
| | “ | 82988 |
| | “ | 3046 |
| | “ | 7406 |
| | “ | 82518 |

| Title | Company | Number |
|---|---|---|
| **Tu Ya No Soplas**—*Continued* | Victor | 82151 |
| | “ | 82219 |
| | “ | 82222 |
| | “ | 82097 |
| | “ | 75490 |
| | Brunswick | 9003 |
| | “ | 9031 |
| | “ | 8989 |
| | “ | 8939 |
| | Decca | 10284 |
| | “ | 10238 |
| | Columbia | 5607 |
| | “ | 5629 |
| **Tu y Yo** | Columbia | 5327 |
| **U** | | |
| **Ultimo Adios** | Columbia | 704108 |
| **Una Vez Mas** | Victor | 3063 |
| | Brunswick | 9072 |
| | Decca | 10283 |
| | Columbia | 5722 |
| | “ | 5751 |
| **Uno Dos Tres** | Victor | 82550 |
| | “ | 83014 |
| | Decca | 21003 |
| | “ | 18001 |
| **V** | | |
| **Valencia** | Victor | 75182 |
| | “ | 32860 |
| | “ | 75182 |
| **Valor me Sobra** | Victor | 46788 |
| **Vano Empeno** | Brunswick | 41576 |
| **Ven Aca** | Victor | 83062 |
| **Venenosa** | Victor | 46172 |
| | Brunswick | 46610 |
| **Ven Junto A mi** | Decca | 21008 |
| | **Columbia** | 5742 |
| **Viajera** | Victor | 3078 |
| | “ | 75206 |
| | “ | 82153 |
| **Vida Es Sonar, La** | Victor | 32018 |
| **Vida Mia** | Columbia | 5330 |
| **Virate Tu** | Victor | 30997 |
| **Viva el Presidente Gil** | Victor | 46706 |
| **Volo** | Victor | 32039 |
| **Volveras** | Decca | 21071 |
| | “ | 21085 |
| **Vuelve** | Brunswick | 9027 |
| | “ | 41618 |
| | Victor | 75210 |
| | Decca | 10330 |
| **X** | | |
| **Xochimilco** | Victor | 75313 |
| | Columbia | 5521 |
| **Y** | | |
| **Ya Lo Ves** | Victor | 76205 |
| **Yanina** | Brunswick | 41627 |
| **Ya No Alumbra Tu Estrella** | Victor | 82084 |
| | Columbia | 5489 |
| **Ya No Te Quiero** | Brunswick | 9032 |
| | “ | 9049 |
| | “ | 9060 |
| | Victor | 82227 |
| | “ | 75578 |
| | Columbia | 5654 |
| | Decca | 10296 |
| **Y Le Dije Asi** | Victor | 30324 |
| **Yo Quiero A Mi Islita** | Victor | 30997 |
| **Yo Ta Cansa** | Victor | 32976 |
| **Y Que Noche Aquella** | Columbia | 5659 |
| **Ysabel** | Victor | 46957 |
| **Yumuri** | Victor | 32303 |
| **Z** | | |
| **Zafiro** | Victor | 32595 |
| **Zuni Zuni** | Victor | 82268 |

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral argument in a broadcast case will be held before the Commission during the week beginning Monday, October 28. It is subject to change.

### Thursday, October 31

Oral Argument Before the Commission

Report No. B-124:

NEW—Worcester Broadcasting Corp., San Diego, Calif.—C. P., **1420 kc.,** 250 watts night, 250 watts LS, unlimited time.

## FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

### December 2 and 3

Oral Argument Before the Commission

In the Matter of the Investigation of Chain Broadcasting.—Limited to issues of fact and policy raised by the report of the Chain Broadcasting Committee.

### December 12

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts night, 100 watts LS, unlimited time.

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.,** 50 KW night, 50 KW LS, specified hours.

### December 16

NEW—Harbenito Broadcasting Company, Harlingen, Tex.—C. P., **1420 kc.,** 250 watts night, 250 watts day, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

WJAR—The Outlet Company, Providence, R. I.—Granted construction permit to increase night power from 1 to 5 KW; move transmitter from Rumford, E. Providence, to Wampanoag Trail, E. Providence, five miles southeast of center of Providence; install new directional antenna with different adjustments for day and night use; **890 kc.,** 5 KW day, unlimited time (B1-P-2192).

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted construction permit to increase night power from 1 to 5 KW, and make changes in directional antenna; **890 kc.,** 5 KW day, unlimited time (B3-P-2570).

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted construction permit to increase night power from 1 to 5 KW, and make changes in directional antenna; **890 kc.,** 5 KW day, unlimited time (B2-P-2913).

WBAA—Purdue University, W. Lafayette, Ind.—Granted construction permit to increase power from 1 KW day, 500 watts night, to 1 KW night, 5 KW until local sunset, operating on **890 kc.;** increase hours of operation from specified to unlimited; move transmitter to 5 miles south of Lafayette, and install directional antenna for night use (B4-P-2604).

WBRY—American Republican, Inc., Waterbury, Conn.—Granted construction permit to install new transmitter, change directional antenna system, and increase power from 1 to 5 KW, operating unlimited time on **1530 kc.** (B1-P-2756).

KFUN—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Granted modification of construction permit (B4-P-2374) for increase in night power from 100 to 250 watts, approval of new transmitter, antenna and site at Charleston Blvd., 1.8 miles east-southeast of center of Las Vegas; **1420 kc.,** 250 watts day, unlimited time (construction permit only) (B5-MP-1037).

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW unlimited; **920 kc.** (B5-P-2848).

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted construction permit to move transmitter locally, install new transmitting equipment, install directional antenna for night use, and increase power from 1 KW night, 5 KW day, to 5 KW, unlimited time; **1320 kc.** (B4-P-2726).

KENO—Nevada Broadcasting Co., Las Vegas, Nev.—Granted modification of construction permit (B5-P-2355) for approval of transmitter location and antenna, change in type of transmitter, and increase in night power from 100 to 250 watts; **1370 kc.,** 250 watts day, unlimited time (construction permit only) (B5-MP-1023).

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted construction permit to increase power from 250 watts to 1 KW, change frequency from **1310** to **1360 kc.,** and install new transmitter and directional antenna for night use (B3-P-2525).

KLPM—John B. Cooley, Minot, N. Dak.—Granted modification of license to increase nighttime power from 500 watts to 1 KW, upon compliance with Rule 3.45; **1360 kc.,** 1 KW day, unlimited time (B4-ML-651).

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted modification of construction permit as modified for move of transmitter, antenna changes, and increase in night power from 100 to 250 watts; **1210 kc.,** 250 watts day, unlimited time (B4-MP-1019).

KPRC—Houston Printing Corp., Houston, Tex.—Granted construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW unlimited; **920 kc.** (B3-P-2791).

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted construction permit to install new transmitter, increase power from 500 watts day to 1 KW day, and extend commencement and completion dates 60 days after grant and 180 days thereafter; **1120 kc.,** specified hours (B3-MP-1006).

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted construction permit to increase power from 1 KW to 5 KW day and night, install new transmitter and directional antenna for day and night use; **920 kc.** (B5-P-2577).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted construction permit to install new transmitter and increase power from 1 KW to 5 KW, using directional antenna at night; **920 kc.,** unlimited (B2-P-2658).

## SCHEDULED FOR HEARING

KOWH—World Publishing Co., Omaha, Nebr.—Application for construction permit to change frequency from **660 kc.** to **890 kc.;** increase power from 500 watts to 5 KW; increase hours of operation from day only to unlimited; move transmitter site; install new transmitter, and directional antenna for night use; requests facilities of KUSD and KFNF (B4-P-2728).

KUSD—University of South Dakota, Vermillion, S. Dak.—Application for construction permit to install new vertical antenna; change frequency from **890 kc.** to **660 kc.;** change hours of operation from 500 watts night and day to 500 watts daytime, shares KFNF; to be heard jointly with above application of KOWH and application for renewal of license of KFNF, Shenandoah, Iowa (B4-P-2724).

WNAX—South Dakota Broadcasting Corp., transferor, Iowa Broadcasting Co., transferee, Yankton, S. Dak.—Application for consent to transfer of control of Station WNAX from South Dakota Broadcasting Corp. to Iowa Broadcasting Co.; **570 kc.,** 1 KW night, 5 KW day, unlimited time (B4-TC-223).

## RENEWAL OF LICENSES

WJHP—The Metropolis Co., Jacksonville, Fla.—Present license further extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period November 1 to December 1, 1940 (B3-S-1083).

WDAK—Valley Broadcasting Co., West Point, Ga.—Present license extended for the period November 1, 1940, to March 29, 1941, pending further consideration on application for renewal (B3-S-1081).

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich. —Present license extended for the period November 1, 1940, to March 29, 1941, pending further consideration on application for renewal (B3-S-1071).

The following relay stations were granted renewal of licenses for the regular period:

WADA, Charleston, W. Va.; WASJ, WYNK, WNYL, WNYN, WNYO, New York City; WEHL, Bangor, Me.; KBQB, Juneau, Alaska; WMVB, Dayton, Ohio; KABF, Sacramento, Cal.; WAID, Syracuse, N. Y.; WAUQ, WGBE, Syracuse, N. Y.; KNEB, Tacoma, Wash.; KNEC, Tacoma, Wash.; WATS, Akron, Ohio; WATD, South Bend, Ind.; WAEB, Macon, Ga.; WAIN, Peoria, Ill.; WEKH, Peoria, Ill.

Renewal of licenses for the following Relay Stations were granted in part, for the period ending October 1, 1941, deleting the frequency 2022 kilocycles, heretofore assigned said stations and substituting the frequency 2074, subject to condition that no interference is caused to Government stations on adjacent channels:

KIEO, San Diego, Cal.; WAAS, WENM, Detroit, Mich., and KALO, Salt Lake City, Utah.

## MISCELLANEOUS

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 to 8 p. m., October 17, in order to broadcast Paul Dever for Governor program only (B1-S-886). Also to operate from 9:30 to 10 p. m., EST, October 18, in order to broadcast a speech by Mayor La Guardia on behalf of President Roosevelt only.

WRMO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (October, 5:15 p. m., CST) to 11 p. m., CST, on October 21, in order to broadcast dedicatory program of the new street lights and pavement in the City of Aurora (B4-S-995).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:15 to 6:30 p. m., EST, October 21, 28, Nov. 2, 3, 4, 1940, in order to broadcast political programs sponsored by Rep. Charles R. Clason only (B1-S-886).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF from 7:30 to 8 p. m., October 16, in order to permit WGBF to broadcast a speech by Wendell Willkie, and from 8:30 to 9 p. m., CST, October 16, in order to permit WGBF to broadcast a speech by Thomas Dewey only, with power reduced to 250 watts (B4-S-624).

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted same as above, except simultaneously with KFRU in order to broadcast above speeches (B4-S-490).

WCSC—So. Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted petition for dismissal without prejudice of application for construction permit to operate on **1360 kc.**, 1 KW, unlimited time (B3-P-2252).

Thomas J. Watson, Endicott N. Y.—Granted petition to accept amendment to application for construction permit to change frequency from **1240** to **1420 kc.** (B1-P-1679).

WWL—Loyola University, New Orleans, La.—Granted petition for postponement of hearing for period of 30 days from November 12, on application for renewal of license (B3-R-447).

WWJ—The Evening News Assn., Detroit, Mich.—Granted construction permit to make changes in transmitting equipment, increase night power from 1 to 5 kilowatts, install directional antenna for night use limiting the inverse distance field intensity at one mile from the antenna on the bearing 172.5° true to 207 mv/m when referred to an 0.311 wavelength antenna; antenna specifications subject to approval of the Commission.

WGY—General Electric Co., Schenectady, N. Y.—Granted petition for reconsideration and grant without hearing the application for renewal of license and auxiliary; the hearing on application cancelled, and application for renewal granted.

Findlay Radio Company, Findlay, Ohio.—Dismissed the protest and request for rehearing filed August 5, 1940, requesting the Commission to reconsider its action of July 16, 1940, granting the application of Marion Broadcasting Co., for a construction permit for a new local broadcast station on frequency **1500 kc.**

WCLS—WCLS, Inc., Joliet, Ill.—Dismissed the petition requesting a waiver of the provisions of Sec. 1,368 of the Commission's Rules and application for modification of license (B4-ML-1033); ordered that the application of WCLS for modification of construction permit (B4-MP-824), be granted, insofar as it requests unlimited time operation on **1310 kc.**, without prejudice to the later consideration of the remainder of the request contained therein; and the license of WCLS modified to authorize station to operate on its presently assigned frequency (**1310 kc.**), with 100 watts, unlimited time.

WARM—Union Broadcasting Co., Inc., Scranton Pa.—Designated for hearing the pending application for license for new station to operate on **1370 kc.**, with 250 watts, unlimited time; construction permit for the new station was authorized January 26, 1940. Program tests to continue pending hearing.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from sign-off (October, 5:45 p. m. and November, 5:15 p. m., CST) to 8 p. m., CST, for the period ending not later than November 3, 1940, in order to broadcast political speeches only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. October 25, 1940, and from 8:30 p. m. to 9 p. m., EST, October 21, 1940, in order to broadcast programs sponsored by the National Democratic Committee only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m., October 25, 9:30 p. m. to 10 p. m. October 28, 7:45 p. m. to 8 p. m. October 31, 9 p. m. to 9:30 p. m. October 31, 10:15 p. m. to 11 p. m. November 1, 6:45 p. m. to 7 p. m., EST November 4, 1940, in order to broadcast political programs only as described in letter dated October 11, 1940.

Pan-American Broadcasting System, Inc., Hollywood, Fla.; Keys Broadcasting Co., Key West, Fla.; Atlantic Broadcasting Corp., Miami, Fla.; Central Broadcasting Corp. Sanford, Fla.; Seaboard Broadcasting Corp., Tampa, Fla.; Atlantic Broadcasting Corp., West Palm Beach, Fla.; Carl Sholtz, Miami, Fla.—Designated for hearing the applications to establish seven new standard radiobroadcast stations in the State of Florida, contemplating the construction and operation of three regional and four local stations; the three regional stations to be located at Tampa, West Palm Beach and Miami; the four local stations at Key West, Hollywood, Ft. Pierce and Sanford.

WABI—Community Broadcasting Service, Inc., Bangor, Me.; William H. Rines, Portland, Me.—Denied petition for reconsideration and hearing of WABI, and the petition for hearing or rehearing of William H. Rines, in re the grant of a construction permit to Portland Broadcasting System, Inc. (WGAN), Portland, Maine, to change frequency from **640** to **560 kc.**, increase power from 500 watts to 5 KW, using a directional antenna at night, and increase hours of operation from limited to unlimited, which was granted without a hearing on July 16, 1940; and ordered that the application of WABI to change its frequency from **1200** to **560 kc.**, and increase power from 250 watts to 1 KW, and the application of William H. Rines for construction permit to erect a new station in Portland, Me., to operate on **560 kc.**, 5 KW day, 1 KW night, using directional antenna at night, be designated for hearing and further hearing respectively.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 p. m. to 4:30 p. m., CST, October 26, 1940, and from 7:45 p. m. to 10:30 p. m., CST, November 1, 1940, in order to broadcast university football games only.

WNBI—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to change frequency from **11820** to **11890 kc.**, subject to the condition that no interference is caused to any other international broadcast station having priority of registration on same or adjacent frequencies, for the period November 1, 1940, to not later than February 1, 1941.

WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from 6:30 p. m. to 7 p. m., EST, for the period beginning October 18, 1940, to not later than October 31, 1940, in order to broadcast program relative to information regarding the draft (B1-S-241).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10:30 p. m. to 11 p. m., EST, October 18, 1940, in order to broadcast an address by Secretary Ickes only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., EST, to the conclusion of a high school football game on October 18, 1940, in order to broadcast football game only.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from local sunset (October, 5:45 p. m., EST) to midnight, EST, October 25, 1940, in order to broadcast the second anniversary of the opening of Radio Station WPIC.

Jewell Lee Noble, Earl Harris and Harry Bell, d/b as No-Bel Radio Burglar Alarm—Amended Commission Order of October 11, 1940, directing the taking of depositions of witnesses named therein on its own behalf, to include the witness from the Alameda County Sheriff's Office, and to show the facts about which he will testify.

WJHP—The Metropolis Company, Jacksonville, Fla.—Ordered that the request of WJHP for additional time within which to answer the petition for rehearing filed by Florida Broadcasting Co. (WMBR) be granted, and the time within which WJHP may file its answer to said petition was extended to and including October 25, 1940.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition for rehearing directed against the action of the Commission, September 4, 1940, granting the application of Amarillo Broadcasting Corp. (KFDA), Amarillo, Texas, for modification of license to change frequency from **1500** to **1200 kc.**

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.; WSSJ, Puerto Rico Advertising Co., San Juan, P. R.; Puerto Rico Advertising Co., Arecibo, P. R.—Designated for hearing the application of WPRA for renewal of license; reconsidered and designated for hearing the application for permit to construct station WSSJ at San Juan, and designated for hearing the application of Puerto Rico Advertising Co., Inc., for construction permit to erect a new station at Arecibo, P. R.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m. October 22, from 9:30 p. m. to 10 p. m. October 23, 29 (in order to broadcast Pennsylvania Republican State Committee program instead of program sponsored by the Massachusetts Republican State Committee as authorized by grant of September 9, 1940), from 8:30 p. m. to 9 p. m. October 29, from 8 p. m. to 9 p. m. November 1, from 12 to 1 a. m., EST, November 4, 1940, in order to broadcast political programs as described in letter dated October 17, 1940, only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. October 22 (in order to broadcast a speech by Wendell Willkie instead of Republican State Committee of Massachusetts program as authorized by grant of October 3, 1940), from 9 p. m. to 9:30 p. m. October 22, 23, 25, from 10 p. m. to 10:45 p. m., EST, November 1, 1940 (in order to broadcast Republican Committee program instead of Massachusetts Democratic State Committee program originally scheduled for 10:15 to 11 p. m. as requested in letter dated October 11, 1940), in order to broadcast political programs as described in letter dated October 16, 1940, only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:30 p. m. to 8 p. m., CST, October 25, 1940, in order to permit WGBF to broadcast a speech by Wendell Willkie only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above in order to broadcast speech by Wendell Willkie only.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from local sunset (October, 5:45 p. m., EST) to midnight, EST, October 25, 1940, in order to broadcast the second anniversary of the opening of Radio Station WPIC.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts from 8:45 p. m. to 9:30 p. m. October 24, from 7:30 p. m. to 8 p. m. October 25, 8 to 8:30 p. m., CST, October 28, 1940, in order to permit WGBF to broadcast political speeches as described in telegram received October 18, 1940, and from 9 to 10 p. m. October 22, 7:30 p. m. to 8 p. m. October 24, and 9 to 10 p. m., CST, October 29, 1940, in order to broadcast Republican State political programs only.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 5 p. m. to 5:30 p. m. CST, October 27, 1940, in order to broadcast a special Rally-Day program by the Norwegian Lutheran Church of America only.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1:45 p. m. to 2:30 p. m., and from 3:30 p. m. to 4:30 p. m. CST, October 26, 1940, in order to broadcast football game only (provided KGCA remains silent).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m. PST, October 25, November 1, 11, and 21, 1940, in order to broadcast football games as described in letter dated October 7, 1940, only.

WMAM—M & M Broadcasting Co., Marinette, Wisc.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m. CST), to 10 p. m. CST, October 23, November 3 and 4, 1940, in order to broadcast political programs only and from local sunset November 5, 1940, to local sunrise (November, 6:45 a. m. CST), November 6, 1940, in order to broadcast election returns only.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted special temporary authority to operate on a frequency of **44.1 mc.** instead of **43.4 mc.**, in order to continue experiments in rebroadcasting high frequency broadcast station W2XMH emissions which are to be rebroadcast by W1XOJ, for a period not to exceed 30 days.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from local sunset (November, 5 p. m. EST), to 6 p. m. EST, November 2, 9, 16, and 23, 1940, in order to broadcast football games only.

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate with 1 KW power from 9:30 p. m. to 10 p. m., October 28, 1940, and from 8:30 p. m. to 9 p. m., October 30, and from 9 p. m. to 11 p. m., CST, November 4, 1940, in order to broadcast speeches by President Roosevelt and other Democratic leaders only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above on October 24, 25, 28, except in order to broadcast political speeches as described in telegram received, and on October 22, 24, 29, in order to permit KFRU to broadcast Republican State political programs only.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 1 p. m. to 3 p. m., EST, November 21, 1940, in order to broadcast the annual football game and other programs of a holiday character (provided WOSU remains silent).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to move transmitter from Tonawanda to Town of Hamburg, N. Y.; install directional antenna for night use; and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended to make changes in directional antenna and omit request for increase in power.

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit for reinstatement of construction permit (B1-P-2601) to install new transmitter, make changes in directional antenna system, increase power, and move transmitter.

### 610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Construction permit to make changes in directional antenna system.

NEW—West Publishers, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on **610 kc.,** 1 KW, unlimited time, directional antenna for night use, Class III-B station. Amended re corporate structure.

### 620 Kilocycles

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—License to cover construction permit (B3-P-2715) for changes in directional antenna system, and increase in power.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Authority to determine operating power by direct measurement of antenna power.

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—License to cover construction permit (B3-P-2681) for increase in power and changes in directional antenna system (night use only).

NEW—Frequency Broadcasting Corp., Borough of Brooklyn, N. Y., N. Y.—Construction permit for a new broadcast station to be operated on **620 kc.,** 500 watts, daytime.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) as modified for move of transmitter and installation of directional antenna for day and night use, requesting extension of completion date from 11-6-40 to 12-6-40.

### 880 Kilocycles

WRNL—Richmond Radio Corp., Richmond, Va.—Construction permit to install new transmitter, make changes in directional antenna for night use, and increase power from 1 KW to 5 KW.

### 950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for change in power and installation of directional antenna for night use, requesting extension of completion date from 11-5-40 to 12-5-40.

### 1200 Kilocycles

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Modification of construction permit (B2-P-2871) as modified for a new station, requesting change in type of transmitter.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Modification of construction permit (B3-P-2775) for a new station, requesting change in type of transmitting equipment.

### 1210 Kilocycles

WLOK—The Fort Industry Co., Lima, Ohio.—License to cover construction permit (B2-P-2506) as modified for increase in power and installation of new transmitter.

### 1230 Kilocycles

WALB—The Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) for a new station, requesting change in frequency from **1230** to **1530 kc. (1590 kc.** under N.A.R.A.); change hours of operation from daytime to unlimited time, using 1 KW power; make changes in equipment; install directional antenna for night use; change studio site to same as transmitter; extend commencement and completion dates from 8-25-40 and 2-25-41 to 30 days after grant and 90 days thereafter, respectively.

### 1310 Kilocycles

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Construction permit for a new broadcast station to be operated on **1310 kc.,** 100 watts night, 250 watts day, unlimited time. Amended to change studio site to site to be determined and antenna to be determined, also change type of transmitting equipment.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

NEW—Tropical Broadcasting Co., DeLand, Fla.—Construction permit for a new broadcast station to be operated on **1310 kc. (1340 kc.** under N.A.R.A.) (Class IV station), 250 watts, unlimited time.

### 1370 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Modification of construction permit (B5-P-2610) for change in frequency, increase in power; move of transmitter; new antenna and transmitter, further requesting authority to install new transmitter, approval of antenna system, and approval of transmitter site.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new station to be operated on **1370 kc.,** 250 watts, unlimited time, Class IV station. Amended re correct geographic location.

WAGF—John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Authority to determine operating power by direct measurement of antenna power.

NEW—Martin Anderson, Macon, Ga.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time.

NEW—Radio Corporation of Orlando, Orlando, Fla.—Construction permit for a new station to be operated on **1370 kc.,** 250 watts, unlimited time, Class IV station. Amended to give transmitter site as site to be determined, Orlando, Fla.

### 1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit (B3-P-2572) for increase in power and installation of directional antenna for night use.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—License to cover construction permit (B3-P-2858) as modified for a new station.

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Authority to determine operating power by direct measurement of antenna power.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time.

### 1500 Kilocycles

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Modification of construction permit (B2-P-2251) for a new station, requesting approval of antenna, approval of transmitter and studio sites and installation of new transmitter.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Authority to determine operating power by direct measurement of antenna power.

NEW—James Freeman Holmes, Valdosta, Ga.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 250 watts, unlimited time. Amended to make antenna changes.

### 1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—License to cover construction permit (B2-PSB-14 as modified for a new station.

WAKR—Summit Radio Corp., Akron, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) as modified for increase in power, move of transmitter, and new equipment, requesting further changes in equipment; installation of directional antenna for day and night use, increase power from 5 to 10 KW, change frequency from **1550** to **1560 kc.;** Class I-B, in accordance with N.A.R.A.;

extend commencement date and completion date from 8-5-40 and 2-5-41 to 30 days after grant and 180 days thereafter, respectively.

### FM APPLICATIONS

NEW—Frequency Broadcasting Corp., Borough of Brooklyn, N. Y., N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43,700 kc.** Coverage: 14,400 square miles. Population: 11,900,000.

### TELEVISION APPLICATION

W2XBB—Bamberger Broadcasting Service, Inc., New York, N. Y. —Modification of construction permit (B1-PVB-42) for a new television broadcast station, requesting approval of antenna and approval of transmitter site at 444 Madison Ave., New York, N. Y.

### MISCELLANEOUS

WEHX—United Broadcasting Co., Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as with Standard Broadcast Station WHK, Cleveland, Ohio.

WEHU—United Broadcasting Co., Portable-Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, .Cleveland, Ohio.

WEHV—United Broadcasting Co., Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, Cleveland, Ohio.

WRPM—United Broadcasting Co., Portable-Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, Cleveland, Ohio.

WEJP—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to operate with power of 50 watts on all frequencies.

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—Construction permit to install new transmitter and increase power from 1 KW to 150 KW.

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Modification of construction permit (B1-PIB-26) for a new international broadcast station, requesting approval of directional antenna system, add **9650 kc.** and operate unlimited time on **21520 kc.**, share time on **9650 kc.** with Station WCBX.

WCBX—Columbia Broadcasting System, Inc., near Wayne, N. J.—Modification of construction permit (B1-PIB-27) for move of transmitter, increase in power and new transmitter, requesting approval of directional antenna system and change time of operation from sharing time on **15270 kc.** with Stations WLWO and WCAB to sharing time on **15270 kc.** with Station WCAB.

W2XI—General Electric Co., New Scotland, N. Y.—Modification of license to change frequencies from **156000-162000 kc.** to **162000-168000 kc.** (Channel No. 8).

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Organization Service Corp.**—Charging a combination and conspiracy to fix and maintain prices and prevent competition in the sale of pins, paper clips and fasteners used as office supplies, a complaint has been issued against Organization Service Corporation, 74 Trinity Place, New York; Herbert S. Blake, its president and counsel; Thomas B. Jordan, its vice president, and five member manufacturing companies: Scovill Manufacturing Company, Waterbury, Conn., operating as one of its divisions The Oakville Company, Oakville, Conn.; Noesting Pin Ticket Company, Inc., New York; Vail Manufacturing Company, Chicago; F. Kelly Company, Derby, Conn., and William Prym, Inc., Long Island City, N. Y.

The complaint alleges that Thomas B. Jordan is also secretary of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute of the Organization Service Corporation; that the five manufacturing companies, while not constituting the entire membership of the two institutes, are the largest manufacturer members thereof, and that they, in conjunction with the respondents Blake and Jordan, control the institute's affairs.

Members of the two institutes, the complaint continues, represent approximately 100 per cent of all the pin manufacturers in the United States, 90 per cent of the fastener manufacturers, and 70 per cent of the paper clip manufacturers.

The complaint alleges that the respondents, acting between and among themselves, or through the two institutes of the respondent Organization Service Corporation, have, pursuant to their understanding, combination and conspiracy (1) fixed and maintained uniform prices for the sale of the products manufactured by the respondent member manufacturers; (2) maintained identical price lists on comparable products manufactured by the respondent members; (3) simultaneously changed the prices at which comparable products manufactured by the respondent members are sold either by themselves directly or as undisclosed principals through their respective distributing agents, and (4) submitted, as undisclosed principals acting through their respective distributing agents, or by other means or methods, identical or uniform bids for the sale of their products to various governmental purchasing agencies, including those of the United States Government.

The complaint further alleges that in order to make their understanding, combination and conspiracy effective, and to require observance thereof by all respondent members, by other members of the two institutes, and by other competitive manufacturers, the respondents have (1) investigated and consulted (with each other, with other institute members and with competitive manufacturers, through and by means of the service corporation, the two institutes and the respondent Jordan) with the result that they have determined the prices charged by the member manufacturers (acting either directly or as undisclosed principals of their distributing agents), by the other members and other competing manufacturers for products made by the respondent members and their competitors; (2) interchanged through the service corporation and institutes and the respondent Jordan, monthly statistics showing the value of shipments of products manufactured by members of the institutes; (3) supervised, through the same agencies, the activities of members of the institutes and competing manufacturers for the purpose and with the effect of obtaining adherence by the respondent members and their competitors to prices, terms and conditions of sale agreed upon by the respondent members, and more particularly to prevent and prohibit the quotation by the respondent members or their competitors (regardless of whether or not they are members of the institutes) of lower competitive prices for the sale of their products, and (4) offered uniform bids to governmental agencies, including those of the United States Government, and to other prospective purchasers, either directly or as undisclosed principals through and by means of their distributing agents. (4351)

**Reliance Jacket Company**—Louis Greenberg, trading as Reliance Jacket Company, 306 South 7th St., Minneapolis, has been served with a complaint alleging the sale of sports jackets and other merchandise by means of devices and plans involving the operation of lottery methods when sold and distributed to the consuming public.

Use of the respondent's sales methods, the complaint charges, is a practice contrary to an established public policy of the Federal Government and in violation of criminal laws, and is an unfair method of competition and an unfair or deceptive act or practice under the Federal Trade Commission Act. (4349)

**Spencer System**—A complaint has been issued against Spencer System, and John L. Shea, William J. Hagerty, Jean G. Mitchie and Glenda S. Hills, its trustees, 55 Belvidere St., Boston, alleging misleading representation in the sale of instruction courses in the design and fabrication of arch supports and foot exercisers, and in a system of foot correction and culture.

Through circulars and pamphlets distributed in various States, the respondents, according to the complaint, directly or indirectly represent, among other things, that the structure of the foot is simple; that anyone of ordinary intelligence who can read and write can readily master the courses in arch support making and foot culture; that by reason of such mastery and the use of the respondents' system of foot culture and arch supports, the student will be able to determine whether or not a person requires arch supports; to prescribe, design and fabricate the proper supports; to diagnose as surgical or non-surgical all foot ailments or conditions, and to correct, overcome and cure all foot troubles other than those requiring operative surgery.

The complaint alleges that in fact the adequate correction of arch troubles and ailments of the feet, and the proper designing of arch supports require, as a preliminary, a diagnosis which can be properly made only by one familiar not only with the structure and physiology of the feet, but of the rest of the body. The complaint further alleges that the knowledge necessary for the proper diagnosis of all foot troubles as surgical or non-surgical, and the application of adequate corrective or curative methods to non-surgical conditions by arch supports, exercises, or otherwise, cannot be imparted by mail in the short time indicated by the respondents, to the ordinary literate person, and cannot be acquired from the respondents' courses of instruction. (4350)

**Zone Company**—A complaint has been issued against Harry S. Benham, 620 Orleans St., Chicago, alleging misrepresentation in the sale of medicinal preparations and devices. In the sale of these products the respondent, according to the complaint, trades under the names The Zone Company, Active Merchandisers, Active Medicine, Nu-Mode Company, and American Medicine Company.

The complaint alleges that the respondent, in advertising matter distributed in various States, represents, directly and through implication, that his preparations, "Nu-Mode Vaginal Jelly", "A. M. Vaginal Jelly", "Nu-Mode Hygiene Tablets", "Vaginal Suppositories", and "Speed Nu-Mode Hygiene Douche Tablets" form safe, competent and effective preventives against conception and provide a guaranteed method of preventing pregnancy, due to their antiseptic and powerful germ-destroying properties; that their use prevents disease, and that they are effective as prophylactics, when in fact the respondent's preparations, although they may possess antiseptic properties, are not powerful germicides and do not accomplish all the results claimed.

The complaint alleges that the respondent represents the "Nu-Mode Ladies' Womb Supporters" as being comfortable, efficient and sanitary, when in fact the use of this device as advertised disregards gynecological principles.

Further misrepresentations have been made by the respondent, according to the complaint, in connection with the sale of "A. M. Athlete's Foot Salve" and "A. M. Wonder Salve" for skin irritations and ailments. (4352)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**New Method File Grinders, Inc.,** trading as Automobile Body Supply Company, 5120 South Halsted St., Chicago, has been ordered to cease and desist from making misleading representations in the sale and distribution of used and reconditioned filing tools.

Commission findings are that the respondent has purchased used and second-hand files from automobile manufacturers, garages, automobile body repair establishments and from other sources; has reconditioned or resharpened them, and, in some of its advertisements, has represented to purchasers that some of its files are water-damaged or have been through fire and damaged by water, but are otherwise new and unused.

According to findings, some of the files represented by the respondent as being water-damaged but otherwise new and unused, are files which actually have been used by mechanics and other operators, and purchased by the respondent for reconditioning and sale.

The Commission order directs the respondent to cease and desist from representing, directly or indirectly, that used and reconditioned files are new files, or are new files which have been damaged in some way, or are anything other than used files which have been reconditioned. (4020)

**Progressive Medical Company**—An order has been issued directing Blanche Kaplan, trading as Progressive Medical Company, Progressive Laboratories, Ladies Aid Company, Ladies Aid, and Ladies Aid Products, 330 South Wells St., Chicago, to cease and desist from misrepresentations in the sale of several medicinal preparations.

The order directs the respondent to cease disseminating advertisements which represent, directly or through inference, that the product "Ladies Aid No. 1 H.Y.G. Tablets" is an effective prophylactic or dependable contraceptive; that "Ladies Aid No. 4" possesses therapeutic value in the treatment of certain ailments of women beyond its use as an accessory; that "Promeco Cod Liver Oil Compound Tablets" is a new scientific discovery and constitutes an effective remedy for every condition for which physicians might prescribe cod liver oil; that "Ladies Aid Reducing Tablets" is an amazing new scientific discovery, or that it is safe and harmless, or that by its use one can reduce 5 pounds a week, or any other appreciable amount.

The order also prohibits the dissemination of advertisements with respect to "Ladies Aid Reducing Tablets" which fail to reveal that use of this product may result in skin eruptions and excessive irritation of the bowels. (4261)

**Reed's Cut Rate Drug Store**—Lenard and Sarah Gotlieb, trading as Reed's Cut Rate Store and Fountain Cut-Rate Stores, Clarksburg, W. Va., have been ordered to cease and desist from disseminating false advertisements in the sale of a medicinal preparation.

Commission findings are that in the sale of a preparation designated "Prescription Female Capsules" and as "Lady Lydia Female Capsules", the respondents disseminated in various States newspaper and other advertising matter in which they represented, directly or by implication, that their preparation is a competent and efficient treatment for delayed menstruation and is safe and harmless.

According to findings, the respondents' preparation is neither competent nor efficient in treating this ailment and is not safe or harmless, in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondents are further found to have engaged in false advertising in that their advertisements fail to reveal that use of the preparation under such conditions may result in injury to health.

The Commission order directs the respondents to cease disseminating advertisements which represent, directly or through inference, that their preparation is a competent or effective treatment for delayed menstruation, and that it is safe or harmless; or which advertisements fail to reveal that use of the preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning.

Upon petition of the Commission, the respondents were recently restrained by a U. S. District Court from disseminating certain advertisements relative to their preparation pending issuance of the Commission's complaint and its final disposition. (4211)

**C. H. Stallman & Son, Inc.,** 31 West Philadelphia St., York, Pa., has been ordered to cease and desist from the use of lottery methods in the sale of candy, cigars or other merchandise.

The order prohibits the respondent from selling and distributing such products so packed and assembled that sales may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of such merchandise or separately, which devices may be used in selling or distributing such merchandise to the public, and selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4096)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Advance Spectacle Company**—Michael M. Engel, trading as Advance Spectacle Company, 537 South Dearborn St., Chicago, has entered into a stipulation with the Federal Trade Commission in which he agrees to desist from certain representations in the sale of eyeglasses. The respondent stipulates that he will cease advertising, directly or by implication, that the saving accomplished in purchasing his glasses is any amount or percentage in excess of the actual amount saved; that his glasses will enable one to read, sew or see better in every way; that the method used in testing the eyes and in purchasing his glasses is the same as used by anyone else, and that he guarantees that the glasses will fit. The respondent also stipulates that he will cease representing that the ordinary or regular selling price of the glasses is any amount in excess of the actual amount at which they are ordinarily sold, or that the regular price is a special price. (02647)

**Ethyl Tire & Rubber Company, Inc.**, and Harry and Samuel Mufson, its officers, also trading as Fordham Tire Company, 545 East Fordham Road, New York, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of automobile tires.

The respondents agree to cease using a figure five medallion or the words "Heavy Duty" as descriptive of a four-ply automobile tire; or representing directly or indirectly, by means of letters, blotters, words, figures, price lists, tire wrappings, markings, insignia or brands appearing on their tires or in any other way, that the tires they sell contain more plies in their construction than they actually contain. (2960)

**Federated Container Co., Inc.**, 3 Washington Place, New York, a corporation engaged in the sale and distribution of corrugated fiber shipping boxes, has agreed that it will cease and desist from stamping or marking its boxes or causing them to be stamped with the purported certification of a box maker or manufacturer, together with such use of its corporate or trade name "Federated Container Co., Inc.", as may tend to create the impression that it is the maker of the boxes. The corporation also agrees to discontinue use of the word "Maker" or words of similar meaning to imply that the corporation actually owns and operates or directly and absolutely controls the plant or factory in which the products are made or manufactured. (2954)

**Frank H. Fleer Corporation**, Philadelphia, engaged in selling a brand of chewing gum designated "Fleers Dubble Bubble Chewing Gum," has entered into a stipulation in which it agrees to discontinue representing that the gum will do away with the gray or dingy condition of teeth; clean them thoroughly; force its way into crevices in teeth that an ordinary tooth brush won't or can't reach; that food particles left between the teeth are the principal cause of bad breath; that chewing the gum will rid one of unpleasant breath or will beautify teeth; that merely chewing the respondent's gum will enable a person to remain or keep awake or alert during drives; that the gum is rich in dextrose or that the dextros content will help relieve a person of fatigue, give pep or animation, contribute any appreciable energy to a person, or increase vitality or strength in men, women and children; that the gum will be of material benefit in developing well arranged teeth in children; that the exercise provided by chewing the respondent's gum will enable the teeth of boys or girls to grow straight or strong; that the exercise of the facial muscles provided by chewing the gum constitutes a beauty treatment; that the exercise provided by chewing the gum will bring, give, or in any way impart youth to a person's face or facial muscles or keep the facial muscles young, or that chewing the respondent advertiser's gum is a competent aid or treatment for a great variety of oral disorders or dental diseases or gingivitis, gingival recession or alveolar atrophy, or acute and chronic Vincent's infection, or periodontoclasia (pyorrhea). The Frank H. Fleer Corporation further agrees not to make any unwarranted claims concerning the relative toughness or elasticity of its gum. (02648)

**Fordham Tire Company**—See Ethyl Tire & Rubber Company, Inc.

**James C. Gordon Fur Company**—Otto P. Barth, sole trader as Jas. C. Gordon Fur Company and as Victor Fur Company, 204 North 4th St., St. Louis, agrees to cease quoting or otherwise holding forth any extravagant or exorbitant prices which trappers or fur dealers may expect to receive from him for their furs; quoting price ranges which include amounts seldom paid, or quoting such extraordinary prices in any other manner tending to convey the impression that they are frequently paid, or quoting prices which might be applicable to furs of a grade or quality not usually produced in the territory circularized. The respondent also stipulates that he will cease representing, directly or inferentially, that he pays higher prices for furs than do all other fur buyers, and that trappers or dealers will realize a greater return by selling their furs to him than would be obtainable by selling to other fur buyers or through brokers. (2953)

**W. Irving Herskovits Fur Company, Inc.**, 333 7th Ave., New York, stipulates that it will cease quoting or otherwise holding forth any fictitious or exorbitant prices which trappers or fur dealers may expect to receive from it for their furs; quoting prices which it has not in fact paid or quoting prices which might be applicable to furs of a quality not ordinarily produced in the territory circularized; and agrees that it will cease representing, directly or inferentially, that it pays higher prices for furs than do all other buyers, and that trappers or dealers can realize a greater return by selling to the respondent than to other buyers or through brokers. The respondent also agrees to cease using the word "Guarantee" or other words of similar meaning unless clear disclosure is made of exactly what is offered by way of security. (2959)

**Kenjol Pharmacal Company**—Oman E. Johnston, trading as Kenjol Pharmacal Company, Fremont, Ohio, engaged in the sale of a product known as "Native Herb Medicine," has entered into a stipulation in which he agrees to cease and desist from representing that his product will relieve or cure ailments such as biliousness or colds, or rid the system of lumbago or rheumatism; that it is a competent remedy for functional diseases such as hardening of the arteries, diseased kidneys, and other ailments; that the product possesses any direct remedial value or has medicinal properties other than that of a laxative, or that the product is "Standard $1.00 Size" or that its regular retail price is $1, when in fact such amount is fictitious and in excess of the price for which the product is customarily sold in the usual course of retail trade. (2957)

**Photo Developing, Inc.**, trading as Posto-Photo, Camden, N. J., a seller of finished photographs produced from exposed, undeveloped film rolls supplied by subscribers, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease certain representations in the sale of these products.

The respondent agrees to cease misrepresenting, directly or by failure to disclose accurately any extra charges to be made, the price at which it sells and distributes its finished photographs produced from exposed, undeveloped films, and to desist from representing that it will sell and distribute finished photographs produced from any exposed, undeveloped roll of film, for 25 cents, when, in fact, it charges more for finished photographs produced from certain kinds of film without plainly and accurately disclosing the amount of the extra charge. (02645)

**Beatrice Mabie, Inc.**, 510 Culver Way, St. Louis, a corporation engaged in selling a cosmetic designated "Beatrice Mabie's Pore Cream," has entered into a stipulation in which it agrees to cease and desist from representing that the preparation will clear the skin of blackheads or banish blackheads, or by any other terminology that it will remove blackheads permanently, or that it has any effect upon blackheads beyond tending to soften temporarily the sebum in the pores; that the product will reduce or contract enlarged pores or is a competent treatment for enlarged pores; that it was "created by one of America's five most expensive beauty experts"; that it has any special ingredients or acts in a way different from competing products; that a single application will remove dust, dirt or make-up embedded in the pores for days or weeks, or that blackheads or enlarged pores are due to faulty diet or to a skin condition requiring daily correction.

Beatrice Mabie, Inc., further agrees to cease and desist from representing, directly or indirectly, that it owns, operates or controls a laboratory. (02650)

**Merit Container Company**—Samuel Goldstein and Abraham Goldstein, co-partners, trading as Merit Container Co., 345 West 36th St., New York, engaged in the sale of fiber board packing boxes, have agreed to cease and desist from stamping or marking their products or causing them to be stamped or marked with the purported certification of a box maker or manufacturer, together with such use of their trade name "Merit Container Co." as may tend to create the impression that they manufacture the boxes. They also agree to cease and desist from use of the word "Maker" or other words of similar meaning which may tend to convey the belief to purchasers that they actually own and operate or directly and absolutely control the plant or factory in which the products are made or manufactured. (2955)

**Nasal Inhaler Company**—Harry D. Mayhugh, trading as Nasal Inhaler Company, Walton, Ky., has entered into a stipulation in which he agrees to cease certain representations in the sale of "Mayhugh's Oil Solution" and "Mayhugh's Nasal Inhaler", comprising a treatment for hay fever, asthma, and colds.

The respondent stipulates that he will desist from representing that use of his preparation and device affords a competent treatment or effective remedy for hay fever, rose fever, asthma, colds and other inhalant ailments; affords freedom from congestions in the head; assures daytime relief or restful slumber at night, and rest for children as well as adults. The respondent further agrees to cease representing that physicians recognize in "Mayhugh's Nasal Inhaler" a device for properly treating inhalant ailments; that the inhaler filters the pollens of flowering plants from the air, purifies the air entering the nostrils or removes the cause of hay fever and asthma due to pollen or dust, and that it filters the germs from the air inhaled, relieving congestion of the nostrils during a cold. (02646)

**Carolyn Nilson System**—Carolyn Nilson Dietrich, trading as Carolyn Nilson System of Beauty Culture, Book-Cadillac Hotel, Detroit, has entered into a stipulation in which the respondent agrees to cease making certain representations in the sale of cosmetic preparations sold in conjunction with a massage and gymnastics course.

The respondent stipulates that she will cease making representations which imply that her preparations have been endorsed or approved by either physicians, Hollywood stars, or leaders everywhere; that her hair tonic preparation or an eyelash preparation will stimulate or in any way cause the hair to grow and that use of a so-called "Bust Developing Cream" and of a so-called "Reducing Lotion" are effective. (2956)

**Stewart & Company, Inc.,** Howard & Lexington Sts., Baltimore, a corporation engaged in the sale and distribution of mattresses and other household furnishings, has entered into a stipulation in which it agrees to cease and desist, directly or inferentially, from quoting or representing as the customary or regular price or value of its merchandise, prices or values which are in fact fictitious and in excess of the prices at which such merchandise customarily is offered for sale and sold in the normal course of business. (2958)

**Tampax, Inc.,** 155 East 44th St., New York, a corporation engaged in selling a tampon designated "Tampax," has stipulated to discontinue representations that there is a consensus among gynecologists to the effect that there is no camparison between "Tampax" and the external sanitary napkin from a hygienic standpoint; that the American Medical Association has examined and accepted "Tampax" for advertising, or that physicians as a group have endorsed the product. (02649)

**Victor Fur Company**—See James C. Gordon Fur Company.

**Vitamins Plus, Incorporated,** 370 Lexington Ave., New York, has entered into a stipulation in which it agrees to cease certain representations in the sale of a vitamin concentrate supplement designated "Vitamins Plus."

The respondent agrees to cease representing, directly or by implication, that cloudy or lusterless eyes or lack of whiteness of the teeth are generally due to Vitamin A deficiency; that vitamins are of significance in determining the duration of time hair stays in curl, or make-up remains on the skin surface, or nail polish adheres to the nails; that Vitamin B will maintain or nourish brain tissue, or will remove lactic acid from the blood stream and thereby eliminate fatigue, or is of value in cases of constipation or nervous disorders, except where and to the extent that such cases may be due to insufficient Vitamin B; or that foods customarily consumed have but a negligible amount of Vitamin B.

Other representations which the respondent agrees to discontinue are that Vitamin E is known to be capable of preventing sterility or promoting mental or physical vigor; that by use of "Vitamins Plus," a person may expect to have sparkling eyes, or gleaming or lustrous hair, or a lovely complexion, or that one may become active, gay, beautiful or charming, or live without a "let-up" or "let-down." (02652)

## FTC CLOSES CASE

Federal Trade Commission has closed, without prejudice to its right to resume proceedings, should future facts so warrant, a complaint issued against Lawrence A. Huffman, formerly trading as Plant N-R-G Company, and Plant Energy, Inc., 71 Sixth St., Logansport, Ind., engaged in the manufacture and sale of compounds for use in stimulating the growth of legume and non-legume plants. The complaint had alleged violation of Section 5 of the Federal Trade Commission Act.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W.
WASHINGTON, D. C.
Vol. 8, No. 44, November 1, 1940

## THE WEEK IN WASHINGTON

The FCC gave a green light to commercialized FM yesterday, granting 15 applications for stations scattered throughout the country. The Commission said it would act on the remainder of more than 50 applications "at the earliest opportunity." (p. 4733.)

Weekly BMI music grows more popular. BMI stations now number 406. Five new BMI records are announced, and a supplemental list of records of M. M. Cole music is included in this issue. (p. 4736.)

The NAB Code Committee will meet November 7, at the Hotel Stevens in Chicago to consider the operation of the commercial section of the Code and other Code problems. The Code Committee urges all members to exercise extreme caution in the proper handling of political broadcasts on election day. (p. 4737.)

The NAB Executive Committee offered the services of Ed Kirby, Director of Public Relations, to the War Department as radio liaison officer for the duration of the emergency. (p. 4738.)

A new formulation for payment of staff announcers was worked out by AFRA and NBC, CBS and WGN to cover staff announcers employed by the three organizations in Chicago. The Wage and Hour Administration says that the 20 per cent used in its definitions of executive, professional and outside salesmen refers to the ordinary work week of the ordinary subordinate, not to the aggregate working hours of all subordinates. (p. 4738.)

The AAAA Conference Committee met Wednesday in New York to discuss standard contracts and standard invoice forms. More free offers were received this week. (p. 4739.)

In connection with radio's Twentieth Birthday Celebration, November 11-30, a summary of radio's achievements in its first twenty years is included in this issue. (p. 4740.)

The Communications Defense Board is making progress, James Lawrence Fly reported this week. Committees will soon be set up. The FCC called a conference on electro-medical apparatus. (p. 4743.)

## FM Gets Green Light

The final "Go" signal for FM (frequency modulation) was given by the FCC Thursday in authorizing 15 applicants geographically scattered throughout the nation to engage in this new type of broadcast on a commercial basis as soon as they are able to do so.

"The granting of these licenses by the Commission," commented Chairman James Lawrence Fly, "marks an important milestone in the continued advance of the radio industry."

The remainder of the more than 50 applications for FM commercial operation on the high frequencies will be acted upon at the earliest opportunity.

Today's authorizations embrace proposed FM service to millions of persons in widely scattered sections of the country, and are expected to expedite the rapid development of this new program art. The locations of these prospective pioneer stations follow:

Detroit—The Evening News Association
Los Angeles—Don Lee Broadcasting System
Baton Rouge—Baton Rouge Broadcasting Co.
Salt Lake City—Radio Service Corporation of Utah
Chicago—Zenith Radio Corporation
Mt. Washington, N. H.—The Yankee Network
Milwaukee—The Journal Co.
New York City—National Broadcasting Co.
William G. H. Finch
Marcus Loew Booking Agency
Evansville, Ind.—Evansville On the Air, Inc.
Binghampton, N. Y.—Howitt-Wood Radio Co., Inc.
Brooklyn, N. Y.—Frequency Broadcasting Corp.
Columbus, Ohio— WBNS, Inc.
Schenectady, N. Y.—Capitol Broadcasting Co., Inc.

Giving these stations the starting gun is the last formality in a series of actions by the Commission to make possible, for the first time in radio history, the use of the high frequencies for commercial broadcast.

As the result of a public hearing last March, which attested that FM is highly developed and ready to move forward on a broad scale, the Commission in late May provided 35 channels (43,000 to 50,000 kilocycles) for regular high frequency broadcast service. Engineering standards for the new service were set up in June, and

*(Continued on page 4734)*

**NAB Reports**

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

## FM GETS GREEN LIGHT

*(Continued from page 4733)*

rules to make such broadcasts available to as many homes as possible were promulgated in early October.

On the basis of testimony by engineers of both the radio manufacturing and the broadcast industries, the Commission heralds the business debut of FM as inviting public demand for service and sets, which will have a stimulating effect on programming as well as on the purchase and maintenance of new equipment.

Three particular advantages are claimed for FM, namely, that it gives more tone range, is static free, and more stations can use the same channel without interference. The last-mentioned asset opens up a new field for broadcasting, which has long clogged the present standard broadcast band.

### BMI FEATURE TUNES

### November 4-11

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON

On the various lists of numbers most often played on the air for the past week, *Practice Makes Perfect* and *There I Go* seesaw for the front rank of BMI songs. *Same Old Story* is third in line; *So You're The One* and *I Give You My Word* are tangled over third and fourth places. *We Could Make Such Beautiful Music* shows up for the sixteenth week; only one number on the "sheet" has been there longer.

Last week *Practice* stood in number one place at the head of the Hit Parade, the unquestioned leader among all the popular songs in the country. *There I Go* moved from tenth place up to number nine.

*There I Go* appears also this week on the list of sheet music best sellers. Vaughn Monroe's record of this tune appears among the best selling phonograph numbers on the West coast, while Bob Chester's recording of *Practice* climbs up to sixth place among the national best sellers and stands also for the second week in sixth place on the list of the biggest money makers in the automatic phonographs.

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*My Heritage,* the song featured in the French film, *Heritage,* which is to be presented for the first time in America at the Belmont Theatre in New York on November 4th, is being published by BMI. The music for the film has been revised and adapted by Allan Small. Although several European composers have been brought to this country to do the music for the American films, this is believed to be the first time that an American composer has been called upon for music for a European film.

The music for *Heritage* was originally written by Jean Poueigh. The film, made by a French company, was photographed in Spain. It is said to have met the disapproval of General Franco and was smuggled out of Barcelona two days before the Franco forces took the town over. It is understood that the master print was destroyed. Both the music and the French composer have been lost since the collapse of France, and the American composer had nothing to work from except the music as he could hear it from the sound track of the film.

Mr. Small has for years been an arranger, doing orchestrations for Jack Little, Andre Kostelanetz, Paul Whiteman, Rubinoff, Raymond Paige, Gustav Haenschen, and others. He has been a specialist in Spanish and Latin-American music and was called on for the *Heritage* film because of the necessity of keeping the Spanish quality in the music.

In addition to revising the background music for the film, he took the theme music and developed it into a tango song number which is to be featured in connection with the showing of the film. The English words were written by R. Fagin.

---

The BMI stations now number 406. We welcome to our list of subscribers:

| | |
|---|---|
| WGAC | Augusta, Georgia |
| KXOK | St. Louis, Missouri |
| KMLB | Monroe, Louisiana |
| WDAF | Kansas City, Missouri |

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On October 30th, Broadcast Music, Inc., concluded a contract with Alpha Music by which it acquired the performing rights in the Alpha catalogue. This catalogue is made up of Latin-American music. The contract will make available to BMI's radio station subscribers more than 100 additional phonograph records. The numbers include tangos and rhumbas as well as numerous waltzes.

BMI has also acquired performing rights in the catalogue of the Coast-to-Coast Music Corporation. Both of these contracts become operative immediately.

On Monday, October 28th, Broadcast Music, Inc., gave a luncheon at the Roosevelt Hotel for the radio and music writers from the newspapers and for representatives of the trade papers. The purpose of the luncheon was to present the point of view of broadcasters and of BMI toward the present controversy with ASCAP and to try to eliminate any misunderstandings. Mr. Kaye said in part:

> "News releases have been sent to the press which speak of the broadcasters' 'boycott' and 'banning' and 'barring' of ASCAP music. Even the briefest examination of the facts will disclose that it is not the broadcasters but ASCAP which is barring ASCAO music from the air. . . .
>
> "ASCAP calls for the payment of a percentage of all moneys paid by advertisers even with respect to programs which do not use ASCAP music. . . . What ASCAP is trying to do is comparable to the situation which would exist if the Associated Press, the United Press and the International News Service demanded a percentage of the revenue from all musical programs for the right to broadcast news. This unfair demand creates a monopoly. It is obvious that if a broadcaster has to pay for ASCAP music, whether he uses it or not, he has no incentive to cause a non-ASCAP member to write music for him. . . .
>
> "Broadcast Music, Inc., is one of the agencies which broadcasters are utilizing in order to make the necessary transition from the music which ASCAP says may not be played to the music which may be played after December 31st. No broadcaster has any rule which compels the playing of BMI music, but broadcasters are making a gradual transition by requiring the performance of music which will be available on January 1st. . . .
>
> "That ASCAP's misguided elimination of its own music from the air will not adversely affect the radio or the public which it serves, is proved by the extent to which this music has already been eliminated. One great national network, which utilized 80% of ASCAP music on its sustaining programs last summer, now uses only 10% of ASCAP music and 90% of non-ASCAP music. The general average among other stations shows a reduction from approximately 80% to 25% of ASCAP music on sustaining programs, and a reduction from over 70% to 36% on all music used on the air. Where ASCAP music has been eliminated from commercial programs, no diminution of listener interest is indicated by the surveys. This is because the best and the greatest music is not controlled by ASCAP but is free for public use. The public taste has been improving by the broadcasting of great music of the past, and the public is ready to absorb an increased proportion of genuinely meritorious music of lasting value. The coming year will see an increasing use of the great music of the past, of the traditional music of America which forms part of our national heritage, of the Latin-American music which comes from our friendly neighbors to the south, and of new popular music drawn, not from a limited clique in New York City, but from the great body of the American people who are now proving their genuine creativeness in the field of music."

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John McGettigan steps out of jail on Saturday, November 2, to carry on a career which brought success to him through prison walls. He composed the music of *Stars Went To Sleep,* said to be the first song ever completely written, printed, and published from within a penintentiary. The song has been successfully performed on the radio and the sheet music has been selling well, according to *Billboard.* The tune has now been acquired by Broadcast Music, Inc. The composer is discharged from jail to hear his music go on the air from coast to coast.

Merritt Marsh, who wrote the words, and Edmund M. Duffy, the publisher, still remain behind the bars. The trio were strangers until they all landed in the State Penintentiary at McAlester, Oklahoma. The song and the trio who produced it have already had some publicity. A fellow-prisoner wrote Elsie Robinson about them and Miss Robinson devoted her widely syndicated column for one day to his letter, saying in part:

> "Buried in their cells, poisoned by grim memories, there came to a trio of convicts a flash of sheer beauty—the whisper of a song. For two years, without the slightest outside aid and in the face of incredible handicaps, they worked on that song.
>
> " 'Marsh, serving a seven-year term for armed robbery, composed the lyrics; McGettigan, serving a five-year prison sentence for burglary, produced the melody; and Duffy, serving a fifteen-year sentence for armed robbery, financed the publication.'
>
> "Out of that work came a song which is sweeping America at the moment—'Stars Went to Sleep.' Today, the royalties of this song are piling up . . . demands for its use are coming by every mail . . . and the trio have five more lyrics ready for publication. But greater than any success story is the attitude of the men who slaved for that success against tremendous odds.
>
> " 'These men,' she continues, 'worked so hard and consistently that they hardly noticed prison life, its monotony and atmosphere of defeatism. They completely forgot themselves and their personal troubles. There is, I believe, a lesson there for all troubled people whatever difficulties beset them—a great panacea for despair.' "

McGettigan grew up in a Pennsylvania orphan asylum. When he went to McAlester, he got into the prison band and has studied music ever since his term began. He comes out now with the intention of following a musical career.

Marsh, the lyricist, was in the amusement business before he was sentenced to prison. When his term is finished about a year from now, he too expects to continue as a song-writer.

Duffy was a salesman in Oklahoma City, lived beyond his means, and in an hour of desperation, staged a hold-up. In McAlester he became associated with Marsh and McGettigan through their common love of music. He took on the publication work for the songs the other two were writing. Like them, he wants to carry on this career begun in prison. In submitting *Stars Went To Sleep,* he wrote to Broadcast Music, Inc.:

> "The entire song—words, music, printing, and publication—was accomplished by three inmates of this institution. Three men led on by love for music, desire to accomplish something, and last but far from least, the realization of their fondest dreams—FREEDOM, so that they may continue in this line of endeavor."

Five new BMI records are announced:

| | | |
|---|---|---|
| *COLUMBIA* | | |
| *Strangers* | Raymond Scott | Col. 35745<br>Available now |
| *OKEH* (Columbia) | | |
| *Accidentally on Purpose* | Al Donahue | Okeh 5850<br>Not before November 8 |
| *I Hear a Rhapsody* | Mary Healy | Okeh 5864<br>Not before November 15 |
| *May I Never Love Again* | George Hall | Okeh 5863<br>Not before November 15 |
| *DECCA* | | |
| *I Give You My Word* and *The Same Old Story* | John Long | Decca 3459<br>Not before November 28 |

For previous announcements of BMI records, see NAB REPORTS for October 18, page 4689.

***WARNING:*** **Bluebird (Victor) record B-10894, *You Walk By,* performed by Blue Barron, contains interpolations of *You Leave Me Breathless* and *Sometimes I'm Happy,* both of which are ASCAP numbers.**

**Okeh (Columbia) record 5659, *What Good's The Moon,* performed by Ray Herbeck, contains two interpolated bars that might be thought to have some similarity to *Romance,* an ASCAP number.**

**Where it is essential for stations to avoid performance of ASCAP music, they ought not to play these records.**

## SUPPLEMENT "A" TO LIST NO. 1

Additional list of phonograph records of M. M. Cole Publishing Company publications available for broadcasting *January 1, 1941,* to all stations having BMI licenses, available immediately to all stations having SESAC licenses.

Titles starred represent additions to the list of October 16, 1940. All other titles were included in List No. 1 but are repeated in this supplement with additional information furnished us by M. M. Cole Publishing Company.

Note: "Girl in the Blue Velvet Band" is to be deleted from List No. 1 as it is not a Cole copyright.

| Title | Company | Number |
|---|---|---|
| ***Alone and Lonesome** | Decca | 5378 |
| **Answer To The Prisoners Dream** | Decca | 5468-B |
| (Shelton Bros.) | | |
| ***Brakeman's Reply** | Decca | 5379 |
| **Bringing Home the Bacon** | Decca | 5334-B |
| (Bruner's Tex Wanderers) | | |
| **By a Window at the End of the Lane** | Decca | 5515-B |
| (Bruner's Tex Wanderers) | | |
| ***Cowboy Song** | Decca | 5541 |
| **Girl in the Blue Velvet Band** is to be deleted from List No. 1 | | |
| **Goin' Back to Old Montana** | American Record | 070252-B |
| **Great Speckled Bird (The)** | Decca | 5555-A |
| (Jack & Leslie) | | |
| **Hiding All My Cares** | Bluebird | B8248-A |
| (Decca B8284-A was Incorrect) | | |
| (Wm. Chapman) | | |
| **Hillbilly Wedding in June** (A) | American Record | B32981-A |
| | " | 08308-A |
| | " | R5308-A |
| | Victor | 5397 |
| ***Hobo Blues** | Decca | 5379 |
| **I Am Just What I Am** | Decca | 5588-B |
| (Homer Brierhopper) | | |
| ***I'll Go Riding Down That Texas Trail** | Vocalion | 03138 |
| **I Only Want A Buddy** | | |
| (Sally Foster & The Travelers) | Decca | 5352-A |
| (D. Robertson Orch.) | Decca | 2807-A |
| (Leo and His 4 Aces) | Decca | 5210 |
| | American Record | R70552-A |
| | " | 070552-A |
| **I'm Here to Get My Baby Out of Jail** | | |
| (Tex Fletcher) | Decca | 5312-A |
| (Shelton Bros.) | " | 5409-B |
| **It's Time to Say Aloha** | Decca | 5003-B |
| (Frank Luther Trio) | | |
| **Just an Evening at Home** | Decca | 5167-B |
| (Ranch Boys) | | |
| **Keep a Light in Your Window** | | |
| (Frank Luther Trio) | Decca | 5003-A |
| | Victor | 504481 |
| | " | 5379 |
| | " | 3460 |
| | Starr Company | 16812-A |
| **Last Letter** (The) | | |
| (Tex Griffen) | Decca | 5383-A |
| (Jimmie Davis) | " | 5726-A |
| **Little Girl Dressed in Blue** | | |
| (Frank Luther) | Decca | 5008-A |
| (H & S Radio Pals) | " | 5428-B |
| **Little Old Rag Doll** | Decca | 5329-A |
| (Big Slim Aliff) | | |
| **Little Sweetheart of the Ozarks** | Decca | 5450-B |
| (Tex Fletcher) | | |
| ***Lonesome and Blue** | Imp'l Industrial | 5609 |
| | " | 8253 |
| | American Record | 1993-B |
| | " | 2617-B |
| | " | C8112-B |
| | " | 15713-B |
| | " | 32640-B |
| | Brunswick | 12566-B |
| **Me and My Burro** | | |
| (Ranch Boys) | Decca | 5128-A |
| | American Record | C8637-B |
| | " | B60357-B |
| | " | R60357-B |
| | " | P60357-B |
| | " | 060357-B |
| | Brunswick | M60357-B |
| **Mellow Mountain Moon** | Decca | 5004-B |
| (Frank Luther Trio) | | |
| **Mississippi Valley Blue** | Decca | 5160 |
| (Carolina Buddies) | | |
| **My Old Pal of Yesterday** | American Record | C8011-A |
| ***My Old Saddle Pal** | Vocalion | 031318 |
| **Mexicali Rose** (Rosa de Mexicali) | Decca | 2001-A |
| (Bing Crosby) | " | 5200-A |
| (M. Brown & Browning) | American Record | R60559-A |
| | " | 060559-A |
| | Imp'l Industrial | 8971 |
| **Old Corral** (The) | Decca | 5258-B |
| (Ranch Boys) | | |
| **Old Shep** | | |
| (Red Foley) | Decca | 3389 |
| (Jack and Leslie) | " | 5575 |
| **Please Don't Leave Me Now** | | |
| (Austin Powell) | Bluebird | B8248-A |
| (Decca B8248-A was Incorrect) | | |
| (Erskine Butterfield & Blue Boys) | Decca | 3357 |
| **Pretty Quadroon** | Imp'l Industrial | 8455 |
| **Ridge Runnin' Roan** | Decca | 5302-A |
| (Tex Fletcher) | Brunswick | B599-A |
| **Rock Me to Sleep in My Rocky Mountain** | Decca | 5006-B |
| (Luther Trio) | | |

| Title | Company | Number |
|---|---|---|
| **Seven More Days** | Decca | 5403-A |
| (Tex Fletcher & Joe Rogers) | | |
| **Song for Mother** | Decca | 8010-B |
| (Tex Fletcher) | | |
| **Strawberry Roan** (The) | Decca | 5074-B |
| (Ranch Boys) | Imp'l Industrial | 8454 |
| | " | 4936 |
| ***Sweet Something** | American Record | 2620-B |
| | " | 32638-B |
| | " | 1990-B |
| | " | 15710-B |
| | Brunswick | 12567-B |
| **Take Me Back to Renfro Valley** | American Record | 070370-A |
| (Shelton Bros.) | Decca | 5545-B |
| **Tell My Mother I'm in Heaven** | American Record | 08236-A |
| | " | C8192-A |
| | " | R5236-A |
| | " | P12915-A |
| | " | B32774-A |
| | Victor | 23827 |
| | Brunswick | M12703-A |
| ***That's How I Got My Start** | Decca | 5488 |
| (Gene Autry) | | |
| **That Silver Haired Daddy of Mine** | Decca | 5110-A |
| (Log Cabin Boys) | Imp'l Industrial | 4818 |
| | " | 8065 |
| **We Buried Her Beneath the Willow** | Decca | 5229-B |
| (Sally Foster) | | |
| **When It's Prayer Meetin' Time in the Hollow** | Victor | 353 |
| | " | 5472 |
| | " | 504482 |
| | American Record | R5444-B |
| | " | R33374-B |
| | " | C8191-A |
| | " | 08444-B |
| | Imp'l Industrial | 8590 |
| | " | 5947 |
| | " | 4949 |
| (Log Cabin Boys) | Decca | 5110-B |
| **When the Bloom Is on the Sage** | | |
| (Frank Luther Trio) | Decca | 5002-B |
| (Bing Crosby) | Decca | 2237-B |
| | American Record | C91818-A |
| ***When the Tumble Weeds Come Tumbling Down** | Vocalion | 04091 |
| ***Why Don't You Come Back to Me?** | Vocalion | 04274 |
| **Wonder Valley** | American Record | M70673-A |
| | Brunswick | V3029-A |
| (Frank Luther Trio) | Decca | 5002-A |
| **You're a Flower Blooming in the Wildwood** | Decca | 5503-B |
| (Edith & Sherman Collins) | | |

### SUPPLEMENT "A" TO LIST NO. 2

Additional list of phonograph records of the Peer International Corporation publications available for broadcasting January 1, 1941 to all stations having BMI licenses, available immediately and until December 31, 1940, to all stations licensed by ASCAP. The performing rights are now held by Southern Music Publishing Company, Inc. (an ASCAP member), and these rights are being transferred to the Peer International Corporation and to BMI on January 1, 1941.

| Title | Company | Number |
|---|---|---|
| A | | |
| **Amor Que Sa Va** | Victor | 76057 |
| **Antillana** | Victor | 75942 |
| | " | 82660 |
| B | | |
| **Bola Negra, La** | Victor | 76178 |
| | " | 76179 |
| | " | 82747 |
| C | | |
| **Campirana** | Columbia | 5627 |
| | Brunswick | 8962 |
| D | | |
| **Dime Que Si** | Victor | 75809 |
| | " | 82519 |
| | " | 82582 |
| | Decca | 10384 |
| | Columbia | 5814 |
| | Brunswick | 9182 |
| I | | |
| **Inquietud** | Victor | 32952 |
| | " | 75406 |
| | " | 75416 |
| | Columbia | 5584 |
| | Brunswick | 8951 |
| J | | |
| **Jarrito, El** | Victor | 82566 |
| | " | 3228 |
| | " | 7647 |
| | Columbia | 5632 |
| | Brunswick | 8964 |
| L | | |
| **Lejos Me Voy** | Decca | 10391 |
| M | | |
| **Mi Viejo Vals** | Decca | 10330 |
| P | | |
| **Principe Vals** | Victor | 75195 |
| T | | |
| **Tehuana** | Columbia | 5982 |
| | Brunswick | 9293 |
| U | | |
| **Una Vez Mas** | Victor | 75942 |
| | Brunswick | 9266 |

## Code

### CODE COMMITTEE MEETING

To reveiw the workings of the commercial section of the NAB Code, which has been in effect since October 1, 1940, Edgar Bill, WMBD, chairman, has called a special meeting of the Code Committee for November 7 in the West Ballroom of the Hotel Stevens, Chicago. Invitations have been sent out to advertising agencies, advertisers and station representatives. Member broadcasters who have suggestions and recommendations are also asked to submit them either in person or in writing. The morning session of the Code Committee will be open only to broadcasters. The afternoon session will be open to all advertisers, agency people and station representatives. Particular attention will be given to time limitations of commercial copy and to the problem of "free offers" and other related subjects.

The membership of the 1940-41 Code Committee has just been announced by Neville Miller, who at the same time sent letters of appreciation to former members of the Committee whose work has contributed so much to the progress and growing prestige of American broadcasting. Following is the membership of the new Committee:

Edgar L. Bill, WMBD, Peoria, Illinois—Chairman
Earl J. Glade, KSL, Salt Lake City, Utah
Gilson Gray, Columbia Broadcasting System, 485 Madison Avenue, New York City
Hugh A. L. Halff, WOAI, San Antonio, Texas
Henry P. Johnston, WSGN, Birmingham, Alabama
J. O. Maland, WHO, Des Moines, Iowa
Frank Mullen, National Broadcasting Company, New York City
Calvin J. Smith, KFAC, Los Angeles, California
Theodore C. Streibert, Mutual Broadcasting System, New York City
Ed Kirby, NAB—Secretary

### ELECTION DAY BROADCASTS

The Code Committee calls to the attention of members the extreme caution necessary in the proper handling of paid political broadcasts during election day, next Tuesday, November 5.

The Committee has in mind the experience of one broadcaster whose facilities were used on the morning of a recent primary election by one faction to announce that the other faction had "already conceded defeat," and that the "landslide" was such (it was around 10 a. m.) that additional ballots would not change the overwhelming verdict of those who had already voted.

As a yardstick for election day programs, the Committee makes the following recommendations: those programs, paid politicals or sustaining, *which encourage citizens to go to the polls and vote* admirably serve the public interest. Those which would discourage going to the polls do not.

### AMERICA FIRST COMMITTEE

The America First Committee program as revised several weeks ago become acceptable as paid political broadcasts up through election day, November 5.

After next Tuesday these programs become discussions of public controversial issues as such, under the Code, and broadcastable only on sustaining time and not as commercial programs.

### COMMUNIST CANDIDATES

Supplementing the information contained in the last two issues of the NAB Reports, we print below the changes in the status of Communist candidates which have come to our attention this past week:

Illinois: Communist candidate for Congressman from the First Congressional District will appear on ballot in that district.
New York: Court barred Communist candidates from the ballot.

### KIRBY TO WAR DEPARTMENT

In response to a request from the War Department, the services of Ed Kirby, NAB Director of Public Relations, were offered the U. S. Army by the NAB Executive Committee last Friday, October 25, in Washington.

Mr. Kirby, a former reserve officer in the Field Artillery, will be given an indefinite leave of absence, returning to his NAB post at the expiration of the present war emergency. According to tentative plans, he will be called to the Public Relations Division of the Army on the General Staff, to establish and direct its radio department. Separate departments for press, motion pictures and magazines are also to be established, it is understood.

## Labor

### AFRA SETTLEMENT

A new formula for the payment of staff announcers was worked out by AFRA and NBC, CBS and WGN to cover staff announcers employed by NBC, CBS and WGN in Chicago, as part of the settlement of the recent dispute between AFRA and the networks.

The new formula provides that staff announcers paid a salary of $75 or more a week can be required to handle 12 15-minute local commercial programs each week without extra compensation. After he has done 12 15-minute local commercials (or their equivalent), the announcer will be paid on a fee basis in addition to his salary.

The minimum salary for staff announcers was set at $55.

A summary of the whole agreement with AFRA follows:

1. The contract governing rates and working conditions for the employment of actors and singers on network sustaining programs in New York, Chicago, Hollywood and San Francisco has been extended for three years beginning November 1, 1940, subject to increases amounting to 10% or $2.00, whichever is greater, over and above the performance rates established in the 1938 contract, which has recently expired. It is understood, however, that if the nationwide cost of living index issued by the Bureau of Labor Statistics of the U. S. Department of Labor shows a 10 point increase for the 3-month period ending on September 15, 1942, above the figure for the 3-month period ending September 15, 1940, the rates of salaries are to be renegotiated for the balance of the contract. Should the parties fail to come to any agreement in the renegotiation, the matter is to be settled by arbitration.

2. The Code of Fair Practice governing rates and conditions for the employment of actors, singers and announcers on commercial network programs and the Schedule of Minimum Fees and Conditions for Performers Appearing on Regional Commercial Programs Originating in Hollywood, Los Angeles or San Francisco, and Not Available to Stations Other Than Those in the Eleven Western States, both of which expire February 12, 1941, have been extended with all their present terms and conditions for an additional period of three years from November 1, 1940. It is understood that if the cost of living index shows a ten point increase for the 3-month period ending December 15, 1942, above the index figure for the same period in 1940, the salary scales will be renegotiated and if the parties fail to agree, be submitted to arbitration.

3. The wages and working conditions of staff announcers em-

ployed in Chicago are now covered by contract which provides that (a) the salaries for staff announcers performing only sustaining duties shall be $55 per week minimum, and (b) those announcers who, in addition to their sustaining duties perform work on local commercial programs at no special fee, shall receive a minimum of $75 per week, with the understanding that in consideration for the payment of $75 per week the station may require the staff announcer to perform at least 12 15-minute local commercial programs per week, or their equivalent in programs of other lengths on a weighted scale, and (c) local commercial programs performed by an announcer in excess of the foregoing allowance are to be paid for at the per-performance rates of $6 for 15-minute program including 30-minute rehearsal; $10 for one-half hour program including 45 minutes rehearsal; $12 per one hour program including one hour rehearsal. Extra rehearsal rate to be computed at $3 per hour. The contract is for a three-year term subject to the same provision for renegotiation as to rates in the event of an increase in the cost of living index figure, set forth in the Sustaining Agreement.

4. The network has agreed to abide by the rates and working conditions established for Chicago local commercial programs by the award of the arbitrators dated July 12, 1940, as supplemented by the amending letter dated October 14, 1940, signed by AFRA and accepted by the Company, until November 1, 1943, subject to the same provision for renegotiation in the event of an increase in the cost of living index figure as provided in the extension of the Code of Fair Practice.

5. A contract was executed covering wages and working conditions for staff announcers employed by the NBC in New York, containing substantially the same terms and conditions as the staff announcers contract which has recently expired, subject, however, to a 10% increase in salary scales for a period of three years (same provision for renegotiation as to rates at the end of two years as in Sustaining Agreement), and to a further 10% increase in minimum rates for all presently employed junior staff announcers and a restriction that in the future the Company may employ as junior announcers only persons having no previous announcing experience.

6. The Company has agreed to apply for a franchise under Rule 12 (AFRA Regulations Governing Agents) subject to the limitations set forth in the letter dated October 14th, which limitations will be more fully expressed in a waiver letter accompanying the application for franchise.

### WAGE AND HOUR ACT

The Wage and Hour Administration says that the 20 per cent used in its definitions of executive, professional and outside salesmen refers to the ordinary work week of the ordinary subordinate.

For example, Chief Engineer X is in charge of technicians, each of whom ordinarily works 40 hours a week. To qualify as an executive, Chief Engineer X among other things must do no more than 8 hours work each week of the same kind as that done by the technicians under him.

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The Supreme Court this week upheld the Wage and Hour Division's right to subpoena an employer's payroll records for inspection (Montgomery Ward vs. Fleming et al.). Other cases of a similar nature, three of them involving newspapers, are pending in lower courts. The court's refusal to review the Montgomery Ward case makes it look like the constitutionality of the act would be upheld.

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The Labor Department reports that the cost of living dropped 0.1 per cent (a negligible change) during the three months ended September 15. During the past year, however, the cost of living has gone up about 2 per cent.

## Sales

### AAAA CONFERENCE COMMITTEE

The AAAA Conference Committee met Wednesday morning in New York and later with AAAA representatives to discuss standard contracts and standard invoice forms.

Those attending the morning meeting were: Paul F. Peter, NAB Director of Research; Russell P. Place, NAB counsel; Harry C. Wilder, Chairman of the Committee, WSYR, Syracuse, New York; Richard H. Mason, WPTF, Raleigh, North Carolina; Frank A. Seitz, WFAS, White Plains, New York; Dale Taylor, WENY, Elmira, New York; Lee B. Wailes, Westinghouse Radio Stations, Philadelphia, Pennsylvania; Roy Harlow, The Yankee Network, Boston, Massachusetts; and Edward Petry, Edward Petry & Co., New York, N. Y.

Also attending to advise and consult were: Harold Kelly, NBC; Ira Grimshaw, NBC; Julius Brauner, CBS; Messrs. Dannett, Wood and Walker of MBS; and John Shepard, 3rd, The Yankee Network.

The AAAA representatives attending the luncheon meetings were: C. E. Midgley, Chairman, B.B.D. & O.; C. T. Ayres, Ruthrauff & Ryan; Carlos Franco, Young and Rubicam; John Hymes, Lord & Thomas; William Maillefert, Thompson Advertising, Inc.; Miss L. Nelson, J. Walter Thompson Company; W. A. Fricke, AAAA; and Richard Turnbull, AAAA.

The following sub-committee was appointed by the NAB Conference Committee to discuss the standard contract: Roy Harlow, Chairman; Lee B. Wailes, Edward Petry; and Russell P. Place.

The sub-committee appointed to discuss the standard invoice form is as follows: Richard H. Mason, Chairman; Dale Taylor; and Paul F. Peter.

### FREE OFFERS CONTINUE

Several old standbys and some refreshingly new and different proposals appear among the flock of free offers and percentage advertising requests reported by member stations during the past two weeks. The originality and ingenuity of these concerns, in devising ways and means of chiseling more and more free time from radio, would do credit to a European diplomat.

The Donut Party Association for Local Charities offers its help to stations in putting on or publicizing dunking contests and other doughnut consuming affairs in the name of charity, but disclaims any commercial purpose or desire to sell more doughnuts by this plan. Nevertheless, the Doughnut Corporation of America is paying Bert Nevins Publicity Office for its services in handling the job.

The National Association Service offers stations some very fine recipes and "interesting facts about a la kings, and other things to do with chicken and meat loafs," including canned peas in particular.

Warner Brothers Pictures wants radio to plug its latest picture "Knute Rockne, All American," with a record which is "quite free from exploitation."

Note that all the above concerns are large, well-established and well-able to buy time, *if they can't get it free.*

### COST-PER-INQUIRY

On the cost-per-inquiry front, advertising agencies who should know better are still trying to get stations to accept contingent deals and guarantee a fixed return, often for clients whose products are barely acceptable to radio.

E. Diamond Advertising Agency, 154 East Erie St., Chicago, on behalf of Dr. N. F. Johnson Laboratories (Arnica Oil)

Frederick Duerr, 3601 East Terrace, Seattle, on behalf of Seaview Lodge, Inc.

Kermit-Raymond Corporation, 37 West 57th St., New York, has three plans by which stations may profit on behalf of the Standard American Encyclopedia and Book-a-Week Club.

All three, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

## Promotion

### BIRTHDAY

For the benefit of stations in promoting Radio's 20th Birthday celebration, Nov. 11-30, we are presenting, in part, one of the main addresses at the Iowa Radio Conference, State University of Iowa, on October 18.

Background information was contained in the first part of the talk by George C. Biggar of WLW, on "Radio —The Fifth Five Years." Said Mr. Biggar:

Radio, as we know it today, started practically from "Scratch" only 20 years ago.

It has grown during that period from a curiosity and a novelty into an amazing new medium of entertainment, education and advertising that rivals in importance the theatre, the school and the press in its influence upon the everyday lives of our people.

Let's take a few moments to consider radio's first 20 years. Back in 1921-22, we were hearing the first lusty cries of that husky infant that we today think has practically reached its manhood. The first telephone broadcasting stations were taking the air. Increasing numbers of addicts in homes everywhere were assembling crude sets from rather expensive parts—sitting up into the wee small hours with ears glued to head-sets, twisting dials for those nerve-racking but welcome "whistles" which finally meant reception from one of the pioneer broadcasters.

Those first five years constituted what might be called the "fascination" or "guess-what-I-heard-last-night" stage of radio. The public was more curious about radio as a technical marvel than about the programs it offered. Hunting DX stations became a favorite indoor sport. Proud indeed was the man or boy in the midwest who could assemble a receiving set that would pull in KFI, Los Angeles, after many anxious minutes of dial twisting and twirling.

I wonder how many recall those early days when Chicago's 10 or 12 broadcasters had to shut down entirely on Monday nights because of the demands of Windy City's listeners? Receivers were not selective enough for DX hunting while local stations were on the air, so that for a year or two, Monday night was "silent night" so far as Chicago stations were concerned, and broadcasting employees had a night off.

#### *Few Hours of Operation*

Broadcasting stations of the first five years regularly operated only a few hours daily—usually in the evening, although some pioneer stations were trying out the noon hours. It was thought that most people were too busy to listen during the working hours of the day. This was quite true, for it was truly an effort then to tune in and hear a program. It meant sitting down, adjusting head-phones to the ears, and carefully tuning in a station which often proved elusive due to fading or to some imperfection in the transmission or reception. Loud speakers were just being developed and one had to pay from $40 up for the best ones, which often drove the neighborhood wild with loud, raucous tones.

Over 500 stations were licensed and broadcasting more or less regularly by the summer of 1924. The demand for radio parts and equipments was growing by leaps and bounds. Dozens of radio magazines came into being, the majority of them being technical. Newspapers were giving much space for program listings and stories of the personalities created by this wonder of the age.

Radio station staffs were small and talent, for the most part, was unpaid. The fascination of radio brought singers and musicians of almost every description into the studios, where, to the joy of program directors they were glad to work for hours "just for the novelty of the thing."

#### *Service Programs Started*

Besides carrying musical programs, many stations inaugurated service programs. Broadcasts, especially directed to homemakers were started in many areas, with their recipes, household hints, and talks of special interest to Mrs. Housewife. On many stations, there were the first attempts at day-time radio service.

On quite a number of stations serving rural areas, farm service was started. Market reports and weather forecasts became a most important part of the daily schedule. On a limited number of stations, farm hours were established at noon with talks by county agents and other authorities.

Unquestionably these service features contributed much to the increase in radio receiving sets on farms. Radio was providing "dollars and cents" economic information.

Educational broadcasting, too, got its start during the first five years of radio. Several colleges were granted broadcast licenses so that they might inaugurate educational features.

Then in the second five years—the novelty of radio began to wear off. Not from the listeners' standpoint, mind you, but from the point of view of station owners and talent. Radio was still going over big with the public. But entertainers couldn't sing and play forever for the love of the thing. The publicity was great—but it did not take care of bed and board. And they kept telling this to the station executives!

### *Owners Begin to Wonder*

Station owners with limited means found themselves in a quandary. Many of them had built their stations for the publicity value to their businesses. Others built stations as hobbies or playthings. Acceptable talent was unwilling to continue to work gratis. It was discovered that if stations were to show progress, they must be well staffed with program builders, writers, announcers and technicians. The public began to be more discriminating in regard to programs. It cost more and more money each year to operate a station. The resultant publicity to a newspaper or a department store owning a radio station didn't pay the bill by any means.

### *Gave Time for Talent*

In quite a few instances, station operators gave time to business firms who would buy talents and fill certain hours each week. That helped to cut talent overhead and usually made for more outstanding programs. These early "sponsors" usually confined their advertising to little more than mention. Harmony teams and soloists, bank-rolled by radio equipment manufacturers, travelled from station to station and were heartily welcomed to the air, in spite of their commercial "tag." Anything to get those hours filled at little or no cost!

Frankly, radio station operation had become a real problem in 1926 and 1927. The value of radio as an advertising medium was still pretty much of an unknown quantity. Attempts to sell time and advertising results usually met with a minimum of success.

### *NBC and CBS Organized*

In 1926, the National Broadcasting Company was organized and we heard our first attempts in network programs. It was a real thrill to hear personalities and musicial organizations from New York to Hollywood on the same program, with rather long pauses during the transitions which were, however, glad to tolerate. With network programs came the introduction of "big names" of the stage to radio. We were fascinated by them, in spite of the fact that their air performances were generally rather mediocre.

Evening variety shows predominated during NBC's early career. Then came along radio drama. Working with limited budgets and mostly inferior talent, individual stations had been building both variety and dramatic broadcasts, of course.

The Columbia Broadcasting System formed its first network of stations late in 1927 with an ambitious schedule. Both of the networks encountered many problems and invested much money in program operations before sales of time and shows to sponsors began to become profitable.

### *Networks Fill a Need*

Network "feeds," although largely sustaining for the first year or two, filled a long-felt want so far as individual stations were concerned. Here were high quality programs to fill at least part of the independent station's time. Inasmuch as few stations were on the air more than eight or ten hours daily, mainly at night, the problem of programming was partly solved.

Thus during radio's second five years—1926 to 1930—the radio industry may be said to have both lost and found itself

Program standards were raised by the introduction of network broadcasting and the industry laid its foundation for the sound financial operations that were to follow in the next decade.

I'm going to say something right here in defense of early programming on individual stations. Although talents standards were inferior and production almost an unknown quantity, it was definitely determined that the indefinable quality known as "radio personality" combined with plenty of human interest, sincerity and friendliness, in programs is a basic formula for successful showmanship in radio. The stations that realized this fact built large and loyal audiences and contributed much to the future of radio.

In criticism of earlier network programs, I will say that many of them were too formal, too devoid of human interest, to win the mass audience. When networks began to "humanize" their offerings, they started to appeal to the masses.

### *From 1931 to 1940*

I will dwell briefly on developments during the third and fourth five year periods of radio. Most of us have had a part in writing a part of that story.

In spite of the very serious depression, the radio industry made remarkable progress, both as an entertainment medium and as a sound business investment, during the 1931-35 period. It was a steady growth, in spite of adverse business conditions.

DX listening, a popular pastime of the 1920-30 area, gave way to a more domesticated type of listening. Stations found that they had to fill all of the day and evening time allotted to them in order to hold their licenses. The day-time serial came into popularity and was found commercially successful during the morning and afternoon hours formerly considered unsalable.

"Big names" of the stage, motion picture and musical world discovered the power of radio. Production and continuity departments developed worthwhile vehicles for the presentation of "name" talent. Although radio production methods were immeasurably improved, smart radio men did not lose sight of the fact that programs must be "human" in order to command general appeal.

### *The Public Takes to the Mike*

Amateur and audience participation in programs started to flourish along about 1934 or 1935, bringing human interest to a high point in radio. This trend very definitely had its start in locally originating programs, such as "Man-in-the-Street" and similar interview shows. Quiz programs became "the thing" and have been featured most heavily during the past five years. Listeners have lost their awe and have actually become pals with the microphone. And an excited audience listens attentively whether it's John Kieran quoting W. Shakespeare on "Information Please" or Mrs. Mary Citizen striving to win a few dollars from "Professor Quiz."

The development of outstanding network variety shows featuring "Name" talent, particularly comedians, has been a very important feature of radio's last five years. We have only to look at the popularity of the Jack Bennys, Charlie McCarthy, Fred Allens, Eddie Cantors, and Baby Snooks!

### *News of Big Audience Builder*

The past five years have seen news become radio's outstanding "Bread-and-butter" feature. Probably no one service to listeners ranks as high as news broadcasting in creating and holding—day after day—a tremendous audience of people of all classes. News is vital. It has probably done more than any one program service to build the vast American radio audience.

In taking a hasty glance backward over the first 20 years of radio—we cannot but marvel at the success the industry has attained, especially when it is considered that we all had to start from scratch and gain our experience as we went along, with few or no precedents to follow. A great radio audience was built by the "trial and error" method of programming. However, Mr. and Mrs. Dial Twister have had numerous stations and programs from which to choose—so when any of us presented a particularly bad program, they stayed away "in droves."

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Washington, D. C., is to have a Radio Birthday Party, to which the public will be invited, sometime between November 11-30.

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A tribute to the broadcasting industry from the United States Civil Service Commission is to be a part of Radio's 20th Birthday celebration. Such appreciation is an official act of the Commission and will be received to stations in the form of a recording for broadcasting during the 20-Day Party.

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Emerson Radio and Farnsworth Radio as well as Motorola and RCA are distributing Radio Birthday broadsides to all distributors.

National Radio Parts Distributors Association also plans to mail the broadsides to members in all parts of the country. This is the nation's only organization of parts distributors.

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## BORDER PATROL JOBS

In one week 13,000 odd applications for border patrol jobs under United States Civil Service were received by the Commission.

Border patrol announcements were broadcast over stations in certain states west and south of North Dakota.

This is just another example of the power of radio to reach people quickly and effectively.

Two more stations, KBPS, Portland, Ore., and KHAS, Hastings, Neb., have notified headquarters of their long-time cooperation in the campaign to recruit skilled workers. The verified number of stations taking part in this important work is now 651.

## LISTEN BEFORE YOU VOTE

In Merced, Cal., David S. Ballou, manager, KYOS, found "Listen Before You Vote" to be a most successful promotion.

"You may be interested," he said, "to know how we capitalized on 'Listen Before You Vote.' We had at first not thought anything of the fact that our use of it was unusual, but since it has been brought to our attention that the idea seemed to be entirely unusual, we submit it for whatever value it may have, although it is a little bit late.

"We made two transcriptions—one fifteen minutes long and the other five minutes. The five-minute transcription consisted of a young girl talking to the women in the territory we serve, stressing the fact that women received the right to vote just twenty years ago, and that their right should be exercised.

"This caused a great deal of comment, but what really caused comment and caused us business was the quarter-hour program we made, in which we used your original campaign material—excerpts from letters and statements by famous people throughout the map.

"A group of fifteen voices were used with a brief statement at the beginning as to why people should exercise their American right. The program was closed with another voice giving the names of every candidate for public office in the trade area served by KYOS. We tagged the transcription with this statement:

> " 'These good people who are running for office—friends of yours and friends of ours—want our vote. Each of these people has the right to appear before the KYOS microphone and speak to you directly, telling you his or her qualifications. So, friends of KYOS, listen before you vote!' "

## FEDERAL COMMUNICATIONS COMMISSION

The Communications Defense Board is making progress, James Lawrence Fly, Chairman, told newspaper men at his press conference on Monday.

He announced that the Board has pretty well covered the general discussion and gone into consideration of committees and their functions. He stated that there should be something pretty concrete soon. The next meeting of the Board will be on November 4.

In answer to a specific question, the Chairman said that the Defense Board committees will embrace broadcast, cable, telegraph, etc. He said that up to the present time, about a dozen committees have been considered. Most of them, Mr. Fly stated, seem to be main committees but adjustment may break this number down. He said that the committees status is not necessarily indicative of importance but recognition of interests concerned.

Mr. Fly was asked if the program situation had been considered by the Board and he said that it had in general terms only with nothing specific. Mr. Fly called attention to the fact that the Board has nothing to do with programs which he stated had already been announced. Inquiry was made as to whether or not the Board is making a study of foreign broadcasts, and he said that there has been no coordinated study of that problem. He did point out, however, that the military services have representatives abroad and know pretty well what is going on in that line over there. The Board also he said has other channels of information.

As a typical example, the Chairman stated that he has recently had a long conversation with the British propaganda chief.

Mr. Fly told the newsmen that he has recently had further television discussions and that the Television Systems Committee is making progress and will file a report with the Commission shortly. The Chairman stated in answer to a question that no consideration has been given to color in the television rules. He did state, however, that the Television Committee will probably incorporate something about it in its coming report.

## ELECTRO-MEDICAL APPARATUS

Recognizing the importance of electro-medical apparatus to the medical profession in the treatment of human ills, the FCC has scheduled an informal engineering conference at its Washington offices on November 29, starting at 10 a. m., to facilitate establishing particular frequencies for the exclusive use of such equipment and promulgation of engineering standards to further promote these devices with mutual solution of interference questions.

It is through the cooperation of interested individuals and groups that the Commission hopes to adjust the technical problems in connection with operation of high frequency electro-medical equipment. Such effort is in keeping with views expressed at the Inter-American Radio Communications Arrangement signed at Santiago, Chile, last January.

The conference will be in Room 6117, New Post Office Building, and Chief Engineer E. K. Jett will preside.

## CORNISH APPLICATION GRANTED

As a result of hearing, the Federal Communications Commission has ordered grant of a construction permit to Guy S. Cornish of Cincinnati, Ohio (B-129), for a new Class II experimental station to operate on the frequency 310,000 kilocycles, with power of 1 watt, and type A3 emission. The applicant proposes to develop facilities for the transmission of aural signals between the announcer or speaker at public gatherings and the loud speaker system in instances where it is not possible or practical to use microphone cable.

The permit is granted upon an experimental basis only, subject to change or cancellation at any time, and upon further condition that no interference shall be caused to other radio service.

## BROADCAST RULES AMENDED

Section 3.51(a) (2) of the Rules Governing Standard Broadcast Stations, has been amended, providing for extension of time from December 1, 1940, to June 1, 1941, within which existing stations are required to determine operating power by direct measurement of the antenna power.

## TELEVISION CONFERENCE

The FCC will confer with the National Television Systems Committee early in January for the purpose of receiving a progress report on that committee's study of the television situation.

The Commission will hear the chairman of the committee and the various panel chairmen but will not call for recommendations as to whether standards should be fixed at that time.

The conference, which will not be in the nature of a hearing, will be held in Washington at a date to be announced later and will be open to the public.

The National Television Systems Committee was created on July 31, 1940, and has operated in cooperation with the Radio Manufacturers Association and the Commission.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled before the Commission for the week beginning Monday, November 4. They are subject to change.

### Thursday, November 7

Consolidated Hearing

NEW—Broadcasting Corporation of America, Riverside, Calif.—C. P., **1390 kc.**, 1 KW night, 1 KW LS, unlimited time.

NEW—Mollin Investment Co., Riverside, Calif.—C. P., **1390 kc.**, 500 watts, daytime.

NEW—Riverside Broadcasting Co., Riverside, Calif.—C. P., **1420 kc.**, 250 watts night, 250 watts LS, unlimited time.

Oral Argument Before the Commission

Report No. B-126:

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P., **1210 kc.**, 100 watts night, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Granted construction permit to increase power from 500 watts to 1 KW day and night, and make changes in transmitter; **1440 kc.**, unlimited time (B5-P-2849).

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Granted construction permit as modified (B3-P-2242) to increase power from 1 KW to 5 KW day and night, install new transmitter, move transmitter, install directional antenna for night use, and extend commencement and completion dates to 30 days after grant and 90 days thereafter, respectively; **1380 kc.,** unlimited time (B3-P-932).

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted construction permit to make changes in equipment, increase day power from 1 KW to 5 KW, directional antenna day and night; **1380 kc.,** 1 KW night (B1-P-2723).

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted modification of license to increase night power from 100 watts to 250 watts; **1310 kc.,** 250 watts day, unlimited time (B3-ML-1015).

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted modification of license to increase night power from 100 watts to 250 watts; **1200 kc.,** 250 watts day, unlimited time (B2-ML-1014).

KRSC—E. W. Andrews, transferor, Palmer K. Leberman, transferee, Seattle, Wash.—Granted transfer of control of Station KRSC from E. W. Andrews to Palmer K. Leberman; **1120 kc.,** 250 watts, unlimited time (B5-TC-238).

Wendell Mayes, Joe N. Weatherby, B. P. Bludworth, and J. S. McBeath, d/b as Brown County Broadcasting Co., Brownwood, Tex.—Granted construction permit for new station to operate on **1350 kc.,** 500 watts, unlimited time, transmitter site to be determined near or in Brownwood, subject to Commission's approval (B3-P-2672).

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Granted construction permit to increase night power from 1 KW to 5 KW and install directional antenna for night use; **1260 kc.,** 5 KW day, unlimited time (B4-P-2609).

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted construction permit to make changes in transmitting equipment, make changes in directional antenna for nighttime use, increase night power from 1 KW to 5 KW, and move transmitter locally; **1260 kc.,** 5 KW day, DA-N, unlimited (B2-P-2628).

Henry J. Walczak, tr/as Walczak Laboratory, Springfield, Mass.—Granted application for voluntary dismissal of application for construction permit for new experimental television station to operate on **1604-1624 kc.,** 250 watts, special and A3 emission (B1-PVB-49).

Capital Broadcasting Co., Washington, D. C.—Granted construction permit for a new station to operate on **1420 kc.,** 250 watts unlimited, with 100 watts synchronized amplifier (B1-P-2679).

The Maryland Broadcasting Co., Baltimore, Md.—Granted construction permit for new broadcast station to operate on **1200 kc.,** 250 watts, unlimited time (B1-P-2792).

KVWC—R. H. Nichols, W. H. Wright, and Stewart Hatch, d/b as Northwestern Broadcasting Co. (Assignor), Vernon, Tex.—Granted application for voluntary assignment of license of KVWC from R. H. Nichols, W. H. Wright, and Stewart Hatch, d/b as Northwestern Broadcasting Company, to the Northwestern Broadcasting Company; station operates on **1500 kc.,** 250 watts, unlimited time (B3-AL-281).

Earl C. Dunn and Charles W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—Granted construction permit for a new broadcast station to operate on **1500 kc.,** 250 watts, unlimited time (B3-P-2931).

KXYZ—Fred J. Heyne (Transferor), M. Tilford Jones (Transferee), Houston, Tex.—Granted authority to transfer control of corporation (The Harris County Broadcast Company, licensee of standard broadcast station KXYZ and portable-mobile station KIIS) to Tilford Jones, representing 5 shares (50% of outstanding capital stock) for a consideration of $95,000. Station KXYZ operates on **1440 kc.,** with 1 KW, unlimited time (B3-TC-239).

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted construction permit (subject to conference on daytime coverage) to increase hours of operation from daytime to unlimited; move transmitter and install directional antenna for day and night use; station operates on **1050 kc.,** with 1 KW power (B4-P-2886).

The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted construction permit for new television station (site to be determined) in Milwaukee, on the following assignment: **66000-72000 kc.** (Channel No. 3), 1 KW aural and visual power (B4-PVE-20).

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Granted modification of construction permit (B1-P-2415) for changes in directional antenna system, install new transmitter, increase day and night power from 1 KW to 5 KW, and extend commencement and completion dates to 80 days after grant and 180 days respectively; **1260 kc.,** unlimited time (B1-MP-903). (Stations KOIL, WHIO and WNBX worked out mutual interference problems by agreement on directional antenna.)

Batavia Broadcasting Corp., Batavia, N. Y.—Granted construction permit for new broadcast station to operate on **1500 kc.,** 250 watts power, unlimited time (B1-P-2909).

Capitol Broadcasting Corp., Indianapolis, Ind.—Granted construction permit for new broadcast station to operate on **1280 kc.,** with power of 1 KW night, 5 KW day, unlimited time, employing directional antenna at night, subject to condition that proof be submitted that interference does not exceed calculated values (B4-P-2908).

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted construction permit to make changes in directional antenna and increase power to 5 KW night and day (now has 1 KW night, 5 KW local sunset), on **1280 kc.** (B4-P-2689).

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted construction permit to make changes in equipment and increase power from 500 watts to 1 KW, operating on **1280 kc.** (B1-P-2563).

KLS—Warner Brothers, Oakland, Calif.—Granted construction permit to increase power from 250 watts to 1 KW, operating on **1280 kc.,** unlimited time; install new transmitter and increase antenna height 26 feet (B5-P-2826).

WRR—City of Dallas, Tex., Dallas, Tex.—Granted construction permit to move transmitter site from Centennial Grounds to White Rock Lake, northeast of city; new equipment; install directional antenna for night and increase power from 500 watts to 5 KW, operating on **1280 kc.,** unlimited time (B3-P-2229).

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted construction permit to move transmitter, install directional antenna for night use, and increase night power from 1 to 5 KW (now has 1 KW night, 5 KW LS), on **1280 kc.** (B3-P-2641).

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Granted construction permit to increase night power from 1 to 5 KW, and install directional antenna for night use, operating unlimited time on **1280 kc.** (B5-P-2920).

## DESIGNATED FOR HEARING

Wm. D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—Application for construction permit for new broadcast station to operate on **1370 kc.,** 250 watts, unlimited time, at Clarksville, Tenn.; exact site to be determined; to be heard jointly with following application:

Paducah Broadcasting Co., Inc., Clarksville, Tenn.—Application for construction permit for new broadcast station to operate on **1370 kc.,** 250 watts, unlimited time, at Clarksville, Tenn. (B3-P-2950).

Radio Corp. of Annapolis, Annapolis, Md.—Application for construction permit for new broadcast station to operate on **1310 kc.,** with power of 100 watts, unlimited time; requests facilities of station WINX (B1-P-2831).

T. B. Gillespie, Paletka, Fla.—Application for construction permit to establish a new Class IV station in Palatka to operate on **1310 kc.,** with 250 watts power (B3-P-2941).

Robert V. Lee, Bradentown, Fla.—Application for construction permit to establish a Class IV station at Bradentown, to operate on **1500 kc.,** 250 watts power (B3-P-2780).

## RENEWAL OF LICENSES

Licenses for the following International Broadcast stations were renewed for the period November 1, 1940, to November 1, 1941:

WCBX and auxiliary, New York City; WLWO, Cincinnati, Ohio; KGEI, San Francisco; WGEA and WGEO, Schenectady, N. Y.; WNBI and WRCA, New York City; WCAB, Philadelphia; WPIT, Pittsburgh, Pa.; WRUL and WRUW, Boston, Mass.

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Granted extension upon a temporary basis only of special experimental authority to operate a 1 KW transmitter on frequency of **6080 kc.,** using A0 and A1 emission for identification only, sharing time with International Station WLWO, pending receipt and determination upon application for extension, for the period ending no later than December 1, 1940.

KDJB—Mason City Globe-Gazette Co., Mason City, Ia.—Granted renewal of relay broadcast station license for the regular period.

KQHS—Mason City Globe-Gazette Co., Mason City, Ia.—Granted renewal of relay broadcast station license for the regular period.

WOEG—General Electric Co., Schenectady, N. Y.—Granted in part application for renewal of relay broadcast station license for the period ending October 1, 1941, deleting the frequency **2022 kc.** heretofore assigned said station, and substituting frequency **2074,** subject to condition that no interference is caused to Government stations on adjacent channels.

KIJG—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt and determination upon application for renewal.

KFAH—A. Bruce Fahenstock, Director Fahenstock South Sea Expedition, Aboard Yacht *Director II*.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt and determination upon application for renewal.

KEMA—May Seed and Nursery Co., Shenandoah, Iowa.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1, to December 1, 1940, pending receipt and determination upon application for renewal.

WAHJ—The Champaign News-Gazette, Inc., Champaign, Ill.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt of and determination upon renewal application, and upon condition that frequency **2022** be deleted and **2074** substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels.

WBGN—The Champaign News-Gazette, Inc., Champaign, Ill.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt of and determination upon renewal application, and upon condition that frequency **2022** be deleted and **2074** substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels.

WABG—Memphis Commercial Appeal Co., Memphis, Tenn.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt of and determination upon renewal application, and upon condition that frequency **2022** be deleted and **2074** substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels.

WAOE—Martin R. O'Brien, Aurora, Ill.—Present license for relay broadcast station was further extended upon a temporary basis only, for the period November 1 to December 1, 1940, pending receipt of and determination upon renewal application, and upon condition that frequency **2022** be deleted and **2074** substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels.

WRCA—National Broadcasting Co., Inc., New York City.—Extended upon a temporary basis only, special experimental authority to operate an additional 35 KW power amplifier, using **9670 kc.,** for the period ending December 1, 1940, pending receipt of and determination upon application for extension.

KSUB—Leland M. Perry, Cedar City, Utah.—Present license for standard broadcast station was extended to March 29, 1941, pending further consideration of application for renewal.

## MISCELLANEOUS

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 9 p. m. to 10 p. m. CST, October 23, 1940, in order to broadcast Republican political talk only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except in order to permit KFRU to broadcast Republican political talk only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8:00 p. m. to 9 p. m. CST, October 23, and from 8 p. m. to 8:30 p. m., October 24, 1940, in order to permit WGBF to broadcast a Democratic National Committee talk only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above in order to broadcast a Democratic National Committee talk only.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with Radio Station WOSU from 8 p. m. to 11 p. m. EST, October 23, 1940, in order to broadcast political programs as described in telegram received October 22, 1940, only.

WRMO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (October, 5:15 p. m., and November, 4:30 p. m. CST), to 9 p. m. CST, October 24, 26, 28, 29, 30, 31, November 2, 3, and 4, 1940, in order to broadcast political programs only; to operate to 11 p. m. CST, November 8, 15 and 22, 1940, in order to broadcast football games only; to operate to 11 p. m., November 1, in order to broadcast political talks from 6 to 8 p. m., and a football game from 8 to 11 p. m.; to operate to 12 midnight, November 5, in order to broadcast election returns; to operate to 5:30 p. m., November 21, 1940, in order to broadcast a Thanksgiving Day football game.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 7:30 p. m. to 9:30 p. m., October 24, 1940, in order to broadcast a speech by Sam Rayburn, Speaker of the House of Representatives only.

W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency experimental transmitter at 444 Madison Ave., New York City, for the period October 28, 1940 to not later than November 26, 1940, pending action on formal application for such authority.

WSPR—WSPR, Inc., Springfield, Mass.—Denied special temporary authority to operate unlimited time for a period not to exceed 30 days, in order to broadcast programs of public interest, convenience, and necessity, pending change over in accordance with new allocation.

KWKH—International Broadcasting Corp., Shreveport, La.—Denied special temporary authority to operate without a directional antenna from 5 a. m., CST, to local sunrise (Oct. 6:15 a. m., Nov. 6:45 a. m., CST), for a period not to exceed 30 days, in order to broadcast morning programs.

WSPR—WSPR, Inc., Springfield, Mass.—Denied special temporary authority to operate from 10:15 p. m. to 10:30 p. m., EST, October 24, 1940, in order to broadcast a commentary by Raymond Gram Swing and Wythe Williams sponsored by Paramount Pictures.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate with power of 2,500 watts from 6 a. m. until local sunrise (Oct. 6:30 a. m. and Nov. 7 a. m., CST), for a period not to exceed 30 days, in order to broadcast U. S. Department of Agriculture Weather Bureau reports only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10 p. m. to 10:30 p. m., October 23, 1940, in order to broadcast program sponsored by Democrats for Willkie Committee, and from 7:15 p. m. to 7:30 p. m., EST, October 24, 1940, in order to broadcast program sponsored by the Democratic State Committee only.

WCAQ—City of Camden, N. J.—Granted special temporary authority to operate a relay broadcast station on Group D frequency in order to relay broadcast program material incidental to President Roosevelt's inspection of defense industries to Radio Station WCAM on October 23, 1940.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 8:45 p. m., CST, October 31, 1940, in order to permit WGBF to broadcast a Republican National Committee talk only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above in order to broadcast a Republican National Committee talk only.

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, Hawaii.—Granted special temporary authority to operate from sign off (Nov. 10:45 p. m., LST) to 12:15 a. m., LST, November 4, 1940, in order to broadcast political rally, and on November 5, in order to broadcast election returns.

Harbenito Broadcasting Co., Harlingen, Tex.—Granted motion for leave to amend application for construction permit for new station to operate on **1420 kc.**, 250 watts night, 250 watts day, unlimited time, with regard to corporate structure, and cancelled hearing scheduled for December 16, 1940 (B3-P-2747).

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted construction permit to move old main composite transmitter from present site at Flushing, L. I., to College Point Causeway, to site of new main transmitter at Belleville Turnpike, Kearny, N. J., to be used for emergency use only with power of 1 KW and employing directional antenna day and night (B1-P-2980).

WCBI—Birney Imes, Columbus, Miss.—Granted modification of construction permit (B3-P-2675) to change type of transmitting equipment (B3-MP-1081). Also granted license to cover construction permit authorizing a new station to operate on **1370 kc.**, 250 watts, unlimited time (B3-L-1244).

WCBI—Birney Imes, Columbus, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-511).

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-501).

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-503).

WHBY—WHBY, Inc., Appleton, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-514).

KOWH—World Publishing Co., Omaha, Neb.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-516).

WMAS—WMAS, Inc., Springfield, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-500).

WMBS—Fayette Broadcasting Co., Uniontown, Pa.—Granted modification of construction permit (B2-P-2711), which authorized a new transmitter, and installation of directional antenna, change in frequency from **1420** to **590 kc.**, increase in power from 250 watts to 1 KW, for authority to make changes in directional antenna and install new transmitter; extend commencement date to 30 days after grant and completion date to 180 days thereafter (B2-MP-1083).

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted modification of construction permit (B5-P-1339, which authorized a new station), for approval of antenna, installation of new transmitter, approval of studio and transmitter site at Plains Hotel, Cheyenne, Wyo. (B5-MP-1056).

WMRM—The Marion Broadcasting Co., Marion, Ohio.—Granted modification of construction permit (B2-P-2862, which authorized a new station), for approval of antenna system, and approval of studio and transmitter site at North Main St., ¼ mile north of city limits, Marion (B2-MP-1071).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of construction permit (B3-P-2216, which authorized new equipment, increase in power from 5 to 50 KW, change in hours of operation to unlimited time, changes in antenna system), for further changes in directional antenna system (B3-MP-1077).

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted license to cover construction permit (B3-P-2384) authorizing a new station to operate on **1500 kc.**, 100 watts night, 250 watts local sunset, unlimited time (B3-L-1251). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-518).

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted license to cover construction permit (B5-P-2278) which authorized change of frequency from **1370** to **1380 kc.**, move of transmitter and studio, increase in power from 100 watts to 1 KW, installation of new equipment and vertical antenna (B5-L-1252). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-519).

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted license to cover construction permit (B2-P-2879) which authorized a new station to operate on **1500 kc.**, 250 watts, unlimited time (B2-L-1253). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-520).

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Granted authority to make changes in automatic frequency control equipment (B2-F-155).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted license to cover construction permit (B2-P-2645) which authorized installation of new transmitter, increase in power from 100 watts to 1 KW, change in hours of operation from daytime to L-WCFL; **970 kc.** The authority granted for operation of station WIBG after local sunset, and particularly during the time period between local sunset and sunset at WCFL, Chicago, is granted upon a temporary basis only and upon the express condition that such authority is subject to modification or cancellation by the Commission at any time without advance notice or hearing. It shall not be construed as a finding by the Commission that the operation of WIBG upon the **970 kc.** frequency after sunset at the location of the station, Glenside, Pa., will be in the public interest beyond the terms hereof (B2-L-1255).

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted license to cover construction permit (B3-P-1871) as modified, which authorized change in frequency, installation of new transmitter, antenna changes, increase in power from 250 to 500 watts, and hours of operation from sharing WDAH to unlimited, and move of transmitter; **1350 kc.** (B3-L-1248).

KHAS—Nebraska Broadcasting Co., Hastings, Nebr.—Granted license to cover construction permit (B4-P-2367) which authorized a new broadcast station to operate on **1200 kc.**, 250 watts, unlimited time (B4-L-1250). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-517).

KAOY—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of construction permit (B5-PRE-297) which authorized a new relay broadcast station, for change of frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.**, and extend commencement and completion dates to 60 and 180 days after grant, respectively (B5-MPRE-47).

WDAY—WDAY, Inc., Fargo, N. D.—Granted authority to install automatic frequency control equipment (B4-P-156).

KEHS—WDAY, Inc., Portable-Mobile (area of Fargo, N. Dak.).—Granted construction permit to change frequencies in relay broadcast station to **156750, 158400, 159300, 161100 kc.**, increase power from 1 watt to 5 watts, and install new equipment (B4-PRE-372).

WEND—WHP, Inc., Portable-Mobile (area of Harrisburg, Pa.).—Granted construction permit to change frequencies in relay broadcast station to **1606, 2074, 2102, 2758 kc.**, make changes in equipment, and increase power from 0.5 watts to 2 watts (B2-PRY-228).

WDAC—State of Wisconsin, University of Wisconsin, Portable-Mobile (Area of Madison, Wisc.).—Granted construction permit to increase power in relay broadcast station from 10 to 30 watts and make changes in equipment (B4-PRY-227).

WJR, The Goodwill Station, Detroit, Mich.—Granted construction for new relay broadcast station; frequencies **156075, 157575, 159975, 161925 kc.**, 100 watts power, to be used in connection with applicant's standard broadcast station WJR (B2-PRE-370).

WAUH—Atlantic Coast Broadcasting Co., Portable-Mobile (area of Charleston, S. C.).—Granted license to cover construction permit (B3-PRE-357), for a new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.**, 2 watts power (B3-LRE-325).

KEHO—Intermountain Broadcasting Corp., Portable-Mobile (area of Salt Lake City).—Granted modification of relay broadcast station license to change frequencies to **156075, 157575, 159975, 161925 kc.** (B5-MLRE-67).

W3XWT—Allen B. DuMont Labs., Inc., Washington, D. C.—Granted modification of construction permit (B1-PVB-31), which authorized a new television broadcast (experimental) station, for extension of commencement and completion dates to January 1 and July 1, 1941, respectively (B1-MPVB-23).

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted modification of construction permit (B1-PVB-30), authorizing new television station, to make changes in both visual and aural transmitters (B1-MPVB-25).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate on October 25, 1940, from 5:45 p. m. to 6 p. m. in order to broadcast

Annual Ingathering for the County Children's Home, from 7:15 p. m. to 7:30 p. m., in order to broadcast talk by F. Clair Ross, Treasurer of the State of Pennsylvania, from 8:45 p. m. to 9 p. m. EST, in order to broadcast talk by Senator Joseph F. Guffey only.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with radio station WOSU from 7 p. m. to 11 p. m. EST, October 25, 1940, in order to broadcast political programs consisting of speeches by John L. Lewis, Irving Cobb and others as described in telegram received October 24, 1940, only.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 10 p. m. October 27 to 6 a. m. EST, October 28, 1940, in order to broadcast a Charity Performance from the Apollo Theater in Harlem for the purpose of raising funds for England's stricken women and children.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9 p. m. to 9:30 p. m. EST, October 24, 1940, in order to broadcast a speech by Hugh Johnson on behalf of Wendell Willkie only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:15 p. m. to 7:30 p. m. EST, October 25, 1940, in order to broadcast program sponsored by the National Democratic Committee only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 25, 1940, in order to broadcast Republican State Committee talk only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 25, 1940, in order to permit KFRU to broadcast Republican State Committee talk only.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate high frequency station W1XOJ on frequency **44300 kc.**, for the period ending not later than December 31, 1940, in order to tune the antenna and make necessary adjustments in the transmitter.

W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate on **26300 kc.**, for the period October 27, 1940, to not later than December 27, 1940, in order to make tests in cooperation with station W9XA, to determine interference conditions existing between the two stations.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7 p. m. to 7:15 p. m. EST, daily for the period October 27, 1940, to not later than November 4, 1940, in order to broadcast Wendell Willkie for President programs only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10:30 p. m. to 10:45 p. m. EST, October 28, 1940, in order to broadcast program sponsored by the Massachusetts Independent Voters Committee only.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.**, from 9 p. m. to 9:30 p. m., EST, October 28, 1940, in order to broadcast speech by Thomas E. Dewey, sponsored by Republican National Committee, and from 9:30 p. m. to approximately 10 p. m., EST, October 28, 1940, in order to broadcast program sponsored bv Willkie-McNary Campaign Club of Republican State Committee for the District of Columbia only.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 9 p. m. to 10 p. m. CST, October 29, 1940, in order to broadcast program by the Illinois Commission of Independent Voters for Roosevelt and Wallace only.

WGBB—Harry H. Carman, Freeport, N. Y.—Granted special temporary authority to operate simultaneously with station WFAS from 9 p. m. to approximately 11 p. m. EST, October 29, 1940, in order to broadcast political rally only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:15 p. m. to 8:30 p. m. EST, October 25, 1940, in order to broadcast Independent and Progressive Voters League of Massachusetts program only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 8:15 p. m. EST, October 25, 1940, in order to broadcast program sponsored by the Small Business Men's Committee for Willkie only.

WPIT—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WPIT authorized in construction permit (File No. B1-PIB-23) with a power of 35 KW using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit for the period October 29, 1940, to not later than November 27, 1940.

KTRB—Thomas R. McTammany & Wm. H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 7:45 p. m. to the conclusion of the Modesto Symphony Orchestra Program October 29, in order to broadcast said program only, from 6:30 p. m. to 9 p. m. November 1, from 6:30 p. m. to 10 p. m. November 4, 1940, in order to broadcast political programs only, and from 5 p. m. PST to the conclusion of election returns November 5, 1940, in order to broadcast election returns only.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from sign-off (October 7:30 p. m. EST) to midnight EST, October 25, 1940, in order to broadcast the Manhattan University vs. Duquesne University football game; sustaining music to be broadcast from sign-off time until commencement of game.

WSSJ—Puerto Rico Advertising Co., Inc., San Juan, P. R.—Denied motion to strike from the Commission's files the application of Caribbean Broadcasting Association, Inc., and cancel hearing scheduled for December 4.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Denied petition filed by WHJB requesting reconsideration and grant without hearing the applications for construction permit to move transmitter and increase operating assignment on **620 kc.** from 250 watts, daytime only, to 1 KW, unlimited time, using directional antenna at night.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted petition for approval of present site and amended antenna specifications, in re its application for construction permit to increase power from 1 to 5 KW night, and install directional antenna for night use.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Dismissed petition for rehearing filed by WMBR in re application The Metropolis Company (WJHP), Jacksonville, Fla., for license to cover construction permit.

KFYO—Plains Broadcasting Co., Lubbock, Texas.—Denied petition for rehearing concerning the action of the Commission September 4, 1940, granting the application of WING, Dayton, Ohio, for construction permit to increase power, make changes in directional antenna and install new equipment.

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Granted special temporary authority to operate unlimited time the night of November 5, 1940, in order to broadcast election returns only.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. November 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, from 2:00 to 3:15 p. m. November 4, 11, 18, 25, from 9:15 to 9:45 p. m. November 12, 1940, in order to permit WNAD to broadcast educational programs only; to operate from 8:15 to 9:15 p. m. November 27 and from 7:15 to 9:15 p. m. CST, November 28, 1940, in order that WNAD may observe Thanksgiving vacations (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m., from 2 to 3:15 p. m., from 9:15 to 9:45 p. m. on above dates in order to broadcast educational programs only (provided KGGF remains silent); to remain silent from 8:15 to 9:15 p. m. November 27 and from 7:15 to 9:15 p. m. CST, November 28, 1940, in order to observe Thanksgiving vacation.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 12 midnight MST, November 5, 1940, in order to broadcast election returns only.

KGDM—E. E. Peffer, Stockton, Calif.—Granted special temporary authority to operate unlimited time on night of November 5, 1940, in order to broadcast election returns only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset

(October 5 p. m. and November 4:15 p. m. PST), to the conclusion of football games described in letter dated October 14, 1940, on October 31, November 1, 8, and 11, 1940, in order to broadcast games only.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 8 p. m. to 9:15 p. m., November 1, 1940, in order to broadcast a speech by Claude Wickard, Secretary of Agriculture, and from sign-off (November, 5:15 p. m. CST), to 10:30 p. m., November 4, 1940, in order to broadcast political speeches and from 5:15 p. m., November 5 to 1:00 a. m. CST, November 6, 1940, in order to broadcast election returns and fill-in programs only.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 5:00 p. m. to 8:00 p. m., October 31 and from 4:30 p. m. to 8:00 a. m. EST, November 1, 2, 3, and 4, 1940, in order to broadcast political programs as described in letter dated October 14, 1940, only.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 9 p. m. to 9:15 p. m. CST, November 4, 1940, in order to broadcast a political speech by T. V. Brennan, candidate for Recorder of Deeds, only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m. EST, November 5, 21, and 22, 1940, in order to broadcast sustaining musical programs as described in letter dated, October 22, 1940, only (provided WSVS remains silent).

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m. CST, November 2, 9, 16, and 23, 1940, in order to broadcast Purdue University football games only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to 11:30 p. m. PST, October 31, 1940, in order to broadcast a Hallo'ween program only.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate beyond midnight CST, November 5, 1940, in order to broadcast election returns only.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate from local sunset (November, 5 p. m. CST), November 5, 1940, to local sunrise (November, 7:15 a. m. EST), November 6, 1940, in order to broadcast election news and returns and fill-in material.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to occupy lulls between election bulletins with recordings and transcriptions in addition to the authority granted October 9, 1940, to operate additional time in order to broadcast election returns.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted special temporary authority to operate simultaneously with Station WWVA from 10:30 p. m., November 5, 1940, to 6:30 a. m. CST, November 6, 1940, in order to broadcast election returns only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 4:30 p. m., November 5, 1940, to 6 a. m. EST, November 6, 1940, in order to broadcast election returns only. Also granted special temporary authority to operate from 4:30 p. m. to 5 p. m. EST, November 3, 1940, in order to broadcast a program for the LaGuardia-Roosevelt Campaign Committee only.

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from local sunset (November, 4:45 p. m. EST), November 5, 1940, to 6:45 a. m. EST, November 6, 1940, in order to broadcast election returns and matters of public interest.

WLAW—Hildreth and Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m. EST), November 5, 1940, to 1 a. m. EST, November 6, 1940, in order to broadcast election returns only.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from local sunset (November, 5 p. m. EST), November 5, 1940, to 4:30 a. m. EST, November 6, 1940, in order to broadcast election returns only.

WJMC—Walter H. McGenty, Rice Lake, Wisc.—Granted special temporary authority to operate from local sunset (November, 4:45 p. m. CST), to 10 p. m., November 2 and 4, 1940, in order to broadcast political programs only and from local sunset November 5 to 3:30 a. m. CST, November 6, 1940, in order to broadcast election returns only.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted special temporary authority to operate from 10 p. m. CST, November 5, 1940, until the trend of elections is established in order to broadcast election returns only.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted special temporary authority to operate simultaneously with station WOWO from 7:45 p. m., EST, November 5, 1940, and continuing throughout the night, in order to broadcast election returns only.

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Granted special temporary authority to operate from 12 midnight, November 5, 1940, to 3 a. m., EST, November 6, 1940, in order to broadcast election returns and news only (provided WCNW remains silent).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from local sunset (Nov. 5 p. m., EST), November 5, 1940, to 3 a. m., EST, November 6, 1940, in order to broadcast election returns, sustaining programs, and news only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate unlimited time the night of November 5, 1940, in order to broadcast election returns and musical selections only. Also granted special temporary authority to operate from 9 to 9:15 p. m., EST, October 28, 1940, in order to broadcast Paul Dever for Governor program only. Also granted special temporary authority to operate from 10:15 p. m. to 11 p. m., October 30, 1940, in order to broadcast program sponsored by the National Democratic Committee, and from 10 p. m. to 11 p. m., EST, November 3 (instead of from 10:30 to 10:45 p. m., EST, as authorized on October 3, 1940), in order to broadcast program sponsored by the Democratic State Committee only.

WQDM—E. J. Regan & F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8 p. m. to 10 p. m. EST, November 1, 1940, in order to broadcast Democratic Rally only.

WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate unlimited time on November 5, 1940, in order to broadcast election returns only.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 7 p. m. to 10 p. m. November 4, 1940, in order to broadcast political programs only and from 7 p. m. November 5 to 4 a. m. CST, November 6, 1940, in order to broadcast election returns only, using power of 500 watts.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 7 p. m. EST, November 5, 1940, to 2 a. m. EST, November 6, 1940, in order to broadcast election returns and incidental non-sponsored music during such intervals as election returns are not being given only.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted special temporary authority to operate from local sunset (November 4:30 p. m. CST) to the conclusion of football games on November 2, 9, 16, and 23, 1940, in order to broadcast football games only, and to operate nighttime November 5, 1940, in order to broadcast election returns only. Also granted special temporary authority to operate from 5 p. m. CST to the conclusion of a speech by Wendell L. Willkie October 28, 1940, in order to broadcast said speech only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to broadcast sustaining musical programs consisting of records, transcriptions and Mutual Network presentations and commercial announcements as fill-in programs between election returns in addition to the authority granted September 27, 1940, authorizing additional hours of operation November 5 and 6, 1940, in order to broadcast election returns only.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 8:30 p. m. November 5, 1940, to 1:00 a. m. EST, November 6, 1940, in order to broadcast election returns only.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate from 7 p. m. November 5 to 3 a. m. EST, November 6, 1940, in order to broadcast election returns, incidental transcribed and live talent music.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 7 p. m. to 9:30 p. m. November 4 and from 5 p. m. to midnight EST, November 5, 1940, in order to broadcast political programs and election returns as described in letter dated October 16, 1940, only, using power of 250 watts.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit (B1-P-2339) as modified which authorized move of transmitter, and install directional antenna for day and night use, for extension of completion date from November 6, 1940, to December 6, 1940 (B1-MP-1093).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 7:30 p. m. to 9:30 p. m. CST, October 30, 1940, in order to broadcast a program sponsored by the Republican State Committee only. Also granted special temporary authority to operate from 7:30 p. m. to 9:30 p. m. CST, October 28, 1940, in order to broadcast a political speech by James A. Reed only.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate with power of 250 watts from local sunset (November 5 p. m. CST) November 5, 1940, to the conclusion of election returns broadcast the morning of November 6, 1940; station to operate commercially from 12 midnight November 5, 1940.

CKLW—Essex Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to pick up program in connection with the League of Catholic Women National Convention in Detroit to be broadcast by CKLW from 8:30 p. m. to 9 p. m. EST, October 28, 1940.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 9:45 p. m. October 30, 1940, and from 10 p. m. to 10:15 p. m. EST, October 29, 1940, in order to broadcast Dever for Governor program and speech by Rev. Peale on behalf of Wendell Willkie only. Also granted special temporary authority to operate from 9 p. m. to 9:30 p. m. October 29, 1940, in order to broadcast program sponsored by the National Republican Committee and from 8:45 p. m. to 9:15 p. m. EST, November 2, 1940, in order to broadcast program sponsored by the Republican National Committee only. Also granted special temporary authority to operate from 8:15 p. m. to 8:30 p. m. and from 7:45 p. m. to 8 p. m. and from 10:45 p. m. to 11 p. m. EST, October 29, 1940, and from 9:45 p. m. to 10:15 p. m. EST, October 30, 1940, in order to broadcast political programs as described in telegram received October 29, 1940, only.

WSVS—Board of Education, City of Buffalo, N. Y.—Granted special temporary authority to remain silent on November 5, 11, noon 20th to 24th inclusive, noon December 30 to January 5, 1941, inclusive, and February 12, 1941, in order to observe legal holidays.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 8:45 to 9:15 p. m., CST, November 2, in order to broadcast speech by Thos. E. Dewey only (B4-S-507).

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with KLX from local sunset (Nov. 4:45 p. m., PST) to midnight, PST, November 1, 2 and 5, in order to broadcast political programs only (B5-S-1027).

WICA—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate the night of November 5, in order to broadcast election returns only (B2-S-950).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with station WOSU from 8 to 11:15 p. m., EST, October 30, in order to broadcast political addresses by Dorothy Thompson, President Roosevelt, and others (B2-S-306).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m., CST) to 12 midnight, CST, November 5, in order to broadcast election returns only (B3-S-819).

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted special temporary authority to operate from local sunset (November 5:15 p. m., EST) to 12 midnight, EST, November 5, 1940, in order to broadcast election returns only.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate from local sunset, November 6:45 p. m., to 12 midnight, EST, November 2, 3, and 4, 1940, in order to broadcast special election events, and from local sunset, November 5, to 6 a. m., EST, November 6, 1940, in order to broadcast election returns only.

W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency broadcast station W2XMN, for the period November 7 to December 6, 1940.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 7:30 to 10 p. m., CST, November 1, in order to broadcast political programs consisting of speeches by the President, Secretary Ickes, and Herbert Hoover, and others (B4-S-507).

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:30 to 9 p. m., EST, October 30, in order to broadcast speech by Wendell Willkie only, using 100 watts power (B1-S-575).

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted special temporary authority to operate from local sunset (Nov. 6:45 p. m., EST), November 5, to 1 a. m., EST, November 6, in order to broadcast election returns interspersed with musical programs (B1-S-760).

WSOO—Hiawathaland Broadcasting Co., Sault Ste Marie, Mich.—Granted special temporary authority to operate with power of 250 watts night, for the period ending no later than November 5, in order to increase coverage for political programs and election returns only (B2-S-1071).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:15 to 9:30 p. m., EST, October 30, in order to broadcast programs sponsored by Democratic State Committee only (B1-S-886). Also granted special temporary authority to operate from 6:45 to 7 p. m., EST, October 30, in order to broadcast a speech for Henry Parkman, candidate for the Senate, only.

WTBO—Associated Broadcasting Corp., Cumberland. Md.—Granted special temporary authority to operate from 8:30 to 9 p. m., EST, October 30, in order to broadcast a speech by Mr. Willkie only (B1-S-748).

KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Denied petition to re-open proceedings for the purpose of permitting the introduction of additional evidence in the matter of the application of Worcester Broadcasting Corp. to establish a new station in San Diego.

## APPLICATIONS FILED AT FCC

### 610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Construction permit to use old RCA transmitter as auxiliary for emergency use only, with power of 1 KW, to be located at site of present auxiliary transmitter.

WCLE—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Construction permit to change frequency from 1300 to 630 kc., power from 1 KW to 1 KW night, 5 KW day; install new transmitter; make changes in directional antenna for day and night use, and move transmitter from St. Paul to Bloomfield, Minn. Amended: antenna.

### 710 Kilocycles

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Modification of construction permit (B5-P-2437) for authority to install new transmitter and directional antenna, increase in power and move of transmitter, further requesting increase in power from 10 to 50 KW, and new transmitter, extension of completion date 180 days and changes in directional antenna system.

### 740 Kilocycles

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Authority to determine operating power by direct measurement of antenna power.

### 830 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—Authority to determine operating power by direct measurement of antenna power.

### 850 Kilocycles

KIEV—Cannon System, Ltd., Glendale, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to make changes in automatic frequency control equipment.

### 940 Kilocycles

WHA—State of Wisconsin, University of Wisconsin, Madison, Wisconsin—Authority to determine operating power by direct measurement of antenna power.

### 970 Kilocycles

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to make changes in equipment, increase power from 5 to 10 KW, install directional antenna for day and night use, Class I-B station. Amended: install new transmitter, make changes in proposed directional antenna and use night only, increase power to 50 KW, move transmitter.

### 990 Kilocycles

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Construction permit for reinstatement of construction permit (B1-P-2161) as modified, to install new transmitter, install directional antenna for day and night use, and move transmitter.

### 1200 Kilocycles

WRBL—Columbus Broadcasting Co., Inc., Columbus, Ga.—Authority to determine operating power by direct measurement of antenna power.

WLOF—Hazlewood, Inc., Orlando, Fla.—License to cover construction permit (B3-P-2394) as modified, for a new broadcast station.

WLOF—Hazlewood, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Authority to determine operating power by direct measurement of antenna power.

### 1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to change frequency from **1280** to **1230 kc.**, increase power from 500 watts to 1 KW, change hours from share WCAM and WCAP to unlimited time, installing directional antenna for day and night use and move transmitter from south of Morrisville, Pa., to Yardley, Pa., Class III-B station. Amended: re antenna system.

### 1310 Kilocycles

WSGN—The Birmingham News Co., Birmingham, Ala.—Construction permit to change frequency from **1310** to **610 kc.** (Class III-B Station), increase from 250 watts to 1 KW, install new transmitter, install directional antenna for night use and move transmitter.

WCLS—WCLS, Inc., Joliet, Ill.—Authority to transfer control of corporation from Robert W. Thomas, Administrator c.t.a. of the estate of L. W. Wood, deceased, to Walter Ashe, 51 shares of common stock.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—License to cover construction permit (B3-P-2781) for change of frequency, increase in power, install new transmitter and antenna.

### 1350 Kilocycles

WMBG—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct measurement of antenna power (main transmitter).

WMBG—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct measurement of antenna power (auxiliary transmitter).

WMBG—Havens & Martin, Inc., Richmond, Va.—License to cover construction permit (B2-P-2876) to install new auxiliary transmitter and increase power.

### 1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

KYAN—J. Cecil Bott, Matilda Lannen and Nettit Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—License to cover construction permit (B5-P-2331) as modified, for a new broadcast station.

KYAN—J. Cecil Bott, Matilda Lannen and Nettit Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Authority to determine operating power by direct measurement of antenna power.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1390 Kilocycles

WHK—United Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—License to cover construction permit (B4-P-1243) as modified, for a new station.

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Authority to determine operating power by direct measurement of antenna power.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Modification of license to change corporate name from Michigan Broadcasting Co. to John L. Booth Broadcasting, Inc.

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—License to cover construction permit (B3-P-2646) for changes in equipment, increase in power and move of transmitter and studio.

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Authority to determine operating power by direct measurement of antenna power.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Amended: To change type of equipment.

### 1450 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, make changes in directional antenna for night use. Requests Class III-A Station.

### 1500 Kilocycles

NEW—Natchez Broadcasting Co., Natchez, Miss.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Class IV Station.

## FM APPLICATIONS

NEW—Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new high frequency broadcast station to be operated on **43300 kc.**; coverage, 5,119.5 square miles; population, 421,990. Amended: To change frequency to **46100 kc.**

NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new high frequency broadcast station to be operated on

**43100 kc.**; coverage, 12,400 square miles; population, 1,104,642. Amended: To change frequency to **44500 kc.**

NEW—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Construction permit for a new high frequency broadcasting station to be operated on **44,100 kc.**; coverage, 7,290 square miles; population, 415,501. Amended: To change frequency to **45100 kc.**

NEW—Amarillo Broadcasting Corp., Amarillo, Tex.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.**; population, 80,024; coverage, 6,503.89 square miles.

NEW—The Yankee Network, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on **44300 kc.**; coverage, 19,230 square miles; population, 6,635,751.

NEW—Zenith Radio Corp., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 10,760 square miles; population, 4,500,204. Amended re change in transmitter and studio location and to change frequency from **43500** to **45100 kc.**

NEW—Central New York Broadcasting Corp., Onondaga, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **46300 kc.**; population, 884,725; coverage, 8,300 square miles.

## TELEVISION APPLICATIONS

NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for a new television broadcast station on **102000-108000 kc.**, power output 1000 watts, emission A3, A5 and special for aural and visual transmission. Amended: frequencies to Channel No. 8, **162000-168000 kc.**, power to 250 watts both visual and aural, and types of aural and visual transmitters.

## MISCELLANEOUS

W8XFM—The Crosley Corp., Cincinnati, Ohio.—License to cover construction permit (B2-PHB-117) for a new high frequency broadcast station.

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authorization to operate a 1 KW transmitter on the frequency **6080 kc.**, with 1 KW power and A0 and A1 emission for identification purposes only.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Extension of special experimental authorization to operate an additional 35 KW power amplifier to feed a separate directive antenna, making an effective operating power of 70 KW, oriented on Central America, using **9670 kc.**, for period 11-1-40 to 5-1-41.

WJEK—Hagerstown Broadcasting Co., Portable-Mobile.—License to cover construction permit (B1-PRY-220) for a new relay broadcast station.

WEIX—Memphis Commercial Appeal Co., Portable-Mobile.—License to cover construction permit (B3-PRE-352) for increase in power and installation of new equipment.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—License to cover construction permit (B1-PIB-21) for increase in power and equipment changes.

KGBK—Helen Townsley, Portable-Mobile.—License to cover construction permit (B4-PRY-224) for a new relay broadcast station.

WAVY—Evansville on the Air, Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-369) for a new relay broadcast station.

WEMV—The WGAR Broadcasting Co., Portable-Mobile.—Modification of license to change frequencies from **132260, 134080, 135480, 135760 kc.** to **156075, 157575, 159975, 161925 kc.**

WAFK—A. Frank Katzentine, Portable-Mobile.—License to cover construction permit (B3-PRY-207) as modified for a new relay broadcast station.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**American Bandage Corporation**, 4238 North Lincoln Ave., Chicago, manufacturer and distributor of a so-called self-adhering medicated bandage sold and distributed under the trade name "ABC Gauzband," is charged, in a complaint with misrepresentation of its product.

The complaint alleges that the respondent, in advertisements in newspapers, periodicals and other matter, represents:

> "Through the development of a secret process, used exclusively by the manufacturer, GAUZBAND is medicated with an ANTISEPTIC and GERMICIDAL material, rendering it SELF-STERILIZING. It will remain sterile even after it is removed from the package."

The respondent represents, directly and indirectly, the complaint continues, that the product has been impregnated with certain materials which give it antiseptic and germicidal properties sufficient to inhibit the growth of, and to destroy, all types of bacteria, thereby making the product self-sterilizing and causing it to remain surgically sterile after it has been removed from the package. These representations, the complaint alleges, are false and misleading, as the product is not self-sterilizing and will not remain sterile after it has been removed from the package. (4354)

**Miller Drug Company**—Julius and Jessie Miller, trading as Miller Drug Company, 1160 North Clinton Ave., Rochester, N. Y., are charged in a complaint with misrepresenting that a medicinal preparation known as "Belite," "Reducers" and as "Miller's Reducing Prescription" is a cure or remedy, or a safe, competent and effective treatment for obesity and the reduction of body weight.

The complaint further alleges that the preparation is not safe in that it contains desiccated thyroid extract in sufficient quantity to cause serious and irreparable injury to health is used under conditions prescribed in the advertisements or under customary or usual conditions.

The respondent's advertisements, the complaint further alleges, constitute false advertisements in that they fail to reveal that use of the preparation under these conditions may result in serious injury to health, in that it accelerates the rate of metabolism, thereby burning the body tissues in excess of that which is normal. (4363)

**Ramsdell Packing Company**—Complaints have been issued against eight firms located in Maine, each engaged in the packing, processing and canning of sardines for sale. The complaints allege violation of the brokerage provision of the Robinson-Patman Act.

Respondents are: Ramsdell Packing Company, Rockland; Seaboard Packing Company, Lubec; Machiasport Canning Company, Machiasport; Holmes Packing Corporation, Eastport; R. J. Peacock Canning Company, Lubec; Jonesport Packing Company, West Jonesport; Sunset Packing Company, Inc., West Pembroke, and Calvin L. and John W. Stinson, trading as Stinson Canning Company and Addison Packing Company, Prospect Harbor.

The complaints allege that the respondents have granted and allowed brokerage fees and commissions and allowances and discounts in lieu of them in substantial amounts to certain of their customers.

In some instances, according to the complaints, the respondents effect sales of their sardines through brokers whom they employ as selling agents. In other instances, the complaints, continue, sardines are sold by the respondents directly to purchasers, among which class of purchasers are some of the respondents' brokers, who, on occasions, purchase sardines for their own account for resale. When sales of sardines are effected through brokers, the complaints allege, the respondents pay to such brokers a brokerage fee or commission usually amounting to five per cent of the price at which the respondents invoice such sardines to the purchasers.

Among the methods employed by the respondents in granting and allowing the brokerage fees or allowances, the complaints allege, is the granting of an allowance or discount in lieu of brokerage to some of their customers the sales to whom are effected directly by the respondents. This allowance or discount is alleged to be granted by selling sardines to such customers at a price which reflects a reduction from the prices at which the respondents currently sell sardines to other customers. The amount of the reduction, according to the complaints, represents brokerage currently being paid by the respondents to their brokers for effecting sales of sardines to other purchasers.

A further method employed, according to the complaints, is the granting of an allowance or discount in lieu of brokerage by the respondents to other of their customers the sales to whom are effected through brokers to whom the respondents do not pay the full brokerage customarily paid to their brokers for effecting sales of sardines. This allowance or discount, according to the complaints, is granted by selling sardines to such customers at prices reflecting a reduction from the prices at which the respondents currently sell sardines to other customers. It is alleged that the reduction reflects brokerage in an amount representing and approximately equalling the difference between the full brokerage customarily paid by the respondents to their brokers for effecting such sales and the amount of brokerage actually paid by the respondents to those of their brokers who do not receive the customary full brokerage for effecting such sales. (4335-4362)

**Weaver Real Estate Appraisal Training Service**—Howard S. Weaver, trading under the name Weaver Real Estate Appraisal Training Service, 2322 East 49th St., Kansas City, Mo., engaged in the sale and distribution of home study courses in rural and city real estate appraisal training, is charged, in a complaint with misrepresentation.

In advertising matter published in newspapers and magazines, and in other ways, the complaint charges, the respondent has represented and implied among other things, that the demand for land appraisers greatly exceeds the supply; that Weaver trained men earn $175 to 300 monthly, and that choice money making opportunities are available. Prospective students, the complaint continues, are induced to enroll on the representation that only a limited number are selected for training; that each student receives the individual assistance and guidance of Mr. Weaver, the head of the school, and that the tuition fee is less than half the regular tuition charged.

These representations, the complaint charges, are misleading and deceptive, as in fact there is not a lack of appraisers, nor does the demand exceed the supply; the respondent does not have jobs to offer and is not in a position to guarantee earnings of $175 to $300 monthly or in any amount; the respondent does not give his personal attention to every student; the number of students permitted to enroll is not limited, as represented, nor is the course sold for less than half, as represented, but the regular full tuition fee is charged. (4353)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Clito Company**—Rene P. Balditt, trading as Clito Company, 325 North Frio St., San Antonio, Tex., has been ordered to cease and desist from disseminating false advertisements in the sale of two medicinal preparations advertised under the name "Clito" and designated respectively as "Clito Emmenagogue Capsules" and "Rayo De Sol."

Commission findings are that the respondent disseminated, in various States, newspaper and other advertising matter in which he represented directly or by implication that his preparation designated as "Clito" and as "Clito Emmenagogue Capsules" is a competent and effective treatment for delayed menstruation and is safe and harmless.

According to findings, the respondent's preparation is neither competent nor efficient in treating this condition; nor is it safe or harmless, in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is further found to have engaged in the dissemination of false advertising matter in that his advertisements failed to reveal that use of the preparation under such conditions may result in injury to health.

Findings are further that the respondent disseminated advertisements representing directly and by implication that "Rayo De Sol" is a competent and efficient cure for, and possesses therapeutic value in the treatment of, cataracts, cloudiness of vision, film carnosity, ulcers, and inflammation of the eyes, when such are not the facts.

The Commission order directs the respondent to cease disseminating by means of the mails or in commerce, advertisements which make such representations concerning the two preparations, directly or through inference; or which advertisements of "Clito Emmenagogue Capsules" fail to reveal that use of the preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning.

Upon petition of the Commission, the respondent was recently restrained by a U. S. District Court from disseminating certain advertisements relative to "Clito Emmenagogue Capsules" pending issuance of the Commission's complaint and its final disposition. (4262)

**Fairfacts Company**, Trenton, N. J., engaged in the sale and distribution of recessed china bathroom accessories and related products, has been ordered to cease and desist from certain misrepresentations concerning its products.

The Commission finds that the respondent represented itself to be a manufacturer, and the designation "Manufacturer" appeared on its stationery and other printed matter. Prior to the issuance of the complaint, and at the time such representations were made, the respondent was not a manufacturer of recessed china bathroom accessories, according to findings, nor did it own or operate any pottery or plant where such products were produced or manufactured.

The respondent is ordered to cease and desist from representing, through the use of the word "Manufacturers" or any word or terms of similar import or meaning, or through any means or device or in any manner, that it is the manufacturer of the products sold by it, unless and until the respondent actually owns and operates, or directly and absolutely controls, a manufacturing plant wherein the products are manufactured by it. (2327)

**Hoosier Candy Sales Company**—Louis Talesnick, trading as Hoosier Candy Sales Company, 426 South Meridian St., Indianapolis, has been ordered to cease and desist from selling and distributing candy or any merchandise so packed and assembled that sales to the general public may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling such candy or other merchandise to the public, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or a lottery scheme. (4209)

**Tommy Loughran**, 4 South 15th St., Philadelphia, engaged in the sale and distribution of correspondence courses wherein he outlines methods of physical culture, exercise, and instruction as to diet, intended to improve the health and physical condition of purchasers, has been ordered to cease and desist from representing, directly or by implication, that following the instructions as to exercise and diet outlined in the correspondence courses will produce good health for everyone or keep everyone in a healthy condition; or will insure everyone of "big" muscles or a "huge," "robust" and powerful body; or enable one to become a "paragon" of strength. The Commission's findings were to the effect that these representations were exaggerated and misleading. (3976)

**Sun Cut Rate Store**—Howard Deckelbaum, trading as Sun Cut Rate Store, 817 Fourth Ave., Huntington, W. Va., has been ordered to cease and desist from disseminating false advertisements in the sale of a medicinal preparation.

Commission findings are that in the sale of a preparation designated "Harmless Prescription Capsules" and as "Special Prescription Capsules," otherwise advertised as "Prescription Female Capsules—Double Strength," and as "Prescription Female Capsules—Triple Strength," the respondent disseminated in various States newspaper and other advertising matter in which he represented, directly or by implication, this his preparation is a competent and efficient treatment for delayed menstruation and is safe and harmless.

According to findings, the respondent's preparation is neither competent nor efficient in treating this ailment and is not safe or harmless, in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is further found to have engaged in the dissemination of false advertising matter in that his advertisements fail to reveal that use of the preparation under such conditions may result in injury to health.

The Commission order directs the respondent to cease disseminating by means of the mails or in commerce, advertisements which represent, directly or through inference, that his preparation is a competent or effective treatment for delayed menstruation, and that it is safe or harmless; or which advertisements fail to reveal that use of the preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning.

Upon petition of the Commission, the respondent was recently restrained by a U. S. District Court from disseminating certain advertisements relative to his preparation pending issuance of the Commission's complaint and its final disposition. (4213)

**Thomas Brothers**—Orders directing cessation of lottery methods in connection with the sale of their products to consumers have been issued against Chester E. Thomas, trading as Thomas Brothers, Portland, Oreg.; Dixie Candy Company, Inc., Charlotte, N. C., and Robert R. Raynor, trading as Southern Sales Company, Dunn, N. C., candy manufacturers.

The orders direct the respondents to cease and desist from selling and distributing candy or any merchandise so packed and assembled that sales may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such candy or other merchandise to the public, and selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4151-4255-4297)

**Trading Sales Company**—Harry Pure, doing business as Trading Sales Company, 354 West 38th St., New York, in the sale of manicure sets, electric lamps, and other merchandise, has been ordered to cease and desist from supplying to others or shipping or mailing to agents, distributors or members of the public, push or pull cards, punch boards or other lottery devices, which may be used in selling such merchandise; from selling or otherwise disposing of any merchandise by the use of such lottery devices and from using the terms "free" or "without any cost" or other terms of similar import to refer to merchandise offered as compensation for distributing the respondent's merchandise, unless all terms and conditions are clearly stated and there is no deception as to price, quality or other features, or as to the services to be performed.

Commission findings are that the respondent distributed by mail 250,000 sales circulars containing a lottery plan and as a result filled approximately 16,000 orders for merchandise. (3406)

**Trinidad Creamery Company**—An order directing cessation of lottery methods in the sale of butter or other merchandise, has been issued against Trinidad Creamery Company, Trinidad, Colo. The order directs the respondent to cease and desist from selling or distributing butter or any other merchandise so packed and assembled that sales may be made by means of a lottery; from supplying others with packages of butter containing coupons which may be used in the distribution of other butter to the public by means of a lottery; from supplying others with any merchandise together with any device or separately, which device may be used in the distribution of merchandise to the public by means of a lottery, and from selling or otherwise distributing merchandise by means of a lottery, game of chance or gift enterprise. (4251)

**Wain's Laboratory, Inc.**, 4687 Hollywood Boulevard, Hollywood, Calif., distributor of a preparation containing drugs, formerly designated "AMA-GON" and now sold under the name "'Wain's Compound," has been ordered to cease and desist from certain misrepresentations of the product.

The Commission finds that in various advertisements in commerce the respondent has represented directly and by implication that the preparation is an effective and competent treatment for bronchial asthma and bronchial coughs, when such is not a fact, and that it is entirely safe and harmless and may be used without danger of ill effects upon the health of the user. According to findings, the preparation contains potassium iodide in quantities sufficient to cause, in some instances, injury to health if taken under conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is ordered to cease and desist from the dissemination of any advertisement by means of the United States Mails or in commerce, which represents that the preparation has any therapeutic value in the treatment of bronchial asthma or bronchial coughs in excess of furnishing temporary symptomatic relief from the paroxysms of asthma and bronchial irritations; that the preparation is in all cases safe or harmless; or which advertisement fails to reveal that the preparation should not be used by those having tuberculosis or goiter (provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof, when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or goiter.) (4203)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Crescent Macaroni and Cracker Company**, Davenport, Iowa, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from representing that "Crescent Macronets" contain all elements essential to life, health and growth; that "Crescent Egg L-Bo Macronets" are made with fresh country eggs, and that its products contain food value greater than is actually the fact. (02654)

**Fentone Medicine Company**—Will T. Warren, Jr., trading as Fentone Medicine Company, Paris, Tenn., engaged in selling a medicinal preparation designated "Fentone Compound," agrees to discontinue representing that the preparation is a new type or new kind of medicine, or that it constitutes a medicinal discovery; that it is an effective agent in the treatment of lumbago, liver trouble and other ailments; that it is a competent diuretic, or will increase the flow of bile from the liver, and that it removes or assists in removing poisons and impurities from the entire system. (02653)

**Hannon's Medicines, Inc.**, Brookhaven, Miss., engaged in selling a medicinal preparation designated "Hannon's Emergency Medicine," agrees to discontinue representing that the preparation has any value as a treatment for menstrual colic or asthma; that it is a competent remedy or effective treatment for croup, laryngitis and other ailments; that it is a remedy or heals or cures or has any therapeutic value other than that of a local counter-irritant or a rubefacient; that the preparation affords immediate, certain or instant relief from aches or pains or such relief within any specified period of time; that it produces heat, has a heat reaction or produces heat waves, and that other products or preparations do not have the same reaction or are not capable of producing the same results as "Hannon's Emergency Medicine." (02651)

**Health Calendar Company**—Edwin Rees, doing business as The Health Calendar Company, 2407 Clark Ave., Cleveland, engaged in selling a mechanical chart designated "Fertility Calendar," has entered into a stipulation in which he agrees to cease and desist from representing, directly or by implication, that conception may be completely controlled or partially controlled to any definitely stated percentage by using the "Fertility Calendar" or any other device designed for the purpose of making calculations necessary to practice the Ogino-Knaus Law of Conception; that the problem of birth control is solved by using the "Fertility Calendar," or any similar device, or by practicing the Ogino-Knaus Law of Conception; that physicians are either unconscientious or disreputable by reason of having prescribed methods of birth control other than the Ogino-Knaus Law of Conception method; that the use of methods of birth control other than the Ogino-Knaus Law of Conception upon prescription of competent physicians, in most cases and without substantial exceptions result in pelvic infections and other ailments, and that the "Fertility Calendar," as compared with other devices designed for the same or similar purpose, is superior in the following respects: It applies to menstrual cycles of any length from 21 to 36 days; it tells the fertile and sterile days without any figuring; it is adjustable to months of any length, including the 29-day month of February in Leap Year, and it requires only three simple moves to indicate the fertile and sterile days in any given case (02656).

**House of Hollywood,** Los Angeles, stipulates that in the sale of its perfume products, it will desist from using in advertising matter or on labels affixed to the containers the words "Honolulu, Hawaii," or either of such words alone or in connection with the words "Aloha Lei," or with other words so as to imply that its products are of Hawaiian origin, or have been imported thence into the United States. The respondent corporation also agrees to cease labeling or otherwise referring to any of its preparations as "Pikake," either alone or in connection with the word "Paradise" or with any other words so as to imply that the preparation has been made or compounded from the Hawaiian flower of that name, when such is not a fact.

The respondent corporation also agrees to cease employing either of the words "Avocado" or "Turtle" to describe cosmetic preparations so as to imply that their oil content consists respectively of the oil of avocados or of turtle oil, when such is not a fact. The stipulation provides that if a preparation's oil content is composed in substantial part of either the oil of avocados or of turtle oil and of other oils, the words "Avocado" or "Turtle," if used to describe such avocado or turtle oil content, shall be accompanied by other words in equally conspicuous type to clearly indicate that the oil content of the product is not composed wholly of the oil of avocados or of turtle oil, but also contains other oils.

The respondent corporation further agrees to discontinue certain representations regarding the efficacy of its "La Finne Tahitian Cleansing Cream," "La Finne Honey Pack," and "La Finne Spinach Cream." (2967)

**Ideal Laboratories, Inc.,** Waxahachie, Tex., has stipulated with the Federal Trade Commission to cease and desist from representing that food flavoring products are extracts when not composed of genuine ingredients suspended in ethyl alcohol, and to discontinue representing, by use of the words "Laboratories" or "Laboratory" or any abbreviation thereof, as part of its trade name, or by other means, that it maintains, operates or controls a laboratory. (02660)

**Harry Isaacs, Inc.,** 1239 Broadway, New York, engaged in the manufacture and distribution of men's neckwear, has stipulated to cease and desist from the use of depictions or illustrations of hand looms on labels, brands or other advertising media, so as to imply that the fabric or material of which such neckwear was manufactured was made on hand looms, when, in fact, such material was made or fabricated on power-driven or machine looms; or from any representations, whether by depiction, statement or otherwise, the effect of which tends to convey the belief to purchasers that neckwear or other textile products manufactured of fabric or material not actually made on hand looms, are made of hand-woven or homespun materials. (2964)

**George W. Luft Company,** 34-12 Thirty-Sixth Ave., Long Island City, N. Y., has stipulated with the Federal Trade Commission to cease advertising that its preparation "Tangee Theatrical Lipstick" ends "that painted look"; that it cannot make one look painted or that it contains no pigment or paint; that it was created at the request of America's most prominent actresses, and that the respondent company's lipsticks are permanent. (02655)

**Ponca Drug Company**—Jacob G. Bowser and his wife, Opal Keller Bowser, trading under the name Ponca Drug Company, Ponca City, Okla., and engaged in the compounding and sale of "Highwood's Old Indian Prescription," have entered into a stipulation in which they agree to cease and desist from representing that the preparation will relieve the worst cases of stomach trouble in a few minutes, or colds, fever and tired feeling in one day, or that the use of the preparation will do more than act as a laxative, temporarily relieving ailments due to constipation or digestive fermentation.

The respondents also agree to cease use of the word "Indian," either alone or in connection with the words "Old" or "Prescription" as a trade name so as to imply that the preparation consists of a formula in use by, and which has been handed down from, old Indian tribes, when in fact the preparation contains ingredients which were unknown to the old Indian tribes and medicine men; or stating and representing that their prescription is a $1 value or is of any other alleged valuation which is exaggerated. (2963)

**R. Rudinger & Company**—R. Rudinger, trading as R. Rudinger & Co., Honolulu, agrees to cease and desist from the use on labels attached to perfume products of the words "Hawaii Pikaki," or of either of such words so as to imply that his product has been made or compounded in the Hawaiian Islands or from the flower of that name, when such is not a fact. The respondent also agrees to desist from the use on containers of his preparation of any fictitious or misleading price. (2966)

**S & Z Manufacturing Company**—Sidney and Albert Saltz and Joe Zimmerman, trading as S & Z Manufacturing Company, 230 South Franklin St., Chicago, sweater manufacturers, have entered into a stipulation with the Federal Trade Commission to cease and desist from use of the word "Kamelo" as descriptive of products not made from fabric composed of camel hair; and from use of the word "Kamelo" or any derivation or simulation of the word "Camel," alone or with other words, so as to imply that the products so referred to are made from fabric composed of camel hair. The respondent co-partners also stipulate that they will cease offering or selling any product made in whole or in part of rayon without clear disclosure of such rayon content. (2968)

**Signet Stationery Company**—William J. Brewer, trading as Signet Stationery Company, 213 State St., Binghamton, N. Y., engaged in the sale and distribution of stationery, letterheads and envelopes, has entered into a stipulation in which he agrees to cease and desist from use of the statement "14-Karat Gold Point" as descriptive of a pen which actually is not composed of gold of such indicated karats fineness, and from use of the mark "14-K" or any symbol of similar import as a stamp or brand for pen points or in advertising or printed matter, referring to pens, so as to imply that the pens or pen points are 14-karat gold.

The stipulation provides that if the pen or pen point actually is plated with gold of 14 karats fineness, the symbol "14-K," if used as descriptive of the plate, shall be accompanied by the words "gold plate" or similar words in conspicuous type to indicate clearly that the symbol refers to the plating of the pen or point.

The respondent also agrees to desist from use of the word "Tipped," either alone or in connection with the word "Durium" or the word "Warranted," or with other words to imply that the pen to which the words refer has been headed, pointed or tipped with a substance known as "Durium" or with any superior, hard or other metal, different from the body of the pen, to insure smooth writing and lasting quality.

The respondent also agrees to discontinue certain misrepresentations as to the sale price of his products. (2962)

**Sloat Perfume Company**—Donald Sloat, trading as Sloat Perfume Company, Chicago, has entered into a stipulation with the Federal Trade Commission to cease and desist from using either of the words "Importers" or "Manufacturers" as descriptive of his business, and the words "Dorian of London," "Etoile Du Soir," "Celeste Nuit," "Rejouir" or "Blue Hawaii" as descriptive of products of domestic origin. (2965)

**United Box Corporation,** 114 West 26th St., New York, a corporation engaged as jobber in the sale and distribution of corrugated fiber boxes, has entered into a stipulation in which it agrees to cease and desist from stamping or marking its boxes, or causing them to be marked or stamped, with the purported certification of a box maker or manufacturer, together with such use of its corporate or trade name "United Box Corporation", as may tend to create the impression that it is the maker of the boxes.

The respondent also agrees to discontinue the use as a mark or stamp on its boxes or otherwise, in connection with their sale, of the word "Maker" or any words of similar meaning, so as to imply to purchasers that the respondent actually owns and operates or directly and absolutely controls the plant or factory in which the boxes are made or manufactured. (2961)

**Vapo-Cresolene Company,** Chatham, N. J., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from representing, directly or by implication, among other things, that administration of its preparation "Vapo-Cresolene" constitutes a competent treatment or effective remedy for colds, or that it is such a treatment or remedy for spasmodic or ordinary croup, whooping cough, "children's diseases," pneumonia or bronchial pneumonia, "chest complaints," influenza or deep chest colds.

The Vapo-Cresolene Company further agrees to cease representing, directly or by implication, that Vapo-Cresolene is a competent remedy or effective treatment for bronchitis or is of any therapeutic value in treating it in excess of affording temporary relief to the membranes of the mucous lining of the bronchial tree in cases of bronchitis due to colds; that it is of any benefit in the treatment of all types of asthma; or, by failure properly and clearly to explain and limit its claims, that the product will be effective in the treatment of asthma due to allergic or cardiorenal conditions, or that it affords the greatest relief from asthma available. (02661)

### FTC DISMISSES CASE

The Federal Trade Commission has dismissed a complaint against Good Humor Corporation of America, Maspeth, Long Island, N. Y., Popsicle Corporation of the United States, New York, and their exclusive licensing agent, Joe Lowe Corporation, New York, it appearing that the allegations of the complaint had not been sustained by the evidence. The complaint had charged violation of Section 5 of the Federal Trade Commission Act and of Section 3 of the Clayton Act in the licensing of machinery and equipment in connection with the sale of frozen stick confections.

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  - Wage and Hour Record 4653
  - Wage and Hour Release on Sustaining Talent 4687
- Legal 4712-4713
  - Communists in Utah 4713
  - Court Upholds WSAY 4713
  - Draft a "Lottery"? 4712
- Library of Congress Help 4716
- Listen Before You Vote 4654-4670-4695-4712
- NAB 4695
  - Cuts of NAB Seals Still Available 4695
  - New Members—Let's Make It 500 4695
- National Defense 4650-4669-4693-4694-4712
  - Civil Service Results 4694
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  - Defense Jobs 4669
  - Draft Announcements 4650
  - Men Wanted 4651
  - Radio and Press Praises 4693
  - Radio Gets Defense Jobs 4712
  - Recruiting 4694
  - WATL Aids Enlistment 4651
  - WCAU's Appeal Aids Draft Machinery 4650
  - WCAU—"Philadelphia Prepares" Program 4694
  - WLAK Defense Program Idea 4669
- New York State Fair 4654
- Oregon Broadcasters Meet 4713
- Oregon Broadcasters Organize 4693
- Radio Goes to School 4653
- Radio's Twentieth Birthday 4670-4694-4712
- Special Promotional Events 4654
- Unit Measurement of Broadcast Advertising 4692

NAB Reports
The National Association of Broadcasters
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 45, November 8, 1940

## THE WEEK IN WASHINGTON

Radio's 20th Birthday Party starts Monday, November 11. Stations throughout the country are making plans for a gala celebration. (p. 4757.)

BMI bonus transcriptions have gone out to all member stations. Full use should be made of them. Advertising contracts entered into between now and January 1 should be revised to take care of a change in the music situation. BMI tunes grow more and more popular. (p. 4759.)

Sustaining performers need not be paid under the Wage and Hour Act under certain conditions. The Wage and Hour Division's latest opinion on this matter takes care of the hill billy situation. (p. 4766.)

Miss Harriet Elliott in charge of the Consumer Protection Division of the National Defense Advisory Commission praised radio in a recent speech over station WBIG. (p. 4767.)

A new "Results From Radio" study is going out to all members. The canned pea industry is attempting to obtain free time for advertising. The Advertising Federation of America launches an offensive against attacks on advertising. (p. 4768.)

The NAB has assembled a great deal of information on the cost and operating expense of recording equipment required by the FCC for international short-wave broadcasters. Other broadcasters may be interested. The NAB Insurance Committee has sent out a questionnaire to facilitate its work. Broadcasters of the Eleventh District will meet in Minneapolis, Friday, November 15. (p. 4769.)

The FCC says that more than 27,000,000 persons will be in the potential audience of the 15 FM stations now authorized to go on a full commercial basis as soon as practicable. (p. 4770.)

## Radio's Birthday

For 20 days beginning with next Monday, November 11, the radio industry will celebrate its twenty years existence.

Thirteen stations now in operation have reported that they were broadcasting to the public twenty years ago . . . that each was on the air at that time transmitting voice communication by radio for public consumption.

There may have been additional stations, not in existence today, which were in operation then. We don't know. The important thing is that there is no argument that in the year 1920, there were a sufficient number of stations operating to justify marking that year as the beginning of broadcasting.

These thirteen stations, arranged alphabetically by cities, are:

1—Albuquerque—KOB
2—Dallas—WRR
3—Denver—KLZ
4—Detroit—WWJ
5—Madison, Wis.—WHA
6—Northfield, Minn.—WCAL
7—Oklahoma City—WKY
8—Pittsburgh—KDKA
9—Pittsburgh—KQV
10—San Jose—KQW
11—Spokane—KHQ
12—Tuscola, Ill.—WDZ
13—West Lafayette, Ind.—WBAA

As of October 1, 1940, there were 810 broadcasting stations in operation in the United States. Construction permits numbered 54.

We sincerely believe that the promotion which you put back of Radio Birthday will be repaid many fold. Here's to your success and some birthday news:

### Kansas City Plans

Kansas City, Mo., is going to celebrate Radio's 20th Birthday.

Jerry Weston, veteran secretary-manager, The Electric Association of Kansas City, is carrying the torch for this promotion.

His first bulletin, Nov. 1, addressed to local radio distributors said in part:

> "Are you in on the local cooperative program to tie-in with the big national activity sponsored by the National Association of Broadcasters? It's 20 days for Radio's 20th Birthday.
>
> "The local program, as worked out by a committee of broadcasters, dealers and distributors is outlined on a sheet enclosed."

Bulletin No. 2, on Nov. 4, announced "Friday's Radio Rally," Nov. 8, at the Hotel President. This also stated that window posters were being printed and that addi-

*(Continued on page 4758)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

## RADIO'S BIRTHDAY

*(Continued from page 4757)*

tional letters had gone to the trade and broadcasters in the Missouri-Kansas territory.

On the same date a bulletin went to every dealer selling radios in greater Kansas City. "You and all of your salesmen who sell radios", it stated, "are urged to attend the FREE RADIO RALLY."

"This is the first big Radio Rally ever called in Kansas City—a call for all broadcasters, distributors, dealers and radio salesmen to pool their efforts in a common radio celebration."

The plan was printed on one sheet and attached to the several bulletins. It is reproduced below because of its excellence and in the hope that it may inspire similar activities.

Jerry Weston is a past master at this sort of promotion and the plan will deliver:

### Radio's Birthday Party, November 11-30, 1940
### Greater Kansas City Celebration

POSTER—A window poster will be given to every dealer by his distributor. Enough posters will be made for distribution by distributors to their territorial dealers.

WINDOW CONTEST—For Greater K.C. dealers, with cash prizes of $25, $15, and $10, for best illustrating the 20 years' progress of radio. Originality and simplicity will count heavily, so small dealers have as good a chance to win as large dealers. The window poster must be used with the window display. The old vs. new might be the dominant theme in the display, and perhaps an invitation to come in and *hear* the difference.

OPENING MEETING—FRIDAY, NOVEMBER 8, 8 P. M., Hotel President. Lip-smacking refreshments FREE to radio salesmen, dealers, distributors, and broadcasters. The one and only TOM COLLINS as principal speaker—one of the best humorous speakers anywhere—in demand all over the middle-west. Cash attendance prizes.

FOLLOW-UP MEETING—FRIDAY, NOVEMBER —, 8 P. M. Free refreshments. Speaker, Dr. G. W. Allison of New York City—one of the best inspirational speakers anywhere—in demand from coast to coast.

ADVERTISING—Every ad, radio or newspaper, by a distributor or dealer, should call attention to Radio's 20th Birthday—celebrating 20 years' radio progress the American way, or words to that effect.

RADIO ADS—There'll be some big national radio programs, etc., telling the public about Radio's 20th Birthday Party. Greater K.C. broadcasters will cooperate, too, so there should be plenty on the air.

PUBLICITY—It is hoped to have some newspaper publicity, as the public is interested in radio and its progress the past 20 years under the American system of broadcasting.

SPONSOR—The Electric Association of K.C., HA 5737, is sponsoring the local activity, but all dealers, salesmen, broadcasters, and distributors in Greater K.C., whether they are members or not, are urged to pitch in and cooperate to the limit, in every way possible.

Prizes, printing and mailing costs were assumed by the cooperating distributors through The Electric Association.

### "Radio Today" Helps

When O. H. Caldwell, editor, *Radio Today,* said that he would give the industry a hand in the promotion of Radio's 20th Birthday, we counted on the good Doctor to come up with something extra special. And he did.

Dr. Caldwell got under way last Monday, November 4, over NBC-Blue, at 7:15 with some radio magic figures that are well worth repeating over any station. Other Radio Birthday broadcasts will be featured on successive Fridays at 7:30 p. m., beginning November 15. Here are several quotes from the script:

"If the 7,000,000 automobiles now equipped with radios, were to form an auto parade, bumper to bumper, it would extend 30,000 miles, and stretch around the world with a couple of continents to spare. To accommodate such a display of autos would require ten Lincoln Highways, reaching from coast to coast."

"The 350,000 wage earners on radio's payroll equal the total number of wage earners in a city the size of Detroit or Cleveland. A whole city the size of Los Angeles derives its support from radio."

"If all 80,000,000 radios built during the past 20 years were to come off a single production line, that line would be 60,000 miles long, reaching twice around the globe and twice across the North American continent. Piled on top of each other, those 80,000,000 sets would reach upwards 30,000 miles—or 200 times as high as the Heaviside-Kennelly radio reflecting layer of the upper atmosphere."

"Modern radios cost about $1.50 per pound, on the average. This is about equal to the 'price per pound' of fine candy,—or average books or novels."

"All radio broadcasts that have been put on the air during the past 20 years are still traveling out through the ether in the direction of the stars, at a velocity of 186,000 miles per second. But so far, these programs haven't gotten very far, as inter-stellar distances go,—only about 20 light-years, which means that only a few nearby stars like Alpha Centauri, Sirius, 31 Cygni and other comparatively near neighbors of our sun, yet know that any such thing as broadcasting exists here on earth."

"With 1200 different new radio-receivers models being offered by the radio manufacturers of America, in their 1941 lines, a tremendous variety of choice is made available for retail buyers, just as the most important listening season in all radio's history opens up.

"Looked at as a vast 'radio show,' these 1200 radio-set offerings would fill the largest exposition building erected at either of the recent World's Fairs. Allowing four feet to a model, some 4,800 ft. of aisle displays would be taken up, nearly a mile of continuous, unduplicated displays!

"And for the radio buyer who undertook to inspect this tremendous array of radio sets, if he allowed only two minutes for the study and scrutiny of each model, he would have to plan on 2,400 minutes or 40 hours of unremitting seeing! Taken in a succession of evenings say from 8 to 10:30 p. m., he would need two full weeks of radio-show going to make the rounds!"

### WCHS Promotion

Howard L. Chernoff, managing director, WCHS, Charleston, W. Va., has already started the promotion of Radio's 20th Birthday. While being interviewed by a station announcer on election eve he referred to the 1916 fiasco as being well-nigh impossible to happen today because of radio. This referred to the fact that candidate Hughes retired for the night believing he had won the election. He awoke to find that late returns overcame his lead and brought Mr. Wilson to the Presidency.

### Defense Transcriptions

Public recognition of the work radio is performing in recruiting skilled workers for National Defense will be made in a special Radio Birthday transcription to be mailed all stations late next week.

Be on the lookout for it! It's suitable for broadcast at any time up to the final day of the Radio Birthday observance on November 30. Chances are, you'll decide the tribute to you and the industry warrants repeating.

Short remarks by Harry B. Mitchell, president, United States Civil Service Commission, are preceded and followed by music of the U. S. Army Band.

### Prize Winner Participates

The American system of radio won't be forgotten during the Radio Birthday celebration. Neal Blake, Hartford, Conn., winner of the NAB essay contest on "The American System of Broadcasting—Why It Is Best for Americans", will be heard on WJZ-Blue network, Sunday, November 17, at 5:30 p. m. during "Behind the Mike" program.

The prize winning essay, an excellent exposition of American radio, was first presented publicly, in full, early this fall, over WTIC, the station which received the Blake entry. Award of the hundred dollar prize was made at that time.

## BMI

### BONUS TRANSCRIPTIONS

BMI's transcription Bonus still seems to be the cause of some uncertainty in a few broadcasting stations. It is important that all misunderstanding should be cleared away so that stations may use these transcriptions freely and get full benefit from them. Here is the whole story of the "Bonus" transcriptions:

> Some months ago the BMI Board of Directors voted to distribute to all BMI member stations, entirely free of charge, 500 electrically transcribed titles that are not subject to ASCAP control. The directors charged the BMI officers with responsibility for preparing these transcriptions and delivering them to the member stations.
>
> Every BMI station is entitled to use every one of these 500 numbers immediately upon receipt and will continue to be entitled to such use on and after January 1, 1941, for as long as the station remains a BMI licensee.
>
> These transcriptions are prepared by six different transcription companies under an arrangement between them and BMI. The six companies are Associated Music Publishers, C. P. MacGregor, Lang Worth feature programs, Standard Radio, Thesaurus and World Broadcasting System.
>
> The arrangement between these companies and BMI is as follows: BMI selects the pieces to be recorded and pays the cost of pressing the transcriptions and pays the musicians who perform the music for the recording. The transcription companies contribute their recording facilities.
>
> Each transcription company, after it makes any of these BMI transcriptions, delivers them itself to all BMI members who subscribe to the library service of that transcription company. The BMI "Bonus" transcriptions are in addition to the number furnished under the contract of the transcription company with the station. For example, if a BMI member station has a contract with one of the transcription companies by which it is entitled to receive a total of 40 transcriptions by the end of 1940, and if that company makes 8 of the BMI "Bonus" transcriptions, then the BMI member station will receive 48 transcriptions from that transcription company.
>
> The transcriptions made by companies with which the station does not have contracts will be delivered to the station by BMI.
>
> Up to the present time 184 recorded titles have been shipped out as a part of this BMI bonus of 500. They are free of charge. They are available for use immediately by all BMI subscribers.
>
> Some broadcasters have mistaken these bonus transcriptions as "samples", or not understanding the plan have failed to make full use of them. Check your library and your files to make sure that you have received all the "bonus" transcriptions shipped to date, and arrange to make full use of them. If you desire

any further information concerning the "bonus" transcriptions write direct to Broadcast Music, Inc.

## CONTRACTS

The NAB-4A Conference Committee in its deliberations on the Standard Order Blank Contract agreed that Section 6-c of the standard conditions must be revised because of its specific mention of "musical compositions . . . licensed by ASCAP." Chairman Harry C. Wilder has suggested that all stations not planning to take a new ASCAP license should revise any contracts entered into between now and January 1st on national spot and local business by rubber stamp or write-in provision to the following effect:

> "Notice—This station does not expect to have a license from ASCAP after December 31, 1940. Advertisers should bear this in mind in the prepaartion of transcriptions for use on this station after that date."

The present wording of Section 6-c of the standard conditions probably does not imply that a station must have an ASCAP license. Also, Section 6-d provides that all program material be approved by the station. In spite of there being no apparent legal question involved, it is advisable to put all advertisers on notice to avoid any misunderstanding.

In addition to changing the provisions of Section 6-c on new contracts drawn between now and January 1st, stations are advised to communicate to advertising agencies and advertisers placing business directly with the station of their position with regard to music available for broadcast after December 31, 1940. NAB is advising transcription companies and station representatives of the situation as it applies to the building of transcribed programs for production after December 31.

An effort is being made to revise the entire Standard Order Contract at an early date.

### BMI FEATURE TUNES
### November 10-18

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. I HEAR A RHAPSODY
6. YOU WALK BY
7. IT ALL COMES BACK TO ME NOW
8. COME DOWN TO EARTH MY ANGEL

*Practice Makes Perfect* has been handling itself now for several weeks without further assistance from BMI's professional staff. Left all by itself, it still stands number one on the list of most played tunes in three papers and in third place in a fourth paper. It is a national best seller, both in sheet music and phonograph records, and fifth among the biggest money makers in the automatic phonographs.

*There I Go* comes close behind it and has now joined it on the list of best sellers and coin machine money makers.

Other BMI numbers appearing on the "sheet" are, *I Give You My Word, So You're the One, The Same Old Story, I Hear a Rhapsody,* and *We Could Make Such Beautiful Music.*

On the Hit Parade survey last week *Practice* stood second and *There I Go* was number nine. This makes the eleventh week for *Practice* among the nation's leading hits.

---

We welcome to the BMI list of subscribers the following stations:

KFRU Columbia, Missouri
WBLJ Dalton, Georgia
WHKY Hickory, N. C.

---

BMI now has a new Broadway show in the works. It has acquired the publishing and radio rights to the songs from the new Leonard Sillman production, *All In Fun,* which is scheduled to open in New York at the Majestic Theater during Christmas week. *All In Fun* will star Phil Baker and Bill Robinson, supported by Imogene Coca, Jerry Lester, Pert Kelton, Betzie Beaton, and other top notch performers. The music is by Baldwin Bergersen, Irvin Graham, Will Irwin and John Rox, lyrics by June Sillman, Irvin Graham and John Rox, the book by Virginia Faulkner and Everett Marcy. The songs in the show are: *My Memory Started With You, Where Can I Go From You, It's a Big, Wide, Wonderful World, Quittin' Time, Love and I, Life With Father, Lazy Boy, Macumba, Before With Love,* and *I've Grown Up.* The show is already in rehearsal.

---

BMI is also publishing the music of the Princeton University Triangle Club show, *Many a Slip.* The Triangle Club is an undergraduate organization which writes and produces a musical comedy each year. During the Christmas vacation of the University, the club takes a trip during which the show is presented in leading cities across the country. Many members from Triangle Club shows have become nation-wide hits, such as *East of the Sun and West of the Moon, Love and a Dime, Ships That Pass in the Night,* and *Just One Hour More.*

The first performance of *Many a Slip* is scheduled for November 15th, the night before the Princeton-Yale football game. The music will be ready to go on sale at that time, and copies of the score will be sent to BMI stations.

Executive Director Thomas D. Green has issued from the American Hotel Association headquarters a plan prepared by Harry P. Somerville, Chairman of the A.H.A. Legislative Committee, to acquaint hotelmen with the program of BMI. This procedure follows the adoption of a resolution presented by Mr. Somerville at the Seattle convention authorizing President Franklin Moore to appoint a committee "to make a careful study of sources of music supply other than the ASCAP" and "to cooperate with any group or organization formed for the purpose of relieving users of copyrighted musical works from the imposition of such arbitrary 'fees'."

The communication which has been mailed to all the officers of the A.H.A., including State Secretaries, carries, in addition to a copy of Mr. Somerville's resolution adopted at the Seattle convention, a copy of a letter written to the A.H.A. Legislative Chairman by Neville Miller, President of the NAB.

Mr. Somerville suggests that Secretaries of each State or Regional Association act as a clearing house for their members as a means of acquainting the hotels that use music with the plan of BMI. On request, BMI will send all details of the plan to State or Regional Secretaries so that they in turn may pass along this information to their members.

Mr. Somerville has made the following statement:

"I am not recommending to the A.H.A. membership that they drop ASCAP licenses at this time. I do, however, recommend that they use BMI music as much as possible and then each individual hotel can determine whether or not they can get along without ASCAP music.

"I, personally, do not feel that this is the setting up of another monopoly, but rather that it will be a direct competitor with ASCAP and should be the medium of getting ASCAP to make more reasonable license fees. If they fail to do so, the probabilities are that a hotel could get along without ASCAP music, by simply using BMI.

"What their rates will be to the hotels when they finally adopt a commercial basis, I do not know. I do feel, however, that they will be perfectly willing to make a very moderate charge compared to ASCAP's fees. At any rate, they will be willing to sit down and discuss the matter from a plain practical business standpoint."

---

Victor Arden, noted conductor, heard with his orchestra on many commercial programs, is making transcriptions for release to BMI subscribers. Mr. M. E. Tompkins, BMI's General Manager, has received the following telegram from him:

ACCEPT MY SINCERE THANKS IN APPRECIATION FOR YOUR MOST GRATIFYING AND ENJOYABLE RECORDING ASSIGNMENT. CONGRATULATIONS UPON THE SPLENDID ARRANGEMENTS BMI HAS MADE OF SO MANY INTERESTING SELECTIONS. CORDIAL WISHES. VICTOR ARDEN.

## NAB CATALOGUE

BMI this week sent out the following letter to its members:

> Many of our member stations have inquired as to lyrics in English of various tunes which are in public domain.
>
> As a partial solution of this problem and for your assistance immediately, we refer you to the work accomplished by Mr. Fitzgerald of NAB some years ago. All of the material distributed to broadcasters by NAB at that time had been very carefully checked and most of our stations received this music.
>
> Under separate cover we are sending out sets, which may duplicate those you already have in your libraries, for whatever purpose this material may serve.
>
> Attached is a list of this music alphabetically arranged by title which we will call LIST NO. 3 (NAB). Part 1 is music with lyrics and Part 2, music only. In many instances the lyrics mentioned can be used by your singers with the orchestrations that have already been distributed.
>
> From time to time we shall send out other English translations, and as time permits we shall issue new lyrics to replace those that were distributed by NAB.
>
> The music without lyrics may prove of service to stations utilizing organists and pianists for fill-in, mood, background and stand-by music.

### LIST NO. 3

### PART 1, NAB

* means "Copyright 1937"

For titles beginning with **a, the, le, la, der, die,** etc., see second word.

| Title | Composer | Author | Arranger | NAB No. |
|---|---|---|---|---|
| *Abide With Me | Monk | Lyte | Fitzgerald | 77 |
| Ach Du Lieber Augustin | (Folk Song) | | | 24 |
| A Csap Utczan Vegig, Vegig, Vegig | | | | 400 |
| Adeste Fideles | See "Come All Ye Faithful" | | | |
| All A Malom | | | | 418 |
| *All Hail The Power Of Jesus Name | Holden | Perronat | Armington | 248 |
| *All Through The Night | (Old Welsh Air) | | Fitzgerald | 240 |
| *Aloha Oe | Liliuokalani | Fitzgerald | | 13 |
| Am I not Fondly Thine Own | (Du Du Liegst Mir Im Herzen) (German) | | | 25 |
| America | | Smith | Wickett | 140 |
| And Ye Shall Walk In Silk Attire | | Blamire | | 310 |
| Annie Laurie | Scott | Douglass | | 142 |

| Title | Composer | Author | Arranger | NAB No. |
|---|---|---|---|---|
| Auf Wiederseh'n | Pinsuti | Weatherly | | 407 |
| Auld Lang Syne | | | | 144 |
| Ave Maria | Bach-Gounod | | | 10 |
| Ave Maria | Schubert | | | 90 |
| Az Egri Menes | | | | 417 |
| Azert Csillag, Hogy Ragyogjon | | | | 396 |
| *Barbara Allen | | Fitzgerald | | 159 |
| Banbury Cross | Wellings | Oxenford | | 337 |
| *Barcarolle (Tales of Hoffman) | Offenbach | Barbier (Fr.)<br>Fitzgerald (Eng.) | Fontaine | 181 |
| Beautiful Dreamer (Serenade) | Foster | | | 3 |
| Bedouin Love Song | Pinsuti | | | 315 |
| *Believe Me If All Those Endearing Young Charms | Moore | | Fitzgerald | 18 |
| Billy Boy | | | | 158 |
| *Blessed Be The Tie That Binds | Naegeli | Fawcett | Armington | 217 |
| *Blue Evenings | Fitzgerald & Fontaine | | | 98 |
| Bohemian Girl | See "Then You'll Remember Me" | | | |
| Bonnie Banks Of Loch Lomon', The | (Old Melody) Words from about 1746 | | | 151 |
| Bridal Chorus (Lohengrin) | Wagner | Oxenford | | 79 |
| *Buffalo Girls | | | Fitzgerald | 157 |
| Camptown Races | Foster | | | 97 |
| Carmen | See "Habanera" | | | |
| *Carry Me Back To Old Virginny | Bland | | Fitzgerald | 71 |
| *Ciribiribin | Pestalozza | Fitzgerald | Fitzgerald | 96 |
| Clare De Kitchen | Rice | | | 401 |
| Cleaning House | | | | 328 |
| *Columbia The Gem Of The Ocean | Shaw | Becket | Fontaine | 143 |
| Come Back To Erin | Barnard | | | 34 |
| Come, Come, Come (Kommt Heran) | (Folk Song) | | | 177 |
| *Comin' Thru' The Rye | | | Wickett | 291 |
| Come Where My Love Lies Dreaming | Foster | | | 66 |
| Comrades | McGlennon | McGlennon | | 325 |
| Cradle Song | Brahms (Copyright 1936) | | Fitzgerald | 109 |
| *Crow Song, The | | | Wickett | 266 |
| Cserebogar, Sarga Cserebogar | | | | 392 |
| Csillag Ragyog, Holdvilag Van | | | | 397 |
| *Dark Eyes (Orche Tchornia) | | Fitzgerald | Tarnovsky | 14 |
| *Darling Nellie Gray | Hanby | | Fitzgerald | 20 |
| *Deep River | Fitzgerald—revised words and music | | | 15 |
| De Ole Ark A-Moberin' Along | | | | 253 |
| *Dixie Land | Emmett | | Fitzgerald | 206 |
| Doxology | See "Praise God" | | | |
| *Drink To Me Only With Thine Eyes (Old English Air) | | Ben Johnson | Fitzgerald | 41 |
| Du Du Liegst Mir Im Herzen | See "Am I Not Fondly Thine Own" | | | |
| Edes Anyam, Ha Bejon Egerbe | Laszlo | | | 438 |
| Edes Anyam Is Volt Nekem | Notaja | | | 415 |
| Eg A Kunyho Ropog A Nad | Laszlo | | | 399 |
| *Elegy | Massenet | Fitzgerald | | 65 |
| Evening Star (Tannhauser) | Wagner | | | 107 |
| Faluvegi Csarda | | | | 385 |
| Farewell Dear Love | See "Auf Wiederseh'n" | | | |
| Faust | See "Soldier's Chorus" | | | |
| *Flow Gently Sweet Afton | Spilman | Burns | Fitzgerald | 272 |
| Flying Trapeze, The | | | | 100 |
| Foreigner With His Clarinet, The | Thorpe | | | 351 |
| Four Little Girls Went Sweeping | | | | 327 |
| Fritz and Spitz | | | | 220 |
| *Frog He Would A-Wooing Go (A) | | | Armington | 222 |
| *From Greenland's Icy Mountains | Mason | Heber | Armington | 243 |
| Girl I Left Behind Me, The | "Brighton Camp" 1760? | | | 136 |
| *God Be With You Till We Meet Again | Tomer | Rankin | Fitzgerald | 127 |
| *Go Down Moses | (Negro Spiritual) | | Fitzgerald | 27 |
| Go In And Out The Window | See "Cleaning House" | | | |
| *God Rest You Merry Gentlemen | (Old Carol) | | Fitzgerald | 50 |
| Golondrina, La | Serradel | | | 105 |
| Good Bye! | Tosti | Whyte-Melville | | 311 |
| Good Bye, Liza Jane | | | | 363 |
| Dood News De Chariot's Comin' (Negro Spiritual) | | | | 31 |
| *Good Night Ladies | | | Wickett | 205 |
| *Go 'Way Old Man | McHenry | | Wickett | 405 |
| *Grandfather's Clock | Work | | Fitzgerald | 39 |
| *Guard My Journey Home<br>(Largo from the New World Symphony Op. 95, No. 5) | Dvorak | Fitzgerald | Fontaine | 63 |

| Title | Composer | Author | Arranger | NAB No. |
|---|---|---|---|---|
| Habanera (Carmen) | Bizet | | | 164 |
| Hail Columbia | | Hopkinson | | 313 |
| Hallelujah Chorus (Messiah) | Handel | | | 128.65 |
| Hamis Az En Babam Lelke | | | | 416 |
| Hannah Boil Dat Cabbage Down | Lucas | | | 404 |
| *Harp That Once Thro' Tara's Halls, The | | Moore | Fitzgerald | 342 |
| Has Sorrow Thy Young Days Shaded | | Moore | | 216 |
| Hey Diddle Diddle | | | | 331 |
| Hickory Hickory Dock | | | | 330 |
| Hullamzo Balaton Tetjen | | | | 393 |
| Humpty Dumpty | | | | 23 |
| I Cannot Sing The Old Songs | Claribel | Claribel | | 146 |
| Ich Liebe Dich (I Love Thee) | Grieg | Gray | | 82 |
| I Dreamt I Dwelt In Marble Halls | Balfe | (Bohemian Girl) | | 45 |
| *I-Eel | | | Fontaine | 204 |
| I'll Take You Home Again Kathleen | Westendorf (Copyright 1936) | | Fitzgerald | 84 |
| I Love To Tell The Story | Fischer | Hankey | | 49 |
| I Love You So | Lehar | Ross | | 102 |
| *Inching Along | | | Wickett | 255 |
| In Dat Great Gittin' Up Mornin' | Towe | | | 28 |
| I Need Thee Every Hour | Lowry | Hawkes | | 249 |
| Ingle Side, The | Wiesenthal | Ainslie | | 273 |
| In Old Madrid | Trotere | Bingham | | 198 |
| *In The Evening By The Moonlight | Bland | | Fitzgerald | 38 |
| *In The Gloaming | Harrison | Orred | Fitzgerald | 85 |
| *It's A Way We Have At Old Harvard | | | Fontaine | 202 |
| *Jesus, Lover Of My Soul | Marsh | Wesley (?) | Armington | 247 |
| Jim Along Josey | | | | 402 |
| *Jingle Bells | Pierpont | | Fitzgerald | 137 |
| *John Peel (Old English Hunting Song) | | | Fitzgerald | 36 |
| *Juanita (Spanish Melody) | | Norton | | 74 |
| Kaka Toven Koit A Rucza | | | | 419 |
| Kathleen Mavourneen (Ballad) | Crouch | | | 138 |
| Keep In De Middle Ob De Road | Hays | Hays | | 259 |
| Keep Me From Sinking Down | | | | 254 |
| Kerry Dance, The | Molloy | | | 108 |
| Kis Madar Dalol Az Agon | (Mar en nem beszelek nagyon) | | | 394 |
| Kitettek A Holttestet Az Udvarra | | | | 414 |
| *Kol Nidre (O Day of God) | | Fitzgerald | Fitzgerald | 94 |
| Last Rose of Summer, The (Old Irish Air) | | Moore | | 73 |
| Lead Kindly Light | Dykes | Newman | | 53 |
| Little Annie Rooney | Nolan | | | 316 |
| *Little Brown Church, The | Pitts | | Wickett | 336 |
| Little Brown Jug | | | | 17 |
| Little Jack Horner | | | | 21 |
| Little Old Cabin In The Lane | Hays | Hays | | 154 |
| Lohengrin | See "Bridal Chorus" | | | |
| London Bridge | | | | 22 |
| *Londonderry Air (Old Irish Air) | | Fitzgerald | Fitzgerald | 75 |
| *Long Long Ago | Bayly | | Fitzgerald | 55 |
| Lost Chord, The | Sullivan | Proctor | | 62 |
| *Love's Lullaby | Scotland | Fitzgerald | Fontaine | 269 |
| Love's Old Sweet Song | Molloy | Bingham | | 112 |
| Lullaby | Emmet | | | 304 |
| Lyuk, Lyuk, Lyuk, Lyuk | | | | 411 |
| Maros Vize Folyik Csendesen | | | | 384 |
| Mary and Martha | | | | 251 |
| Merry Widow Waltz | See "I Love You So and Vilia" | | | |
| Mikado | See "Wandering Minstrel, A" | | | |
| Minstrel Boy, The | Moore (?) | Moore | | 215 |
| *My Faith Looks Up To Thee | Mason | Palmer | Armington | 250 |
| My Heart At Thy Sweet Voice | Saint-Saens | (Samson and Delilah) | | 67 |
| My Lord What A Morning (Negro Spiritual) | | | | 32 |
| My Old Kentucky Home | Foster | | | 8 |
| My Sweetheart's The Man In The Moon | Thornton | Thornton | | 343 |
| Nancy Lee | Adams | Weatherly | | 129 |
| *Nearer My God To Thee | Adams | | Wickett | 246 |
| Nem Loptam En Eletembe | | | | 395 |
| Ninety and Nine | Sankey | Clephane | | 48 |
| Nobody Knows The Trouble I've Seen (Negro Spiritual) | | | | 29 |
| *None But The Lonely Heart<br>(Nur Wer Die Sehnsucht Kennt) (Op. 6, No. 6) | Tschaikowsky | Fitzgerald | | 93 |
| Not E'En Angels—Nicht Mit Engeln<br>(German Lyrics by F. Bodenstedt—from Persian by Mirza-Schaffy) | Rubinstein | Stigand | | 87 |

| Title | Composer | Author | Arranger | NAB No. |
|---|---|---|---|---|
| *O Come All Ye Faithful | Reading | Oakley | Fitzgerald | 52 |
| O Day of God | See "Kol Nidre" | | | |
| *O Dem Golden Slippers | | Bland | Fitzgerald | 207 |
| Oh, Susanna | Foster | | | 5 |
| Oh, Wasn't Dat A Wide Riber | | | | 257 |
| Old Black Joe | Foster | | | 64 |
| Old Dan Tucker | | | | 403 |
| *Old English Round | | | Fontaine | 4 |
| Old Folks At Home | Foster | | | 6 |
| Old King Cole | | | | 11 |
| Old Oaken Bucket, The | Kiallmark | | | 135 |
| One Sweetly Solemn Thought | Ambrose | Carey | | 51 |
| On The Banks Of The Old Raritan | | | | 359 |
| Onward Christian Soldiers | Sullivan (1872) | | | 141 |
| On Wings Of Song | Mendelssohn | | | 72 |
| Pagliacci | See "Vesti La Giubba" | | | |
| Palms, The | Faure | | | 340 |
| *Paloma, La | Yradler | Fitzgerald—revised lyrics | | 165 |
| *Polly Wolly Doodle | | | Fitzgerald | 169 |
| Pop Goes The Weasel | | | | 99 |
| *Praise God From Whom All Blessings Flow | Bourgeois | Ken | Fitzgerald | 145 |
| Queja, La (Il Lamento) | Vilanova | | | 317 |
| Reuben and Rachel | Gooch | Biech | | 262 |
| Rigjag Jigjag | | | | 261 |
| Ring, Ring De Banjo! | Foster | | | 131 |
| Rock'd In The Cradle Of The Deep | Knight | | | 324 |
| Rock of Ages | Hastings | Toplady | | 35 |
| Roll, Jordan Roll | | | | 256 |
| *Rose Of The Valley, The | | | Fontaine | 152 |
| Samson And Delilah | See "My Heart At Thy Sweet Voice" | | | |
| Santa Lucia (Neapolitan Song) | | | | 110 |
| Schnick Schnack | Reinecke | | | 211 |
| See The Cook | | | | 329 |
| Serenade | Schubert | | | 56 |
| Shew Fly | Campbell | Reeves | | 267 |
| Silver Threads Among The Gold | Danks | Rexford | | 270 |
| Sing A Song Of Six-Pence | Elliott | | | 264 |
| Sleep Baby Sleep | | | | 103 |
| Sleep, Darling, Sleep (Schlaf, Kindlein, Schlaf) | | | | 406 |
| Softly Now The Light Of Day | von Weber | Doane | | 42 |
| Soldiers' Chorus (Faust) | Gounod | | | 126.66 |
| Solveig's Song | Grieg | | | 111 |
| Songs My Mother Taught Me | Dvorak | | | 12 |
| *Son Of A Gambolier | | | Fontaine | 203 |
| Spanish Cavalier | Hendrickson | | | 263 |
| Star Spangled Banner | Smith | Key | Fitzgerald | 120 |
| Steal Away (Spiritual) | | | | 30 |
| Still As The Night | Bohm | | | 68 |
| Sweet and Low | Barnby | Tennyson | | 170 |
| Sweet Evelina | | | | 268 |
| *Swing Low Sweet Chariot (Spiritual) | | | Fitzgerald | 33 |
| Tar's Farewell, The | Adams | Burnand | | 37 |
| This Old Time Religion | | | | 258 |
| Temetoben Lattalak Meg | | | | 383 |
| Ten Little Injuns | Winner | | | 353 |
| Then You'll Remember Me | Balfe | (Bohemian Girl) | | 69 |
| *There's A Letter In The Candle | Coote | Clarke | Wickett | 295 |
| *There's Music In The Air | | | Armington | 455 |
| *Toориletoo | | | Wickett | 294 |
| Turn Back Pharoah's Army | | | | 252 |
| Uncle Ned | Foster | | | 7 |
| Upidee | | | | 148 |
| *Valley Lay Smiling Before Me<br>Air—The Pretty Girl Milking Her Cow | Moore | | Fontaine | 139 |
| Vesti La Giubba (Pagliacci) | Leoncavallo | | | 301 |
| Vilia | Lehar | | | 70 |
| *Vive L'Amour | | | Fontaine | 352 |
| Wait Till The Clouds Roll By | | Fulmer | Wood | 339 |
| Wandering Minstrel, A (The Mikado) | | Gilbert and Sullivan | | 83 |
| When You And I Were Young, Maggie | Butterfield-Johnson | | | 106 |
| Where Did You Get That Hat? | Sullivan (Joseph) | | | 260 |
| Where Has My Little Dog Gone | (Lauterbach) | | | 26 |
| Whispering Hope | Hawthorne | (Vocal Duet) | | 54.58 |

| Title | Composer | Author | Arranger | NAB No. |
|---|---|---|---|---|
| *Yankee Doodle | | | Fitzgerald | 133 |
| *Yield Not To Temptation | Palmer | | Wickett | 228 |

## LIST NO. 3

## PART 2, NAB

| Title | Composer | Arranger | NAB No. |
|---|---|---|---|
| **Aida** See "Triumphal March" | | | |
| ***Amelia Waltz** | | Fontaine | 104.28 |
| **Angel's Serenade** | Braga | | 235.26 |
| **Anitra's Dance** (Peer Gynt Suite) | Grieg | | 116.28 |
| **Apache Dance** | Offenbach | | 171.28 |
| ***Arkansas Traveler** | | Fitzgerald | 156.28 |
| **Artist's Life** (Op. 313) | Strauss | | 166.28 |
| **Ase's Death** (Peer Gynt Suite) (Op. 46, No. 2) | Grieg | | 115.28 |
| **Ave Maria**—Intermezzo (Cavalleria Rusticana) | Mascagni | | 119.28 |
| **Beautiful Blue Danube** (**On The**) (Op. 314) | Strauss | | 9.28 |
| ***Berceuse** | Godard | Wickett | 76.28 |
| **The Campbells Are Coming** | | | 161.28 |
| **Cavalleria Rusticana** (Melodramma in un Atto) | Mascagni | | 300. |
| **Cavalleria Rusticana** See "Ave Maria" | | | |
| **Cavatina** (Op. 85, No. 3) (Violin & Piano) | Raff | | 309.26 |
| **Consolation** (Songs without Words) | Mendelssohn | | 306.28 |
| **Coronation March** (Le Prophete) | Meyerbeer | | 125.28 |
| **Devel's Dream** | | | 153.28 |
| **Du Und Du—You And You** (Op. 367) (Die Fledermaus) | Strauss | | 121.28 |
| **Entr'acte Gavotte** (Mignon) | Thomas | | 323.28 |
| **Estudiantina** (Waltzes) | Waldteufel | | 149.28 |
| **Fisher's Hornpipe—Sailor's Hornpipe** | | | 134.28 |
| **Fledermaus, Die** See "Du und Du—You and You" | | | |
| ***Flight Of The Bumble Bee** (Tsar Saltan) | Rimsky-Korsakov | Wickett | 308.28 |
| **Funeral March** | Chopin | | 81.29 |
| **Garry Owen** | | | 307.28 |
| **Gondoliera, La** | Liszt | | 60.28 |
| ***Gretchen's Party** | | Wickett | 338.28 |
| **Hull's Victory** | | | 299.28 |
| **Humoresque** | Dvorak | | 92.28 |
| **Hungarian Dance No. 5** | Brahms | | 118.28 |
| ***Hymn To The Sun** | Rimsky-Korsakov | Fontaine | 101.28 |
| **In The Hall Of The Mountain King** (Peer Gynt Suite) (Op. 46, No. 4) | Grieg | | 117.28 |
| ***Irish Washerwoman** | | Fitzgerald | 160.28 |
| **Kamennoi-Ostrow** | Rubinstein | | 168.28 |
| **Kathinka-Polka** (Op. 210) | Strauss | | 410.26 |
| **Largo** (Xerxes) | Handel | | 80.28 |
| **Larry O'Gaff** | | | 297.28 |
| **Liebestraum** | Liszt | | 130.28 |
| **Lullaby** | Emmet | | 304. |
| **Lustspiel Ouverture** (Op. 73) | Bela | | 167.28 |
| ***Madrid** (Spanish Dance) (Op. 12, No. 1) | Moszkowski | Fontaine | 321.28 |
| **March** (The Magic Flute) | Mozart | | 123.28 |
| **Martha** | Von Flotow | | 298.28 |
| **Meditation** (Op. 72, No. 5) | Tschaikowsky | | 319.28 |
| **Melody** (Op. 18, No. 1) | Moszkowski | | 348.28 |
| **Melody in F** | Rubinstein | | 91.28 |
| **Menuet** (Op. 14, No. 1) | Paderewski | | 89.28 |
| **Mignon** See "Entr'acte Gavotte" | | | |
| **Minute Waltz** (Op. 64, No. 1) | Chopin | | 86.28 |
| **Miss McLeod's Reel** | | | 271.28 |
| **Money Musk** | | | 356.28 |
| **Moonlight Sonata** | Beethoven | | 58.28 |
| **Morning** (Peer Gynt Suite) (Op. 46, No. 1) | Grieg | | 114.28 |
| ***Orientale** | Cui | Wickett | 1.28 |
| **Over The Waves** | Rosas | | 390.28 |
| **Overture To Martha** See "Martha Overture" | | | |
| **Peer Gynt Suite** (See Sub-titles) | | | |
| **Poems** (Op. 41) | Fibich | | 2.28 |
| **Prelude in $A^{b}$** (Op. 28, No. 17) | Chopin | | 59.28 |

| Title | Composer | Arranger | NAB No. |
|---|---|---|---|
| **Rickett's Hornpipe** | | | 208.28 |
| **Romance** (Op. 44, No. 1) | | | 305.28 |
| **Rory O'Moore** | | | 296.28 |
| **Rustic Reel** | | | 162.28 |
| **Rustle Of Spring** (Op. 32) (murmurings of Spring) | Sinding | | 61.28 |
| **Schwalben, Die** (Op. 208) | Strauss | | 409.26 |
| **Serenade** (Op. 15, No. 1) | Moszkowski | | 347.28 |
| **Serenade Badine** | Gabriel-Marie | | 303.28 |
| ***Seville** (Spanish Dance) (Op. 12, No. 2) | Moszkowski | Fontaine | 341.28 |
| **Simple Aveu** (Op. 25) | Thome | | 57.28 |
| **Skaters, The** (Les Patineurs) (Waltz) | Waldteufel | | 132.28 |
| **Soldier's Joy** | | | 155.28 |
| **Song of India** (Sadko) | Rimsky-Korsakov | | 16.28 |
| **Souvenir** (1 for piano, 1 for violin) | Drdla | | 88.26 |
| **Spanish Dance** See "Madrid" and "Seville" | | | |
| **Sweetheart Waltz** (Zigeunerbaron) | Strauss | | 122.28 |
| **Tales From The Vienna Woods** (Op. 325) | Strauss | | 95.28 |
| **Triumphal March** (Aida) | Verdi | | 320.28 |
| ***Turkey In The Straw** | | Wickett | 19.28 |
| **Under The Double Eagle** (March) (Op. 159) | Wagner | | 78.28 |
| **Valse Bleue** | Margis | | 147.28 |
| **Vienna March** | Clark | | 408.28 |
| **Vinton's Hornpipe** | | | 389.28 |
| **White Cockade** | | | 163.28 |
| **William Tell** (Overture) | Rossini | | 113.28 |
| **Zigeunerbaron** See "Sweetheart Waltz" | | | |

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# Labor

## SUSTAINING PERFORMERS

It is not necessary to pay hill-billies and other performers on sustaining programs, as long as their service is voluntary and they are performing for some benefit to themselves (plugs for dance engagements, personal build-up, etc.).

This was agreed at a conference this week between Wage and Hour Division attorneys and Joseph L. Miller, NAB labor relations director.

Some time ago, Col. Philip B. Fleming, Wage and Hour Administrator, issued a memorandum holding that all performers on sustaining programs, except those on remotes from hotels, were employees of the broadcasting stations and thus entitled to the minimum wage. (NAB Reports, p. 4612.)

A few weeks later, after the NAB had explained the situation, Col. Fleming issued another memorandum exempting "public service" program performers. He held that they were not employees. (NAB Reports, p. 4687.)

When Mr. Miller explained to the Wage and Hour attorneys this week what a headache it was for the broadcasters to try to keep all the books, set up Social Security accounts, etc., for minimum wage payments to all sustaining performers, the attorneys agreed that those performers need not be paid who:

(1) Were not customarily paid or were in the category of performers not customarily paid; and

(2) Whose performances were voluntary; and

(3) Who derived some benefit (plugs, self-promotion, etc.) from their performances.

The attorneys did not concede that all these performers were not employees of the station. However, they said they would not prosecute any station for failure to pay these performers the minimum wage for the time being. If they did decide these performers should be paid, they said, the industry would be given adequate notice. In this event, they said, no prosecution would be retroactive.

## "STUDENT ANNOUNCERS"

Any station employing or contemplating the employment of "student announcers" will be interested in the following exchange of correspondence:

Mr. Joseph L. Miller
Director of Labor Relations
National Association of Broadcasters
Washington, D. C.

Dear Mr. Miller:

During the summer vacation period we employed a ——— College student as a fill-in announcer, paying him in accordance with the wage and hour schedule. This young man plans to return to college this fall but during his off hours would like to further benefit his announcing technique by filling in at odd times. We do not plan to pay him for his time on duty although we will from time to time give him small gratitudes in the way of cigarette money and pocket change. This boy might occasionally take a shift but only very occasionally. He is anxious to continue in the announcing field in the hope that after graduation he may find permanent employment, either here or at some other radio station.

We cannot afford to pay him the minimum wage because we have a full staff. Actually his employment is to his advantage although it gives us a change of voice at various intervals which is desirable. So far as the boy is concerned he is delighted with the arrangement that we contemplate. On the other hand, some of these days he may be unhappy with it. Naturally we do not want a claim for back wages.

I'd like to have your opinion, and if you think it advisable, I would appreciate your submitting the case to the Wage and Hour Administration for ruling.

Very truly yours,

RADIO STATION ————.

This letter was forwarded to the Wage and Hour Division. The following opinion was received:

DEPARTMENT OF LABOR
Office of the Solicitor
Washington

November 2, 1940.

Mr. Joseph L. Miller
Director of Labor Relations
National Association of Broadcasters
Normandy Building
1626 K Street, N. W.
Washington, D. C.

DEAR MR. MILLER:

Colonel Fleming has asked me to reply to your letter of September 18, 1940, enclosing a communication from a broadcaster member of your association inquiring if a student of a southern college may perform work as a "fill-in announcer" without being subject to the Fair Labor Standards Act. I regret that an earlier reply was not possible. You refer to a letter quoted in the Wage and Hour Reporter, Volume 3, Page 385, of September 9, 1940, to the effect that certain students of schools of journalism are not, under certain conditions, considered to be employees of the newspapers which are cooperating with the schools of journalism in giving practical experience to the students.

It appears from the information contained in the communication attached to your letter that the "fill-in announcer" is taking general academic training at the southern college and is not a member of a school which is preparing him to be a radio announcer. It is therefore our opinion that the letter quoted in the Wage and Hour Reporter to which you refer would not be applicable in the situation presented by you. If the "fill-in announcer" engages in performing actual work for the broadcasting company, it is our opinion that he is an employee under the broad definition of the employer-employee relationship in section 3(d), (e) and (g) of the act.

Very truly yours,
For the Solicitor,
BY /s/ RUFUS G. POOLE,
Rufus G. Poole,
Assistant Solicitor
In Charge of Opinions and Review.

## OVERTIME EVASIONS ILLEGAL

Continuing to pay the same salary to workers for a 42-hour week after October 24 is a violation of the Fair Labor Standards Act, even though the employer makes a show of compliance through bookkeeping manipulations, Colonel Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, warned in a statement this week.

On October 24, the standard workweek was reduced to 40 hours, after which overtime at time and one-half the regular rate of pay had to be paid.

Colonel Fleming pointed out the illegality of adopting a bookkeeping rate for the purposes of the overtime provisions of the Wage and Hour Law and a different rate for actual payment.

"The Act requires that overtime must be paid at the rate of time and one-half the 'regular rate' of pay at which the employee is employed," Colonel Fleming said. "Time and one-half must be paid upon the rate at which the employee is actually employed and paid, and not upon a fictitious rate which the employer adopts solely for bookkeeping purposes."

These practices are violations of Section 7 and as such will subject the employer to the penalties prescribed in the Act, Colonel Fleming warned.

# National Defense

## DEFENSE COMMISSIONER PAYS TRIBUTE TO RADIO

When Miss Harriet Elliott, in charge of the Consumer Protection Division of the National Defense Advisory Commission, returned for a visit to her old home town, Greensboro, N. C., Director Edney Ridge of WBIG, arranged for Miss Elliott to go on the air. This she did on November 3 at 6:30 p. m.

What she said about radio and what it can do for "National Defense in the American Way," is both a tribute to our industry and an appreciation for its vast power for service.

"Here in the United States," said Miss Elliott, "we have freedom of speech, freedom of the press and the airways. Our government does not tell us what to say, what to read or which radio programs we may listen to. We do not need government permits for discussion groups or forums or lectures. We are a free people—free to think and talk and listen as we choose. This freedom is an actual instrument for the preservation of our democracy. Let us exercise it is educating ourselves on the human and political affairs of the day. Let us know the world we live in, and thus defeat confusion and misinformation by intelligence and understanding.

"Energetic and informed public opinion is a bulwark of democracy. Ignorance is a national liability. In time of emergency this weakness becomes a positive menace. Public interest and participation are first essentials in the democratic process.

"Today every channel of public information is striving to keep us informed on important national and international events. The newspapers report and analyze the news of the day, the radio brings us overseas and spot news broadcasts, the newsreels give us eye-witness accounts. They relay to our eyes and ears vivid pictures of world history in the making. We read, look and listen because these are interesting and exciting things.

"But we must also think about these events and their meaning for our present and future well-being as individuals and as a nation. We must discuss them fully, openly, and calmly in our homes and in our public meeting places, if we are to prepare ourselves to meet their challenge.

"It is indeed fitting that I should be saying these things to you over the radio. Broadcasting, as we know it in the United States, has become a fundamental instrument and privilege of democracy. It is a demonstration of democracy in action. For example, I am speaking to you of my own free will, I am expressing my own ideas—you on the other hand are listening of your own free will. If you disagree with me or if you have heard enough you can turn the dial to another program or flip a little switch on your radio and I am no longer a guest in your home.

"The people of totalitarian nations do not have these privileges. Their radio is government controlled. Their sets are manufactured according to government specifications, and are designed to eliminate all but authorized broadcasts. They cannot get world news by short wave. Their news and information is interpreted for them in accordance with the will of a dictator. Their programs are chosen and planned for them and the people are ordered to listen. Failure to do so is a sign of disloyalty.

"In America the radio has performed a valiant service in helping to educate us in the meaning of democracy, and good citizenship. It has been instrumental in making available to millions of our people the world's best music, song, and dramatic entertainment. It has brought into the homes of America information, diversion and amusement.

"Besides the dissemination of timely news, the presentation of educational and cultural programs, and the offering of entertainment, radio has a definite responsibility in the present emergency to prepare America for total defense. Radio stations can cooperate with local organizations in the promotion and protection of human welfare in the communities they serve. They can encourage broadcasts by dietitians and food experts who can inform us what protective foods to eat and how to prepare them. They can help us develop physical fitness.

"Clear minds function well in strong bodies. We need to know more about body building foods. We should know when they are available and where they are abundant."

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Both sides of 7,000 U. S. Mail trucks soon will be displaying National Defense Man Power posters as a tie-in with the work of recruiting skilled workers by the nation's broadcast stations.

It is planned to have posters in position by November 15 for a run of fifteen days. During December they will be replaced with Christmas posters. In January the Man Power posters will be returned to the trucks.

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It may interest broadcasters that, where necessary, the Civil Service Commission gives special attention to the procurement of housing facilities for skilled workers attracted by radio announcements.

When 850 men were put to work at the Rock Island, Ill., Arsenal in the past two months, it was necessary to make a housing survey throughout the Tri-Cities. Mail carriers did the job in fine style. Now 200 more men are needed in machinist and other skilled trades, and a new survey is probable.

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Watch for the Tribute to Radio transcription to be mailed next week.

# Sales

## BUREAU RELEASES NINTH STUDY

"Results from Radio," Volume 1, Number 9, is going out to all members from the Bureau of Radio Advertising. The latest study in the success story series deals with four different sponsors, all of whom used radio effectively to solve their various sales or distribution problems. Included are a flour mill, a drug store, and two department stores. Members who have not yet ordered their supply of these case histories are urged to use the order form which accompanies their sample copy of Trade Study No. 9.

## FREE OFFERS

The canned pea industry has apparently discovered radio, if we are to judge by recent activity on the "free offer" front. The Canned Pea Marketing Institute, through Theodore R. Sills & Company, Chicago, is asking stations to broadcast recipes and historical facts about canned peas—all on free time. This is the second offer involving canned peas referred to the Bureau of Radio Advertising by member stations in the past two weeks. The Sills Company is also an old offender, on behalf of other products, and the Bureau has suggested that they pay for time or withdraw their offer.

Shaffer Brennan Margulis Advertising Company, St. Louis, wants stations to act as clearing houses for mail orders and to guarantee results on a per-inquiry basis, for its client, Smith Mother Nature Brooder.

## AFA LAUNCHES OFFENSIVE AGAINST ATTACKS ON ADVERTISING

"It is the opinion of leaders in the Advertising Federation that advertising interests should launch an offensive against unscrupulous attacks against advertising, and that advertising has been on the defensive long enough."

This statement was made this week by Paul Garrett, vice president and director of public relations, General Motors Corporation, speaking in his new capacity as chairman of the Board of the Advertising Federation of America.

Continuing, he said:

"We know, of course, that advertising has its shortcomings. It is not all 99 44/100 per cent pure. Some of it might rate a good deal lower from the standpoint of ethics, but some mighty satisfactory progress has been made by organized advertising itself in raising the standards.

"At a meeting of the Federation Board of Directors in New York on Friday last, we took a little time to review the results of the thirty-five years' work by advertising men themselves through the Federation and other organized groups.

"We can well be proud of the housecleaning that has been done when we look back a few years at the conditions as of an earlier date compared with those of the present.

"The astonishing thing is that this broom-sweeping started because of the far-sightedness of those who had their money invested in the advertising business, or their jobs were dependent upon the business of advertising—and they are the ones who took the initiative and pushed the broom.

"Now that a grand job has been done, we find that the unfair criticisms are coming from outside sources—usually with an ulterior motive.

"Advertising leaders are by no means averse to criticism from those who mean to be constructive.

"Businesses with large and small investments in advertising welcome that kind of criticism and will profit by it."

Mr. Garrett stated that the Federation's program this year provides for a strong counter-attack, not only from national headquarters in New York, but from the numerous affiliated Advertising Clubs throughout the country.

The Federation's constructive work in the consumer field was presented in detail by the chairman of the Advisory Council of the Bureau of Research and Education, Allan T. Preyer. Mr. Preyer is vice president of the Vick Chemical Company. The ten-year educational program of the Bureau was reviewed and highly commended by the directors.

President Elon G. Borton told of his visits with Advertising Clubs in the middle west and southwest. He reported that he had personally contacted twenty-five clubs since the Federation's convention last June.

"We don't need to worry about our Advertising Clubs," he said. "They are keenly alert to the problems advertising is facing. They are taking their jobs more seriously than ever before. Many of them are carrying out highly constructive educational activities, both for the benefit of their own members and also with the hope of bringing about a better understanding of the functions of advertising among the consumers. It is my opinion that we can be very proud of the work which these clubs are doing. I know of no Federation club that is not sponsoring some activity for the improvement of advertising and the increasing of public acceptance of advertising."

Edgar Kobak, chairman of the Federation's Finance Committee, and J. A. Welch, Federation treasurer, reported on the finances. The Federation, they stated, is in a healthy financial condition, but both urged stronger support in order that the program might be extended.

# Miscellaneous

## LONG-TIME RECORDERS

In the October 18 issue of the REPORTS (page 4688), an item appeared to the effect that the Federal Communications Commission at the instance of the international short-wave broadcasters, had issued an order making mandatory the transcription of all programs carried over such facilities. This order presented to those engaged in international short-wave broadcasting a rather difficult recording problem.

NAB was asked to assemble information on the cost and operating expense of recording equipment that would efficiently and economically do the job. Questionnaires were sent to all concerns known by us to manufacture equipment adaptable to long-time, low cost recording. The problem presented was to get recording equipment for "record purposes only" and not for rebroadcasting. In other words, fidelity transcription was not essential. The records kept are merely for checking and protection purposes. Information with respect to these recording devices, capital outlay and operating costs are in our files and available to any and all broadcasters. It is thought possible that other than international short-wave broadcasters may be interested in this information in considering the advisability of keeping verbatim records of programs broadcast. We shall be very glad to make this information available to any interested members.

## INSURANCE COMMITTEE

The NAB Insurance Committee, under the leadership of its Chairman Roger W. Clipp of WFIL, has been active in carrying out the work assigned to it and has issued a confidential questionnaire designed to bring out information concerning the various types of insurance carried by the broadcasting stations. This questionnaire was mailed to each member on October 31 and each member is urged to fill in the questionnaire and return it. It is important that the Committee receive as large a number of these questionnaires, filled out, as possible because the Committee will then have a more complete tabulation of the radio broadcasting insurance risks.

The work to be covered by the Insurance Committee fails under four general classifications and these are:

1. Standardization of rates for various risks.
2. More clearly defined risks as applicable to broadcasters.
3. Establishment of the status of broadcasters for purposes of compensation rates.
4. Making available to broadcasters insurance which covers risks not specifically included in insurance policies that are being written today.

Besides Mr. Clipp, the Insurance Committee has as members, Mr. William I. Moore, WBNX; Charles A. Wall, NBC; C. R. Dean, CBS; J. R. Poppele, MBS.

## 11TH DISTRICT MEETING

Director Earl Gammons of the 11th District which embraces Minnesota, North Dakota and South Dakota, has scheduled a District meeting to be held at Minneapolis on Friday, November 15. Pursuant to the policy of having a staff representative present wherever possible at District meetings, President Miller has designated Mr. Arney to attend this meeting.

### MORE ABOUT MEMBERSHIP

Just so all members will be up to date, the total membership of NAB is 489. This means that if we are to achieve our goal of 500 members by the first of the year, we have to get new members at the rate of almost two a week. We sincerely urge the cooperation of all of our present members in this objective.

## FEDERAL COMMUNICATIONS COMMISSION

### MORE FM GRANTS

More than 27,000,000 persons are embraced in the 110,000 square miles of potential service areas of the 15 frequency modulation broadcast stations initially authorized by the FCC to go on a full commercial basis as soon as practical, says the following FCC statement.

Varied geographic regions—from New England to the Pacific Coast and from the Great Lakes to the Gulf—are represented by the 10 states first slated to be able to listen to this newest type of broadcast.

Subject to certain engineering requirements, the following FM applicants are the first to receive Commission grants to go commercial:

| Location | Applicant | Frequency (Kc) | Coverage (sq. mi.) | Population |
|---|---|---|---|---|
| Detroit | Evening News Ass'n | 44,500 | 6,820 | 2,498,000 |
| Los Angeles | Don Lee Broadcasting System | 44,500 | 6,944 | 2,600,000 |
| Schenectady | Capital Broadcasting Co., Inc. | 44,700 | 6,589 | 967,700 |
| New York | Marcus Loew Booking Agency | 46,300 | 8,500 | 12,000,000 |
|  | National Broadcasting Co. | 45,100 |  |  |
|  | Wm. G. H. Finch | 45,500 |  |  |
| Brooklyn, N. Y. | Frequency Broadcasting Corp. | 45,900 |  |  |
| Evansville, Ind. | Evansville On the Air, Inc. | 44,500 | 8,397 | 465,000 |
| Mt.Washington, N. H. | Yankee Network | 43,900 | 31,000 | 2,000,000 |
| Binghamton, N. Y. | Howitt-Wood Radio Co., Inc. | 44,900 | 6,500 | 256,300 |
| Baton Rouge, La. | Baton Rouge Broadcasting Co. | 44,500 | 8 100 | 361 400 |
| Columbus, Ohio | WBNS, Inc. | 44,500 | 12,400 | 1,100,000 |
| Salt Lake City | Radio Service Corp. of Utah | 44,700 | 623 | 194,000 |
| Chicago | Zenith Radio Corp. | 45,100 | 10,760 | 4,500,000 |
| Milwaukee | The Journal Co. | 45,500 | 8,540 | 1,522,000 |

Some of these stations have been operating experimentally and hope to start commercial operation almost immediately; the rest have construction work to do before going on the air.

Thirty-six additional applications are awaiting early action, the result of a rush of requests for high frequency broadcast facilities since the Commission, last May, paved the way for FM commercialization.

Meanwhile, the Commission is investigating the possibility of assigning identifying call letters to FM stations to distinguish them from standard broadcast stations.

Under Commission rules and regulations, FM stations are available to every community. They are not subject to the same interference as standard broadcast stations and, therefore, can operate on the same channel with less mileage separation. However, FM stations serving the same area are not assigned adjacent channels. As many as a dozen or more different FM stations using alternate channels may operate in a large metropolitan area.

These high frequency broadcast stations are authorized to serve a specified area in square miles. Service area is comparable in places where one or more such stations may be located. To obviate possible monopoly, and to encourage local initiative, no person or group is permitted to control more than one FM station in the same area, and not more than six in the country as a whole.

At the outset, the Commission is requiring a daily (except Sunday) minimum operating schedule for FM stations of at least three hours during the day and three hours at night. To demonstrate the capabilities of the new service, one hour a day at least must be devoted to programs not duplicated simultaneously in the same area, which means programs distinct from standard broadcast. Otherwise, FM operation is governed largely by standard broadcast rules.

FM (frequency modulation) will not interfere with standard broadcast (amplitude modulation). The two types of services are on different bands—AM in the lower part of the spectrum (550 to 1600 kilocycles), and FM in the higher frequencies (43,000 to 50,000 kilocycles). Introduction of FM does not make standard broadcast obsolete. FM has a more limited range and the rural areas particularly must continue to depend upon AM for years to come.

Because of their different positions in the spectrum, FM can not be received on standard broadcast receivers and vice versa. That is why certain manufacturers are making separate FM sets or a combination of the two. Besides being claimed static-less, FM offers more tone range than standard broadcast and has particular appeal to listeners who like fidelity of sound, such as in musical broadcasts. It also opens up new broadcast facilities to augment the congested standard broadcast band.

### FROM THE FCC MAIL BAG

### (No. 17 of a series)

Various letters referring to discontinuance of broadcasts by the Rev. Charles E. Coughlin have been received by the FCC. In reply to these, the Commission reiterates that the censorship provision of the Communications Act places responsibility for the selection of program material upon the respective licensees, and the Commission cannot require a station to put any individual on the air or take him off the air.

In answering mail prompted by refusal of radio time, the Commission points out that the Act further provides that a broadcast station is not a "common carrier" such as is the telephone and telegraph. Consequently, a radio station is not required to make its facilities available to a person or group, even though offer is made to purchase time. Unlike common carrier tariffs, broadcast station rates are not required to be filed with the Commission.

Under its statute, the Commission explains that it likewise lacks authority to oblige such current correspondents as:

The Louisville resident who complains about the commercial continuity of a certain tobacco program.

The Cincinnati listener who is apprehensive that particular commercial continuities "might influence children against law and order."

Residents of Lowell, Mass., and Duluth, Minn., who object to advertising liquor on the radio.

Various New Yorkers who request "free speech over the airways for real Americans."

A Baton Rouge, La., group which wants Sunday radio programs confined to religious features.

Detroit protest that radio chains bar certain patriotic music from the air.

The organization that registers indignation because it was not given opportunity to broadcast "an item of news of particular interest to local communities."

And the Connecticut man who is wrathy because his receiver is not functioning properly.

Because the Commission functions largely as a licensing agency, it cannot supply—

A list of stations which issue membership cards to listening clubs, as requested by a Californian.

A list of "approved" radio schools, as requested by a Chicagoan.

A certain radio script, as requested by a New Yorker.

Program schedules, as requested by a Georgian.

By the same token, it is unable to pass judgment upon—

An original radio script written by a Philadelphian.

A device invented by an Ohioan to "revolutionize" radio.

A new patriotic song by an Illinois woman who wants it to open and close all radio programs daily.

Incidentally, Charles (Buddy) Rogers of Beverly Hills, Calif., is among those licensed by the Commission to operate radio aboard private aircraft. His particular call letters are KHBUD.

## FCC WORK ASSIGNED

The FCC has announced that the work, business and functions of the Commission for the month of November have been assigned as follows:

| | |
|---|---|
| Commissioner Thompson: | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations. |
| Commissioner Payne: | Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings. |

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments will be held before the Commission during the week begining Monday, November 11. They are subject to change.

### Thursday, November 14

Broadcast

Oral Argument Before the Commission

Report No. B-126:

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., **1210 kc.,** 100 watts night, 100 watts LS, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Company, Ottumwa, Iowa.—C. P., **1210 kc.,** 100 watts night, 250 watts LS, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following future broadcast hearings. They are subject to change.

### December 16

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., **630 kc.,** 1 KW night, 1 KW day, unlimited, DA night and day.

### December 18

WMBD—WMBD Broadcasting Co., Assignor, Peoria, Ill.—Voluntary assignment of license of WMBD and portable-mobile stations WAIN, WEKH, WPEO, and WEKI to Peoria Broadcasting Co. (a Delaware Corporation), Assignee; operating on: WMBD—**1440 kc.,** 1 KW night, 5 KW day, unlimited; WAIN—**1622, 2058, 2150, 2790 kc.,** emission A-3, 25 watts night, 25 watts day, Section 4.24; WEKH—**1622, 2058, 2150, 2790 kc.,** emission A-3, 50 watts night, 50 watts day, Section 4.24; WPEO—**33380, 35020, 37620, 39820 kc.,** emission A-3, 1 watt night, 1 watt day, Section 4.24; WEKI—**33380, 35020, 37620, 29820 kc.,** emission A-3, 10 watts night, 10 watts day, Section 4.24.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

Because of election there was no regular FCC meeting this week. The next regular meeting will be held Wednesday, November 13.

## MISCELLANEOUS ACTION

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 9:15 to 10 p. m., CST, Nov. 2, in order to broadcast Willkie speech only, using power of 1 KW (B4-S-507).

KGDM—E. F. Peffer, Stockton, Calif.—Granted special temporary authority to broadcast music between election return reports in addition to authority granted Oct. 28, permitting unlimited time operation the night of Nov. 5, in order to broadcast election returns only (B5-S-51).

KPRC—Houston Printing Corp., Houston, Tex.—Granted special temporary authority to operate with power of 5 KW night Nov. 5, in order to broadcast election returns to a larger listening area (B-3-S-408).

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to broadcast speeches of candidates for Governorship and Congress in addition to speech by Postmaster General the night of Nov. 2 (B1-S-810). Also granted special temporary authority to operate unlimited time on Nov. 5, in order to broadcast election returns only.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted special temporary authority to operate from 4 to 4:30 p. m., CST, Nov. 3, 10, 17 and 24, in order to broadcast program entitled "America Talks It Over" only (B4-S-946).

WTSN—Hearst Radio, Inc., Milwaukee, Wis.—Granted special temporary authority to operate with 1 KW power from local sunset (4:30 p. m., CST, Nov.) on Nov. 5, to 6 a. m., CST, Nov. 6, in order to serve greater area for election returns broadcast (B4-S-614).

WGBH—Onondaga Radio Broadcasting Corp., Portable-Mobile (area of Syracuse, N. Y.).—Granted license to cover construction permit (B1-PRY-225) authorizing a new relay station to operate on **1646, 2090, 2190, 2830 kc.**, 100 watts (B1-LRY-211).

WOEG—General Electric Co., Portable-Mobile (area of Schenectady, N. Y.).—Granted license to cover construction permit (B1-PRY-216), which authorized installation of new transmitter; frequencies **1606, 2074, 2102, 2758 kc.** (B1-LRY-208).

WAWU—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover construction permit (B1-PRE-342) which authorized new relay broadcast station; frequencies **31620, 35260, 37340, 39620 kc.**, power 100 watts (B1-LRE-327).

Loyola University, Portable-Mobile (area of New Orleans, La.).—Granted construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts (B3-PRY-230).

E2XD—General Electric Co., Schenectady, N. Y.—Granted modification of construction permit (B1-PVB-55) as modified, which authorized construction of new television station, for extension of completion date from November 12, 1940, to January 1, 1941; granted on experimental basis only, conditionally (B1-MPVB-27).

KGKO Broadcasting Co., Portable-Mobile (area of Fort Worth, Tex.).—Granted license for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 75 watts (B3-LRY-210).

WPEO—Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.).—Granted modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRE-65).

WEKI—Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.).—Granted modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRE-66).

KGKO Broadcasting Co., Portable-Mobile (area of Fort Worth, Tex.).—Granted license for new relay broadcast station; frequencies **31220, 35620, 37020, 39260 kc.**, power 2 watts (B3-LRE-329).

Racine Broadcasting Corp., Racine, Wis.—Granted construction permit for new relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.**, power 10 watts (B4-PRE-355).

W2XOY—General Electric Co., New Scotland, N. Y.—Granted license to cover construction permit for new high frequency broadcast station, **43200 kc.**, 1000 watts, special emission, granted on experimental basis only, conditionally (B1-LHB-63).

WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted license to cover construction permit (B1-P-1140) which authorized a new station to operate on **1210 kc.**, 250 watts, unlimited time (B1-L-1247).

WAGF—Dothan Broadcasting Co., Dothan, Ala.—Granted license to cover construction permit (B3-P-2829) which authorized installation of new antenna and move of transmitter (B3-L-1243).

WEIC—General Electric Co., Portable-Mobile (area of Schenectady, N. Y.).—Granted license to cover construction permit (B1-PRE-346) which authorized increase in power and installation of new transmitter in relay station (B1-LRE-391).

WEHU—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-69).

WRPM—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-71).

WEHV—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-70).

Amarillo Broadcasting Corp., Portable-Mobile (area of Amarillo, Tex.).—Granted construction permit for new relay broadcast station; frequencies **1622, 2150, 2058, 2790 kc.**, 21 watts, to be used in connection with applicant's standard broadcast station KFDA, Amarillo (B3-PRY-229).

WTNK—WOAX, Inc., Portable-Mobile.—Granted license to cover construction permit (B1-PRY-193) for new relay station; frequencies **1622, 2058, 2150, 2790 kc.**, 50 watts (B1-LRY-195).

Royal Miller, Portable-Mobile (area of Sacramento, Calif.).—Granted license to cover construction permit (B5-PRE-371) which authorized a new relay station; frequencies **30820, 33740, 35820, 37980 kc.**, 10 watts, to be used in connection with applicant's standard broadcast station KROY (B5-LRE-328).

Royal Miller, Portable-Mobile (area of Sacramento, Calif.).—Granted license to cover construction permit (B5-PRE-371) which authorized a new relay station; frequencies **30820, 33740, 35820, 37980 kc.**, 10 watts, to be used in connection with applicant's standard broadcast station KROY (B5-PRE-371).

WEHX—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted modification of license to operate relay station in connection with standard broadcast station WCLE, Cleveland, as well as with standard broadcast station WHK, Cleveland (B2-MLRE-68).

KFH—Radio Station KFH, Co., Wichita, Kans.—Granted modification of construction permit (B4-P-2462) authorizing increase in power, move of transmitter, etc., for change in type of transmitting equipment and move transmitter from 5 miles east of center of City, near Wichita, to RFD No. 3, Wichita, Kans. (B4-MP-1072).

WNAB—Harold Thomas, Bridgeport, Conn.—Granted modification of construction permit (B1-P-2410) which authorized a new station for changes in equipment, approval of antenna and transmitter site (B1-MP-1052).

WCED—The Tri-County Broadcasting Co., DuBois, Pa.—Granted modification of construction permit (B2-P-2665) which authorized a new station for approval of antenna, new transmitter, and studio and transmitter site at 80 No. Park Place, DuBois, Pa. (B2-MP-1054).

W2XOR—Bamberger Broadcasting Service, Inc., New York City.—Granted license to cover construction permit (B1-PHB-281), which authorized installation of new transmitter, antenna changes and move of transmitter (B1-LHB-66).

WEIE—Havens & Martin, Inc., Portable-Mobile, area of Richmond, Va.—Granted construction permit to change type of transmitter and decrease power in relay station from 25 to 2 watts (B3-PRE-373).

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).

WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).

WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted construction permit to make changes in directional antenna system (B2-P-2992).

WAJR—West Va. Radio Corp., Morgantown, W. Va.—Granted modification of construction permit (B2-P-2871) as modified, which authorized construction of a new broadcast station for change in type of transmitter (B2-MP-1091).

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243) as modified, which authorized increase in power and installation of directional antenna for night use, for extension of completion date from November 5 to December 5, 1940; **950 kc.**, 5 KW, unlimited time (B1-MP-1090).

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Granted modification of construction permit (B3-P-2776), which authorized a new broadcast station, for change in type of transmitting equipment.

WOV—Greater New York Broadcasting Corp., New York City.—Granted modification of construction permit (B1-P-2752) for authority to change type of transmitter (B1-MP-1070).

WMVA—Martinsville Broadcasting Co., Martinsville, Va.—Granted modification of construction permit (B2-P-2226), which authorized a new station to operate on **1420 kc.**, 100 watts night, 250 watts local sunset, unlimited time, for changes in antenna system, move of transmitter locally, extend commencement date to 30 days after grant and completion date to 90 days thereafter (B2-MP-1075).

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted reinstatement of construction permit to install one new transmitter, make changes in directional antenna system, increase power from 1 KW unlimited time, to 5 KW local sunset, 1 KW night, and move transmitter to Belleville Turnpike, Kearny, N. J. (B1-P-2601), which was granted February 7, 1940, and which authorized commencement of construction on May 7, 1940. The permit expired under the terms thereof on October 7th; construction has been completed but proof of performance measurements extended over a greater period of time than was anticipated (B1-P-2996).

Voice of Alabama, Inc.—Granted petition to intervene in the hearing on the application for renewal of license for station WAPI, Birmingham Ala.

Mohawk Radio, Inc., Schenectady, N. Y.—Granted motion to accept amendment with regard to corporate structure of applicant corporation, in re application for construction permit for new station to operate on **1210 kc.**, 250 watts, unlimited time.

WHCU—Cornell University, Ithaca, N. Y.—Granted special temporary authority to operate from 6 p. m. November 5 to 4 a. m. EST, November 6, 1940, in order to broadcast election returns only.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate from 8:15 p. m. to 9:30 p. m. EST5, November 2, 1940, in order to broadcast a speech by Postmaster General Walker only.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted special temporary authority to operate from 4 p. m. November 5 to 3 a. m., CST, November 6, 1940, in order to broadcast election returns interspersed with music. Also granted special temporary authority to operate from 4 p. m. to 10 p. m. CST, November 6, 1940, in order to broadcast speech by Ambassador Biddie and other material in connection with Paderewski Celebration.

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted special temporary authority to operate from local sunset (November 5 p. m. EST) to midnight EST, November 5, 1940, in order to broadcast election returns only, using power of 250 watts.

WICA—WICA, Inc., Asbtabula, Ohio.—Granted special temporary authority to operate from 5 p. m. to 6 p. m. EST, November 3, 10, 17, 24, and December 1, 1940, in order to broadcast Father Justyn's Rosary Hour only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 6 p. m. to 6:15 p. m. EST, November 3, 1940, in order to broadcast a speech by Mrs. Anthony Drexel Biddle only. Also granted special temporary authority to operate from 5 p. m. to 6 p. m. EST, November 3, 10, and 17, 1940, in order to broadcast the "Rosary Hour" only.

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted special temporary authority to operate from 1 a. m. to 6 a. m. CST, November 6, 1940, in order to broadcast election returns and fill-in music only.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate from 8 p. m. to 9:30 p. m. EST, October 31, 1940, in order to broadcast a political program only.

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 11 to 12 p. m. CST, November 4, in order to broadcast Republican National Committee program only (B4-S-507).

KNET—Palestine B/c Association, Palestine, Texas.—Granted special temporary authority to operate from 5:30 to 11 p. m., CST, November 1, 8, 15, 22, and 28, in order to broadcast Palestine High School football games only (B3-S-878).

KOAM—The Pittsburgh Broadcasting Co., Inc., Pittsburgh, Kans.—Granted special temporary authority to operate from local sunset (November 5:15 p. m. CST) November 5 to 2 a. m. CST, November 6, in order to broadcast election returns, recordings and transcriptions (B4-S-943).

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously with station KEVR from 8 p. m. November 5 to 1 a. m. November 6, in order to broad election returns only (B5-S-56).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (November 5 p. m. PST), November 5, 1940, to 6 a. m. CST, November 6, 1940, in order to broadcast election returns only (B5-S-896).

WEJI-WEJL—National Broadcasting Co.. Inc., New York City.—Granted special temporary authority to communicate between the public address system booth in Madison Square Garden, and the announcer on the floor of the arena for the period November 7 to 13, in order to transmit close-up descriptive information concerning the annual National Horse Show to the audience.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WBRB from 7:30 to 9:30 p. m. EST, November 1, in order to broadcast Democratic Rally sponsored by the Westchester County Trade Unions Committee only (B1-S-726).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10:45 p. m. to 11 p. m. EST, November 1, 1940, in order to broadcast program sponsored by the National Democratic Committee only. Also granted special temporary authority to operate from 5:45 p. m. to 6 p. m. EST, November 3, 10, 17, and 24, 1940, in order to broadcast the Rosary Hour only. Also granted special temporary authority to operate from 9 p. m. to 9:30 p. m. EST, November 3. 1940, in order to broadcast a program sponsored by the French-American Republican Club only.

WFNC—Cumberland Broadcasting Co., Fayetteville, N. C.—Granted special temporary authority to operate throughout the night of November 5, in order to broadcast election returns only (B3-S-1070).

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 9:30 p. m. EST, to conclusion of speech by Senator Davis on November 2, in order to broadcast the speech only.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with WOSU from 8 p. m. to 12 p. m. EST, November 4, in order to broadcast political programs as described in telegram received October 30th only (B2-S-306).

WSBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with WOSU from 7 to 11 p. m. EST, November 1 and 2, in order to broadcast political programs as described in telegram received October 31.

WLAW—Hildreth & Rogers, Lawrence, Mass.—Granted special temporary authority to operate from 1 to 4 a. m. EST, November 6, and to broadcast recordings and transcriptions between election returns reports in addition to authority granted October 28, to operate from local sunset November 5 to 1 a. m. EST, November 6, in order to broadcast election returns only (B1-S-953).

WRUL-WRUW—World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate on frequency **15250 kc.** for the period Nov. 1 to Nov. 10, pending installation of crystal for change over to **15350 kc.**

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 to 8 p. m., November 1, in order to broadcast program sponsored by David I. Walsh and from 10:45 to 11 p. m. November 2, and 8:30 to 8:45 p. m. EST, November 4, in order to broadcast programs sponsored by Massachusetts Democratic Committee only (B1-S-886). Also granted authority to operate from 10:15 to 11 p. m. EST, November 2, in order to broadcast programs Massachusetts and National Democratic Committee as described in letter of October 28; and to operate from 10 to 11 p. m. November 1 and from 7 to 8 p. m. EST, November 3, in order to broadcast political programs as described in letter of October 30.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Adopted Findings of Fact and Conclusions (No. B-123), and entered Final Order denying the application of KFIO for construction permit requesting authority to install a new transmitter, new antenna, and change frequency from **1120 to 950 kc.,** and increase power from 100 watts daytime only to 1 KW unlimited time.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted special temporary authority to broadcast commercial announcements between election result bulletins at 15-minute periods in addition to the authority granted Oct. 28 permitting operation from 10 p. m., Nov. 5, until trend of election is established (B4-S-682).

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 6:45 to 7 p. m., CST, Nov. 3, using 1 KW power, in order to broadcast program sponsored by Committee to Uphold Constitutional Government only (B4-S-507).

WKPA—Allegheny-Kiski Broadcasting Co., New Kensington, Pa.—Granted special temporary authority to operate from 5 p. m., Nov. 5, to 3 a. m., EST, Nov. 6, in order to broadcast election returns only.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate the equipment of international broadcast station WLWO with power input to the final stage of 100 KW, for the period not to exceed 30 days, in order to obtain data requested in connection with application B2-MLIB-40.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7 to 7:15 p. m., EST, Nov. 2, in order to broadcast Willkie volunteer program only (B1-S-866). Also to operate from 7:15 to 7:30 p. m., on Nov. 2, in order to broadcast Paul Dever Campaign Committee program only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 11:15 p. m. to midnight, EST, Nov. 2, in order to broadcast Willkie political program only (B1-S-866).

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 10 p. m. to midnight, Nov. 4, in order to broadcast President's addresses, and from 6:30 p. m., Nov. 5, to 2 a. m., EST, Nov. 6, in order to broadcast election returns only (B1-S-748).

WWJ—The Evening News Association, Detroit, Mich.—Granted special temporary authority to operate with power of 5000 watts the night of Nov. 5, in order to permit greater coverage for election returns broadcast (B2-S-315).

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Denied special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST), Nov. 5, to local sunrise (Nov. 6:45 a. m., EST), Nov. 6, in order to broadcast election returns and fill-in programs (B1-S-1055).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7 p. m. to 7:15 p. m., EST, November 4, 1940, in order to broadcast a political speech by Larson E. Cusick only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7 p. m. to 7:15 p. m., EST, November 4, 1940, in order to broadcast a political speech by Patrick A. Doyle, Democratic candidate for Congress, only.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST), November 5, 1940, to 6 a. m., EST, November 6, 1940, in order to broadcast election returns only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:45 p. m. to 9 p. m., EST, November 4, 1940, in order to broadcast Chicopee City Manager League program only.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to broadcast incidental recordings and transcribed musical programs during the intervals between election bulletins in addition to the authority granted October 28, 1940, to operate additional time in order to broadcast election returns only.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa; KGCA—Charles Walter Greenley, Decorah, Iowa; KWLC—Luther College, Decorah, Iowa.—Adopted final order (No. B-120) denying renewal of license of station KGCA; denying without prejudice renewal of license of station KWLC; granting construction permit to station KGLO to install new transmitter, directional antenna for night use, change frequency from **1210 to 1270 kc.,** and increase power from 100 watts night, 250 watts LS, to 1 KW, unlimited time.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied extension of special temporary authority to operate unlimited time on **1180 kc.,** with power of 5 KW day and 1 KW night, for the period November 8 to December 3, 1940, in order to broadcast programs of public interest, convenience and necessity, pending allocation of new facilities.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.,** with 5 KW power day and 1 KW night, for the period November 4 to November 7, 1940, only, in order to broadcast programs of public interest, convenience and necessity, pending allocation of new facilities.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1:45 p. m. to 2:30 p. m. and from 3:30 p. m. to 4:30 p. m., CST, November 16, 1940, in order to broadcast Luther College vs. Loras College football game only (provided KGCA remains silent).

WMAM—M & M Broadcasting Co., Marinette, Wis.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m. and Dec. 4:15 p. m., CST), November 10, 16, 23, and Dec. 1, to the conclusion of football games and an additional 15 minutes in order to broadcast games, statistics of games and other scores.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted special temporary authority to operate from 7:15 p. m. to 8:45 p. m., EST, Nov. 8, in order to broadcast a high school football game only.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from LS (Nov. 5 p. m., EST), Nov. 5, to 4 a. m., Nov. 6, in order to broadcast election returns, recordings, and transcriptions, with power of 1 KW, using transmitter described in modified construction permit instead of operation as authorized in grants of October 9 and 28.

WTAB—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to operate from 4:45 p. m., Nov. 5, to 2 a. m., CST, Nov. 6, in order to broadcast election returns only.

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted special temporary authority to operate from midnight, Nov. 5, to 2 a. m., EST, Nov. 6, in addition to the authority granted Oct. 31, in order to broadcast election returns only, using power of 250 watts.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WBRB from 12 midnight November 5 to 3 a. m., EST, November 6, in order to broadcast election returns only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—To operate simultaneously with station WFAS from 12 midnight November 5 to 3 a. m., EST, November 6, in order to broadcast election returns only.

KSAL—KSAL, Inc., Salina, Kans.—Granted special temporary authority to operate wtih power of 1 KW directional antenna from local sunset (November 5:15 p. m. CST), November 5 to 6 a. m. CST, November 6, in order to broadcast election returns to a greater audience.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to broadcast CBS network programs and commercial announcements in addition to the authority granted October 28 to operate from 8:30 p. m. November 5 to 1 a. m. EST, November 6, in order to broadcast election returns only and the authority granted November 4 to broadcast incidental recorded and transcribed musical programs during intervals between election bulletins.

KOAM—The Pittsburgh Broadcasting Co., Inc., Pittsburgh, Kans.—Granted special temporary authority to broadcast NBC Network and local live talent and commercial announcements in addition to authority granted October 31, to operate from local sunset November 5 to 2 a. m. EST, November 6, in order to broadcast election returns, recordings and transcriptions.

WLAW—Hildreth & Rogers, Lawrence, Mass.—Granted special temporary authority to broadcast local live talent and commercial announcements in addition to recordings, transcriptions and election returns as authorized by grants November 1 and October 28 for November 5 and 6.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted special temporary authority to operate with power of 5 KW from 4:30 p. m. November 5 to 7:15 a. m. PST, November 6, in order to serve a larger area.

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on frequencies **60000-86000 kc.,** at 515 Madison Ave., New York City, for the period November 10 to December 9, in order to conduct field tests.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted special temporary authority to operate from midnight, EST, November 5, to 6 a. m., EST, November 6, in order to broadcast election returns and sustaining musical programs only.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from midnight November 5 to 2 a. m., CST, November 6, in order to broadcast election returns only (provided WNAD remains silent).

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted license to cover construction permit which authorized changes in directional antenna and increase in power to 5 KW; **620 kc.,** specified hours, directional antenna at night (B3-L-1245). Also granted authority to determine operating power by direct measurement of antenna input. (B3-Z-512).

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted authority to install automatic frequency control equipment (B4-F-154).

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted license to cover construction permit which authorized installation of new auxiliary transmitter and increase in power to 1 KW; for emergency use only; directional antenna day and night; **1350 kc.** (B2-L-1262). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-530). Also granted authority to determine operating power (auxiliary transmitter) by direct measurement of antenna power (B2-Z-531).

WAGF—John T. Hubbard, Julian C. Smith, & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-526).

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-529).

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Construction permit to install directional antenna for night use, increase power from 500 watts night, 1 KW day to 1 KW day and night; make changes in specified hours to specified hours day, unlimited time night (simultaneous WOSU after sunset). Amended: To install new transmitter, make changes in proposed directional antenna system, request power of 5 KW, using directional antenna night only, and request unlimited hours, facilities of WOSU.

### 590 Kilocycles

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Authority to determine operating power by direct measurement of antenna power.

### 620 Kilocycles

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

KXOK—Star-Times Publishing Co., St. Louis Mo.—Authority to determine operating power by direct measurement of antenna power.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—License to cover construction permit (B4-P-2323) as modified, for new transmitter, changes in directional antenna for day and night use, change frequency, increase power and move transmitter.

### 710 Kilocycles

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Modification of construction permit (B5-P-2437) for authority to install new transmitter and directional antenna, increase power and move of transmitter, further requesting increase in power from 10 to 50 KW, changes in directional antenna system, and new transmitter, extension of completion date 180 days after grant.

### 900 Kilocycles

WLBL—State of Wisconsin, Department of Agriculture, Stevens Point, Wisc.—Authority to determine operating power by direct measurement of antenna power.

### 1200 Kilocycles

KPHO—M. C. Reese, Phoenix, Arizona.—License to cover construction permit (B5-P-2182) as modified, for a new station.

KPHO—M. C. Reese, Phoenix, Arizona.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WJW—WJW, Inc., Akron, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 1220 Kilocycles

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—License to cover construction permit (B1-P-2968) to install new transmitter.

### 1250 Kilocycles

WGBF—Evansville On The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-2321) as modified, for new transmitter and directional antenna for night use, change of frequency, increase in power, change hours of operation and move transmitter.

WGBF—Evansville On The Air, Inc., Evansville, Ind.—Authority to determine operating power by direct measurement of antenna power.

### 1270 Kilocycles

KWLC—Luther College, Decorah, Iowa.—Construction permit to change frequency from **1270** to **1210 kc.,** power from 100 to 250 watts, hours from daytime, share KGCA to daytime, install new transmitter and move transmitter.

### 1310 Kilocycles

WSAJ—Grove City College, Grove City, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

WISE—Radio Station WISE, Inc., Asheville, N. C.—Authority to determine operating power by direct measurement of antenna power.

### 1400 Kilocycles

NEW—Richard Field Lewis, Jr., Winchester, Va.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time, Class IV station (requesting **1400 kc.** under N.A.R.A.).

### 1420 Kilocycles

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Construction permit to change frequency from **1420** to **1220 kc.** (under N.A.R.A.); increase power from 250 watts to 50 KW; move transmitter from Detroit to near Plymouth, Michigan; install new equipment and directional antenna for day and night use; requests Class II station. Amended to change name from Michigan Broadcasting Co. to John L. Booth Broadcasting, Inc.

NEW—R. G. LeTourneau, Toccoa, Ga.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Amended to change requested transmitter site.

### 1450 Kilocycles

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—License to use old RCA 250-watt transmitter as an auxiliary transmitter, using 250 watts power.

### 1490 Kilocycles

NEW—Monroe B. England, North Adams, Mass.—Construction permit for a new broadcast station to be operated on **1500 kc. (1490 kc.** under N.A.R.A.), (Class IV station), 250 watts, unlimited time.

### 1500 Kilocycles

KOMB—MSB Broadcast Co., Omaha, Nebr.—Modification of construction permit (B4-P-2697) for a new station, requesting approval of antenna, new transmitter, and approval of studio and transmitter sites. Amended re engineering data and geographic location.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Authority to determine operating power by direct measurement of antenna power.

## FM APPLICATIONS

NEW—WGN, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **44300 kc.**; coverage, 16,822 square miles; population, 6,344,983. Amended to change frequency to **45100 kc.**; coverage to 12,855 square miles; population to 5,359,556, and change location and make changes in antenna.

NEW—Rockford Broadcasters, Inc., Rockford, Ill.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.**; coverage, 6,000 square miles; population, 394,500.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new high frequency broadcast station to be operated on **43100 kc.**; coverage, 15,642 square miles; population, 2,168,091. Amended to change frequency to **45500 kc.**, coverage to 8,540 square miles; population to 1,522,544, change type of transmitter and make changes in antenna.

NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.**; coverage, 3,960 square miles; population, 11,010,372.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Continental Silver Company**—John Maricak, trading under the name Continental Silver Company of America, Charlevoix Building, Detroit, is charged in a complaint with misrepresentation.

The complaint alleges that the respondent, in order to sell premium cards, tableware, silverware and other materials, distributed by him, enters into a form of agreement with retail merchants who are contacted by the respondent's selling agents. The form of agreement, the complaint continues, provides that the respondent is to furnish participating retail merchants with various display posters, circulars, redemption catalogs and other advertisements to be used by them, in a sales stimulator plan.

According to the complaint, the respondent alleges that he is a representative of, or is connected with, or is putting into effect an advertising compaign for, Wm. A. Rogers, Limited, Oneida, Ltd., Successor of Sherrill, New York, manufacturers of tableware and silverware, and that he will redeem without cost, in designated items of merchandise, such premium cards as are forwarded to him in specified numbers by the merchants' customers, and that he will refund to the retail merchant the entire purchase price of such premium cards after a designated number of the cards has been sent in by the merchant's customers for redemption.

The complaint charges that these representations are false and misleading, and that the respondent is not in any manner connected with Wm. A. Rogers, Limited, Oneida, Ltd., Successor, nor does he refund to participating retail merchants the entire purchase price of the premium cards after a designated number of them has been sent to him for redemption. The complaint further alleges that retail merchants cannot participate in the plan and obtain the premium cards, display or exhibit sets and the premiums for their customers without cost to them. (4369)

**Golding Brothers Company, Inc.,** 316 Broadway, New York City, engaged in the manufacture and sale of cloth fabrics, is charged in a complaint with misrepresentation of certain of its products.

In circulars and other printed matter, and on labels distributed in the various States, the complaint charges, the respondent represented that the color or dye of certain fabrics will not change in shade or stain after having been wet or dampened with perspiration.

In truth, the complaint continues, the colors of the respondent's fabrics represented as being "Perspiration Proof" are not impervious to perspiration and will change in shade of color and fade and stain after having been wet or dampened with perspiration. (4365)

**Keller Company**—See Sorbol Company.

**Republic Yeast Corporation,** 740 Frelinghuysen Ave., Newark, N. J., is charged with price discrimination in violation of the Robinson-Patman Act, in a complaint.

In the sale of baker's yeast, the respondent is alleged to discriminate in price between different purchasers of its product of like grade and quality by giving and allowing some purchasers of baker's yeast used in the manufacture of bread and allied products, different prices than given or allowed other purchasers competitively engaged with the favored purchasers in the sale of bread and allied products.

Among the methods used by the respondent in accomplishing the discrimination, the complaint alleges, has been a pricing policy under which its product has been sold to customers competitively engaged, in approximately equivalent quantities and at concurrent periods of time at prices of 10, 11, 12, 13 and 14 cents a pound.

Further discrimination in price between different competing purchasers is brought about, the complaint alleges, as a result of the respondent making delivery of large quantities of baker's yeast to some purchasers free of charge, thereby reducing the cost of the yeast as purchased by these favored customers, while at the same time not furnishing such additional free yeast to other purchasers competitively engaged with the favored customers and paying the same price per pound.

In accomplishing this discrimination the respondent, according to the complaint, has made such deliveries of yeast ranging in amount per customer from 20 to 1121 pounds a month.

In the case of some of such deliveries, the complaint alleges, the cost of yeast has been reduced to favored purchasers in this manner: One customer purchasing 247 pounds of yeast at 12 cents a pound received 316 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 5.2 cents; another customer purchasing 1554 pounds of yeast at 10 cents a pound received 1121 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 5.8 cents. In other instances, the complaint continues, a purchaser of 78 pounds at 12 cents a pound got a reduction to 3.4 cents a pound, and another buying 158½ pounds at 11 cents a pound, obtained a reduction to 4.2 cents a pound.

At the time of these free deliveries, the complaint continues, the respondent sold yeast to other of its customers competitively engaged with those receiving free deliveries of yeast at prices of 10, 11 and 12 cents a pound, and did not accompany such sales with deliveries of free yeast. (4367)

**Simmon's Cut Rate Drug Store**—Alleging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against Carl D. Bates, trading as Simmon's Cut Rate Drug Store, Canandaigua, N. Y.

The complaint charges the respondent with disseminating advertisements through the mails and by other means in commerce in which it is alleged the respondent represents, directly and by implication, that its preparation designated as "Mrs. Bee Femo Caps," and also as "Femo Caps" and as "Bee Caps," constitutes a safe, competent and effective treatment for delayed, unnatural and suppressed menstruation.

According to the complaint, the respondent's preparation is not a competent or effective treatment for these conditions and is not safe or harmless in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health, if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaint further charges that the advertisements disseminated by the respondent constitute false advertisements in that they fail to reveal that use of the preparation under such conditions may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning. (4366)

**Sorbol Company**—Charles Keller, doing business as Sorbol Company and as Keller Company, Mechanicsburg, Ohio, engaged in the selling and distribution of two medicinal preparations, is charged in a complaint with misrepresentation.

The complaint alleges that in advertisements in newspapers, periodicals, and other printed matter, the respondent has represented that the preparation known as "Sorbol-Quadruple" constitutes a cure or remedy for simple goiter; possesses substantial therapeutic value in the treatment of such conditions, and is entirely safe and harmless; and that the preparation "Bukets" eliminates excess acid and waste from the body and thereby constitutes a remedy for rheumatic pains, backache and leg pains.

The complaint alleges that rheumatic pains, backache and leg pains are not generally due to the presence in the body of excess acid or waste, as represented by the respondent; that "Bukets" even in those cases where such conditions may be due to excess acid or waste, is of no substantial value in eliminating such excess acid or waste, and that the preparation possesses no therapeutic value in excess of that of a mild diuretic.

The complaint also alleges that "Sorbol-Quadruple" is neither a remedy for, nor possesses substantial therapeutic value in treating goiter; nor is it safe or harmless in all cases as it contains the drug potassium iodide in a quantity sufficient to cause injury to health if taken under certain conditions.

The advertisements disseminated by the respondent, the complaint charges, contain neither a statement to the effect that "Sorbol-Quadruple" should not be used by persons having goiter other than simple goiter, or by persons having tuberculosis, nor a cautionary statement to the effect that the preparation should be used only as directed on the label.

Consequently, the complaint alleges, the respondent's advertisements of "Sorbol-Quadruple" constitute false advertisements in that they fail to reveal that use of the preparation under conditions prescribed in the advertisements or under customary or usual conditions, may result in injury to health. (4368)

**U. S. Drug & Sales Company**—Misleading representation in the sale of a medicinal preparation is alleged in a complaint issued against Edwin L. Leisenring, trading as U. S. Drug & Sales Company, U. S. Drug Laboratories, and U. S. Drug Company, and against Gordon Leisenring, both of 1534 Lawrence St., Denver.

The complaint charges the respondents with disseminating advertisements through the mails and by other means in commerce in which they represented, directly and by implication, that their preparation "Alcoban" is a competent and effective treatment for alcoholism which removes the desire for alcoholic stimulants and is safe and harmless.

The preparation "Alcoban," according to the complaint, will not accomplish the results claimed and is not safe or harmless as it contains certain drugs in quantities sufficient to cause serious injury to health if used under conditions prescribed in the respondents' advertisements or under customary or usual conditions.

The complaint further charges that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of their preparation under such conditions may cause serious injury to the nerves, tissues and lungs, and may produce toxic conditions in the body.

Upon petition of the Commission, the respondents were restrained recently by the U. S. District Court for the District of Colorado, in a consent decree, from disseminating certain advertisements relative to their preparation pending the Commission's issuance of a complaint and its final disposition under Commission procedure. (4364)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**American Hair and Felt Company** and Clinton Carpet Company, both located at 222 West North Bank Drive, Chicago, have been ordered to cease and desist from certain misrepresentations concerning their products. American Hair and Felt Company is engaged in the manufacture and distribution of rug cushions. Clinton Carpet Company is engaged in the sale and distribution of rug cushions manufactured by the respondent American Hair and Felt Company. Clinton Carpet Company is a subsidiary of the respondent American Hair and Felt Company.

The Commission finds that the respondents, in promoting the sale of cushions sold under the trade name "Ozite," have caused to be published in magazines, trade journals and in other printed matter certain representations, among which are:

> "Age or dry air causes jute to disintegrate into a fine powder in a short time while moist air makes it pack into a hard mass. Thus jute pads pack down and form lumps, and actually make rugs wear out sooner!"

By use of such representations, the Commission finds, the respondents have represented that rug cushions composed of materials other than hair will not serve the customary and ordinary purposes for which they are intended and used. They have also represented that their "Ozite" cushions are composed entirely of hair.

The Commission finds that any cushioning material, even paper, will serve some useful purpose as a rug cushion and that jute and jute and hair mixed pads will prolong the life of rugs under which they are placed and otherwise serve the purposes for which they are intended and used.

The respondents are ordered to cease and desist from representing that jute, or jute and hair, rug cushions will cause rugs to wear out sooner than if no cushion whatever is used; or that only cushions made of hair are useful as rug cushions; or that jute, or jute and hair, rug cushions will not serve the usual and ordinary purposes for which rug cushions are intended and used. The respondents are also ordered to cease using the term "All Hair" or any other term of similar import to refer to the rug cushion now sold by them under the name "Ozite," whether sold under that name or any other trade name, unless there appears in immediate connection or conjunction with such a term a complete and equally conspicuous statement disclosing the presence in the cushion of a reinforcing center of burlap or jute. (3822)

**Clinton Carpet Company**—See American Hair & Felt Company.

**Electrolysis Associates, Inc.**—An order has been issued vacating the stipulation and findings as to the facts and the order to cease and desist recently issued against Electrolysis Associates, Inc., and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York. The order had directed the respondents to cease and desist from certain representations in the sale of "Beautiderm Midget," a device recommended for use in the electrolytic removal of hair. This action was taken because the Commission had reason to believe that the respondents did not fully understand the character of the stipulation executed by them. The case has been remanded to the Commission's trial calendar and hearings will be held in due course. (4144)

**Maf Hat Works, Inc.**—An order has been issued directing Maf Hat Works, Inc., a corporation trading under its own name and also as New System Hat Manufacturing Company, and Alex Milder, individually and as an officer of the corporation, all of 102 Murray St., Newark, N. J., to cease and desist from misrepresentations in the sale and distribution of hats.

The order directs the respondents to cease representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the representation that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the hats then the stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (1897)

**New System Hat Mfg. Company**—See Maf Hat Works, Inc.

**Parr Sales Company**—An order has been issued directing Mitchell F. Brice, trading as Parr Sales Company, Vidalia, Ga., to cease and desist from violation of the brokerage provision of the Robinson-Patman Act in the sale of merchandise, particularly foodstuffs.

Commission findings are that the Parr Sales Company is a brokerage firm owned by the respondent Brice and Francis K. Graham; that Tanner-Brice Company, Inc., of Vidalia, Ga., engaged in a general wholesale merchandising business, places orders for a substantial portion of its requirements in merchandise, particularly foodstuffs, with sellers through Parr Sales Company, and that in the course of such buying and selling transactions the sellers have paid Parr Sales Company brokerage fees or commissions amounting to a certain percentage, usually from 2½ to 5 per cent of the sales prices of such purchases.

The findings continue that since June 19, 1936, and while the respondent Mitchell F. Brice owned and controlled 83 per cent of the outstanding capital stock and actively managed the business of Tanner-Brice Company, Inc., sellers have paid brokerage fees and commissions to, and they have been received by, the Parr Sales Company upon the purchases of Tanner-Brice Company, Inc., in substantial amounts.

In all such transactions, the findings continue, the respondent Brice has been the agent and acted in fact for, and in behalf of, the Tanner-Brice Company, Inc. A substantial amount of such brokerage fees and commissions received by Parr Sales Company, according to findings, has been paid to Francis K. Graham as compensation for his services in his respective capacities as an employee of various enterprises owned and controlled by the respondent Brice.

The Commission order directs the respondent Brice, individually and trading under the firm name of Parr Sales Company, to cease and desist from accepting from sellers, directly or indirectly on purchases of commodities of the Tanner-Brice Company, Inc., any brokerage fees or commissions or any allowance or discount in lieu of brokerage in whatever manner or form they may be offered, allowed, granted, paid or transmitted. The order also directs the respondent to cease and desist from accepting from sellers in any manner or form, directly or indirectly, anything of value as a commission, brokerage or other compensation or any allowance or discount in lieu thereof upon purchases of commodities made for the respondent's own account. (4233)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Casa Anna**—Gaetano Andronaco and Anna Andronaco, trading as Casa Anna, 545 Fifth Avenue, New York City, engaged in the sale and shipment of a line of cosmetics, have stipulated, in connection with the advertisement, offering for sale, or sale and distribution of their cosmetic preparations, to cease and desist from stating or representing that use of their cosmetic preparations will either nourish, protect or impart tone or tonicity to the skin, or will prevent, smooth or take away lines or wrinkles in the skin. (2976)

**Empire Diamond Company**—Frank Milligan, who traded originally as Frank Milligan Co., and whose present trade name is Empire Diamond Company, 202 North Wilson Ave., Jefferson, Iowa, has agreed to cease and desist from use of the word "free", or of any other words of similar import, to describe or refer to merchandise offered as compensation for services rendered in selling or distributing his merchandise, unless all the terms of such offer are clearly and unequivocally stated with equal conspicuousness and in immediate connection or conjunction with the word "free" or other words of similar import and meaning, and there is no deception or probability of deception as to the price, quality, character or any other feature of such merchandise or as to the services to be performed in connection with obtaining such merchandise, and from stating or representing that merchandise offered for sale or sold by him, either alone or in connection with an alleged free gift or gratuity, is of or has a designated sales value, when in fact such alleged valuation is fictitious or is in excess of the price for which such merchandise, or merchandise of similar quality or character, is customarily sold in the usual course of business. (2969)

**Fischer Baking Company, Inc.,** Rose and Livingston Sts., Newark, N. J., has stipulated with the Federal Trade Commission to cease and desist, directly or indirectly, from statements which imply that the inclusion of "Fischer's Buttercup Bread" or any bread in the diet is essential or necessary; or representations having the effect of conveying the impression that "Fischer's Buttercup Bread" or any other bread composed of similar ingredients in approximately the same proportions, is a "quick energy" food. The respondent also stipulated to cease representing that such bread or its protein content is not fattening, or that its use eliminates or aids in the elimination of fat; and to discontinue use of statements which cause the belief or impression that the respondent's bread provides a sure or otherwise invariable means of combating or counteracting "tired, let-down" feelings or fatigue, or that it contains ingredients efficacious in combating fatigue which are not present in other foods. (2978)

**Fisher Research Laboratories**—Gerhard R. Fisher, trading as Fisher Research Laboratories, Palo Alto, Calif., engaged in manufacturing a number of types of geophysical instruments, including one called "Metallascope", or "M-Scope", for use as means to locate pipes and metal objects underground in connection with utility operations and for prospecting, has entered into a stipulation in which he agrees to cease and desist from use of the word "Doctor", or its abbreviation, in connection with his name; and from use of the quoted word, or its abbreviation, in any way, the effect of which tends to convey the belief that he has received such a degree or an appropriate degree from a college or university of recognized standing empowered to confer such a degree. He also agrees to discontinue use of the plural word "Laboratories" in or as part of his trade name, and from use of the word "laboratories" in any way so as to import or imply that he actually owns and operates or directly and absolutely controls, two or more laboratories. (2974)

**George's Radio Company, Inc.,** 814 F St., N. W., Washington, D. C., a corporation, engaged in selling merchandise, including radio receiving sets together with cabinets in which the sets are housed, has stipulated to cease and desist from stating or representing that its products have a "factory" or "list" price of $99.95, or any other designated price, when in fact the designated price is fictitious or in excess of or is other than the price for which the products are customarily sold in the usual course of retail trade; from use of the phrase "More than ½ Off" or "Reduced $60" in connection with the offered retail selling price of $39.95, or in any other way so as to import or imply that the regular or customary retail selling price of the products is $99.95 or that the price of $39.95 is a special price or is less than one-half of the customary sales price or is $60 less than the customary sales price or is other than the regular or customary retail sales price of the products; and from use of the word "Grunow" as an escutcheon on cabinets housing radio receiving sets so as to import or imply that the radio receiving sets were made or manufactured by Grigsby-Grunow Corporation, formerly of Chicago; and from use of the word "Grunow" in any way, the effect of which tends or may tend to mislead or deceive the purchasing or consuming public as to the origin, size, capacity, make, manufacture, brand or type of the sets. (2973)

**Joseph Hagn Company,** 217 West Madison St., Chicago, engaged as a wholesaler in the sale and distribution of jewelry, in connection with the sale of its merchandise, agrees to cease and desist from the use of, or from supplying others for their use, advertisements or advertising matter of whatever kind or description which features or in any way makes use of the word "Certified" or any other word or words of similar import or meaning, to designate or as descriptive of diamonds which are not certified by any Governmental agency, scientific bureau, or other responsible agency charged with the duty of examining and certifying to the perfection thereof. (2971)

**Joseph Hensler Brewing Company,** Hensler St. and Wilson Ave., Newark, N. J., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease using the statement "Made from Barley Malt and Hops" as descriptive of a beer product, the effect of which statement tends to convey the impression to purchasers that the product is composed of barley malt flavored with hops as its only fermentable substance, when in fact it actually contains such a substance other than barley malt. The stipulation provides that if the product contains hops-flavored barley malt in substantial quantity, and also other fermentable substance, and the words "Barley Malt and Hops" are used to refer to such hops-flavored barley malt content, the respondent shall conspicuously disclose that the fermentable substance content is not composed wholly of hops-flavored barley malt or that the product contains a fermentable substance other than barley malt flavored with hops. (2977)

**Informative Classroom Picture Association**—Raymond E. Fideler, trading as Informative Classroom Picture Association, 48 North Division Avenue, Grand Rapids, Mich., engaged in the production of certain types of so-called visual educational aids, in the form of publications, for use in libraries, classrooms, and by school teachers, has entered into a stipulation in which he agrees to cease and desist from use of the word "Association" as part of his trade name under which he conducts his business, and from use of the word "Association" in any way, in connection with the advertisement, offering for sale or sale of his educational material, so as to import or imply that the business conducted by him is that of a body or society of persons engaged in the disseminating of informative learning or teaching of the type described. (2975)

**F. Koehler Manufacturing Company, Inc.,** 231 Monmouth St., Newport, Ky., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing, directly or by implication, that "F. K. Invisible Nasal Filter" will relieve the misery or discomforts of hay fever, rose fever, sinus infections or asthma, or has any therapeutic value in their treatment in excess of a partial protection of the nasal membrane from the irritating substances. Among other representations which the respondent agrees to discontinue are: that the device will protect the nasal passages from dust or pollen, and afford effective relief for headaches caused by gasoline fumes or for coughing or phlegm-filled throat condition caused by asthma or sinus infections. (02663)

**National Distributors**—Fred B. Peake and William H. Roose, doing business under the trade name of National Distributors, 1205 West Market St., Louisville, Ky., engaged in selling a product designated "Economy Coal-Saver" for the treatment of coal which allegedly causes the production of better results and a saving in quantity. have entered into a stipulation in which they agree to cease and desist from representing that the product will save coal up to one-third, or in any proportion, or that 200%, or any definite percentage in profit, would result from its use, or that a 60¢ box or any amount thereof will save a ton of coal or any amount of coal; or that it is an effective soot destroyer or smoke reducer, creates oxygen or a steadier or more even heat, and makes coal burn better, last longer, produce more heat, or leave less ash; that it helps to burn the carbon or preserve the heating element in coal, aids in burning gases, purifying the air, or reducing evaporation, and that it prevents odors or gases or saves labor.

The respondents further agree to cease and desist from representing that any results claimed are guaranteed or that Economy Coal-Saver is the newest or biggest money-making specialty ever offered salespeople. They also agree to cease and desist from the use of the words "Economy" or "Saver," or any other words of similar import or meaning as part of the trade name of their product. (02662)

**Philip Ofria**—Maria Ofria, trading under the name of Philip Ofria, 1158 56th St., Brooklyn, engaged in selling a medicinal preparation designated "Ofria" (variously known as L'Unguento Ofria, Ofria Pile Remedy and Ofria Ointment) has stipulated to cease and desist representing that the preparation will cure or dry up piles, pruitus and similar ailments, or that it will afford lasting relief.

Maria Ofria further agrees to discontinue use of the word "Remedy" in the trade name for this product or any other preparation of similar composition. (02659).

**Peanut Products Company**—R. H. Powell, H. G. Taylor, W. M. Russell, Dave Randall, C. M. Haygood and Howard Pill, copartners, trading as Peanut Products Company Tuskegee, Ala., engaged in selling a hair preparation designated "Peano-Oil," have stipulated that they will cease and desist from representing that the use of "Peano-Oil" will result in healthy hair, restore the natural oil to the hair, prevent hair from falling out or becoming brittle, restore the natural sheen or luster, or prevent baldness; that "Peano-Oil" penetrates to the roots of the hair or affords nourishment to the scalp; that it is the discovery of an eminent scientist; that anything contained in "Peano-Oil" will grow hair, or that salesmen of "Peano-Oil" earn any profit in excess of the amount that is actually earned by such salesmen. (02657)

**George W. Prior Hat Company,** 1735 Lawrence Street, Denver, Colo., engaged in the sale and distribution of Western hats, shirts, scarfs, mufflers and other cowboy and rodeo equipment, has entered into a stipulation in which it agrees to cease and desist from use of the statements or representations "Made in U. S. A.", "American Made", or any term, legend or expression of equivalent meaning, to designate the place or country of origin of an article not actually made in the United States of America; and from advertising an imported article in any manner signifying domestic origin, or otherwise, in a manner having the capacity to mislead or confuse purchasers with respect to the identity of the country of origin thereof. (2980)

**Shiman Bros. & Co., Inc.,** 234 West 39th St., New York City, a corporation engaged as importer of diamonds and manufacturer and distributor of diamond rings, has agreed to cease and desist from the use of, or from supplying others for their use, advertisements or advertising matter of whatever kind or description which features or in any way makes use of the word "Certified" or of other words of similar import or meaning to designate or as descriptive of diamonds which are not certified by any Governmental agency, scientific bureau or other responsible agency charged with the duty of examining and certifying to the perfection thereof. (2970)

**Finlay Straus, Inc.,** a corporation, trading as L. W. Sweet, 25 West 14th St., New York, engaged in selling jewelry, has entered into a stipulation in which it agrees to cease and desist from representing that all its diamonds are imported direct; that it has definite information to the effect that certain of its articles of merchandise would cost more than the prices quoted if bought from one of its competitors; that the sales price asked for certain of its articles of merchandise is less than the regular or ordinary price asked for such articles; that the person signing an affidavit of perfection for certain of the respondent's diamonds is a disinterested party, or that any offer is a free trial offer, unless the article is delivered to the prospective purchaser without requiring the payment of a deposit and the additional expense of returning the merchandise.

The stipulation points out that the respondent, directly and by implication, that the mere fact that certain rulings of the Federal Trade Commission are designed to prevent the advertising and sale in commerce of imperfect diamonds as perfect diamonds, constitutes an assurance to the purchaser that such rulings will always be complied with.

The respondent agrees to cease representing that the Federal Trade Commission's rulings alone constitute any assurance or protection to the purchaser with regard to the quality of any of the merchandise sold or offered by Finlay Straus, Inc. (02658).

**Surgical Appliance Company**—Abraham R. Canter, trading as Surgical Appliance Company, 617 Liberty Avenue, Pittsburgh, engaged in selling certain corsets and girdles known by the trade name "Camp," and other so-called "reducing girdles," has stipulated to cease and desist from use of the words "Give Health" or any other words of similar implication, the effect of which tends to convey the belief that the wearing of such garments will give or restore health where there is an unhealthful or diseased condition, and from use of the statement, "You Don't Have To Be Fat" or "Reduce Your Waist and Hips with this Marvelous New Reducing Girdle," or the word "Reducing," in any way as descriptive of any of the garments so as to import or imply that the wearing of the garments will reduce or eliminate fat, or cause the removal of local tissue and thus overcome a condition of fatness, or result in the reduction of bodily tissue from either the waist or hips.

The respondent also agrees to discontinue the price representation "5.95," either alone or in connection with the word "Regularly," or with any other words, as indicative of the selling price of an article which customarily sells for less, and to desist from use of the word "special" as descriptive of the price for which the article is offered for sale, when, in fact, such price is that for which the article is generally sold in the usual course of business. (2979)

**F. C. Taylor Fur Company,** 400 South 7th St., St. Louis, Mo., a dealer in the purchase and sale of raw furs, has entered into a stipulation in which it agrees to cease and desist from quoting or otherwise holding forth any extravagant or exorbitant price or prices which trappers or fur dealers may expect to receive from it for their furs; quoting price ranges which include amounts seldom paid, or quoting such extraordinary prices in any other manner having the capacity, tendency or effect of conveying the impression that they are frequently paid, or quoting prices which might be applicable to furs of a grade or quality not produced in or which are exceptions in the section or territory circularized, representing directly or inferentially that it pays higher prices for furs than do all other fur buyers; that trappers or dealers in furs can or will realize a greater return by selling their furs to the respondent than would be obtainable by selling such furs to other buyers or through brokers; or, by direct statement or by inference such as, for example, an implied necessity of obtaining furs with which to fill large orders, that it pays higher prices than are justified by general economic conditions.

The respondent also agrees to cease use of the word "Guaranteed" or any word or words of similar meaning unless, whenever used, clear and unequivocal disclosure be made in direct connection therewith of exactly what is offered by way of security. (2972)

**R. C. Williams & Co., Inc.,** 265 Tenth Ave., New York, has stipulated with the Federal Trade Commission that it will cease representing, directly or by implication, that its product "Delphi Olive Oil" is the purest ever imported into America, and is different from all other olive oils, and that, through use of the product, salads and cooked vegetables will taste better than when any other olive oil is used. (02664)

## FTC CLOSES CASE

The Federal Trade Commission has closed a case against R. T. Miller, Jr., trading under the name of American Technical Society, 850 East 58th St., Chicago, without prejudice to its right to resume proceedings, should future facts so warrant. The respondent had been charged, in a Commission complaint, with violation of the Federal Trade Commission Act in connection with the sale of books on automotive and diesel engineering.

NAB Reports
The National Association of Broadcasters
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 46, November 15, 1940

## THE WEEK IN WASHINGTON

A new Defense Communications Board this week set up fifteen committees to assist with its work. Only two of the committees—law and coordinating—were filled. All the appointees were federal officials. (p. 4781.)

The NAB will hold a Twentieth Birthday Party in Washington, November 26, for members and their friends, Government officials and others. Details will be announced within a few days. (p. 4785.)

Seventy stations from seven states were represented at a regional meeting Tuesday at Fort Worth, Texas, to discuss the establishment of a regional copyright clearance bureau. Harold Hough reported that broadcasters present were enthusiastic about the idea. (p. 4788.)

Many member stations are planning to send representatives to the Fourth Chicago School Broadcast Conference, December 4-6. (p. 4789.)

Paul Whiteman appealed to the United States Supreme Court from a Circuit Court decision in the Whiteman v. RCA Manufacturing Company case. (p. 4789.)

# National Defense

## DEFENSE COMMUNICATIONS BOARD SETS UP COMMITTEES

The new Defense Communications Board, established September 24 by President Roosevelt "to determine, coordinate and prepare plans for the national defense" in the communications field, this week set up 15 committees to assist with its work.

Only two of the committees—Law and Coordinating—were filled. All the appointees were federal officials.

Below is the board's explanation of its work and the work to be done by the new committees. On another page is a chart of the set up.

November 12, 1940

DEFENSE COMMUNICATIONS BOARD
Washington, D. C.

*Creation and Authority*—The Defense Communications Board was created by Executive Order of the President on September 24, 1940, under authority of the Communications Act of 1934 (48 Stat. 1064), as amended.

Members—Chairman, Hon. James Lawrence Fly, Chairman of the Federal Communications Commission; Major General Joseph O. Mauborgne, Chief Signal Officer of the Army; Rear Admiral Leigh Noyes, Director of Naval Communications; Hon Breckenridge Long, Assistant Secretary of State in Charge of the Division of International Communications.

Secretary, Hon Herbert E. Gaston, Assistant Secretary of the Treasury in Charge of the Coast Guard.

### *EXECUTIVE ORDER*

### CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

Whereas coordinated planning for the most efficient control and use of radio, wire, and cable communication facilities under jurisdiction of the United States in time of national emergency involves the consideration of the needs for communication of the armed forces of the United States, of other government agencies, of industry, and of other civilian activities; and

Whereas such planning must be accomplished as a matter of preparation for national defense; and

Whereas the interest of national defense in the matter of control and use of communication facilities during any war in which the United States may become a belligerent is deemed paramount:

Now, therefore, by virtue of the authority vested in me as President of the United States, and by the Communications Act of 1934 (48 Stat. 1064), as amended, it is ordered as follows:

1. There is hereby created the "Defense Communications Board", hereinafter called the Board, consisting of the Chairman, Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, the Assistant Secretary of State in charge of the Division of International Communications, and the Assistant Secretary of the Treasury in charge of the Coast Guard.

2. The functions of the Board shall be, with the requirements of national defense as a primary consideration, to determine, coordinate, and prepare plans for the national defense, which plans will enunciate for and during any national emergency—

*a*. The needs of the armed forces of the United States, of other governmental agencies, of industry, and of other civilian activities for radio, wire, and cable communication facilities of all kinds.

*b*. The allocation of such portions of governmental and non-governmental radio, wire, and cable facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

*c*. The measures of control, the agencies to exercise this control,

***(Continued on page 4782)***

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

## NATIONAL DEFENSE

*(Continued from page 4781)*

and the principles under which such control will be exercised over non-military communications to meet defense requirements.

3. The Chairman of the Federal Communications Commission shall be the Chairman of the Board. In the absence of the designated Chairman, the temporary chairmanship shall devolve upon the remaining members of the Board in the following order:

1. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be senior in rank.
2. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be junior in rank.
3. The Assistant Secretary of State in charge of the Division of International Communications.
4. The Assistant Secretary of the Treasury in Charge of the Coast Guard.

In the absence of any regularly designated member, the agency which he represents may be represented by an alternate from that agency, designated by the head thereof, but such alternate shall not serve as Chairman. The Assistant Secretary of the Treasury in Charge of the Coast Guard is designated as the Secretary of the Board.

4. The Board shall take no cognizance of matters pertaining to censorship. The Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also make plans for the speedy and efficacious use of all necessary facilities in time of military emergency.

5. The Board shall appoint such committees as may be necessary to carry out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communication industry.

6. Except as otherwise instructed by the Board, committees appointed thereby shall have no power to make final disposition of any matter presented to them by the Board for study, but they shall express by written report their findings and recommendations. Minority reports may be submitted if deemed of sufficient importance to warrant further consideration by the Board.

7. The Board and the committees shall call for consultation such representatives of other government agencies and of the civilian communication industry as may be deemed advisable in obtaining full knowledge of the situation being studied, to the end that the needs of all may be considered and provided for in so far as the situation permits. Other governmental agencies are directed to cooperate in providing assistance required by the Board in its studies.

8. During any war in which the United States is a belligerent, or any national emergency, the existing Interdepartment Radio Advisory Committee shall act as a Committee of the Board, but only in an advisory capacity. While the Interdepartment Radio Advisory Committee is so acting as an advisory committee, all of its reports, recommendations, or communications normally prepared for submission to the President shall instead be submitted to the Board, for consideration from the standpoint of national defense and for disposition.

9. Reports containing the findings and recommendations of the Board shall be submitted to the President for final action through one of his administrative assistants.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
September 24, 1940.

### Committees

The Board, acting under authority contained in Paragraphs 5 and 7, of the President's Order, designates the following committees to assist in carrying out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communication industry. The Board, as it may deem necessary, from time to time, may appoint further committees or make changes or additions in existing committees or in the definitions of their respective functions. In addition to their other functions all of the committees named below should examine and consider existing and proposed precautions against interruptions of communication facilities within their purview, and should recommend any changes which might be considered necessary from the standpoint of national defense:

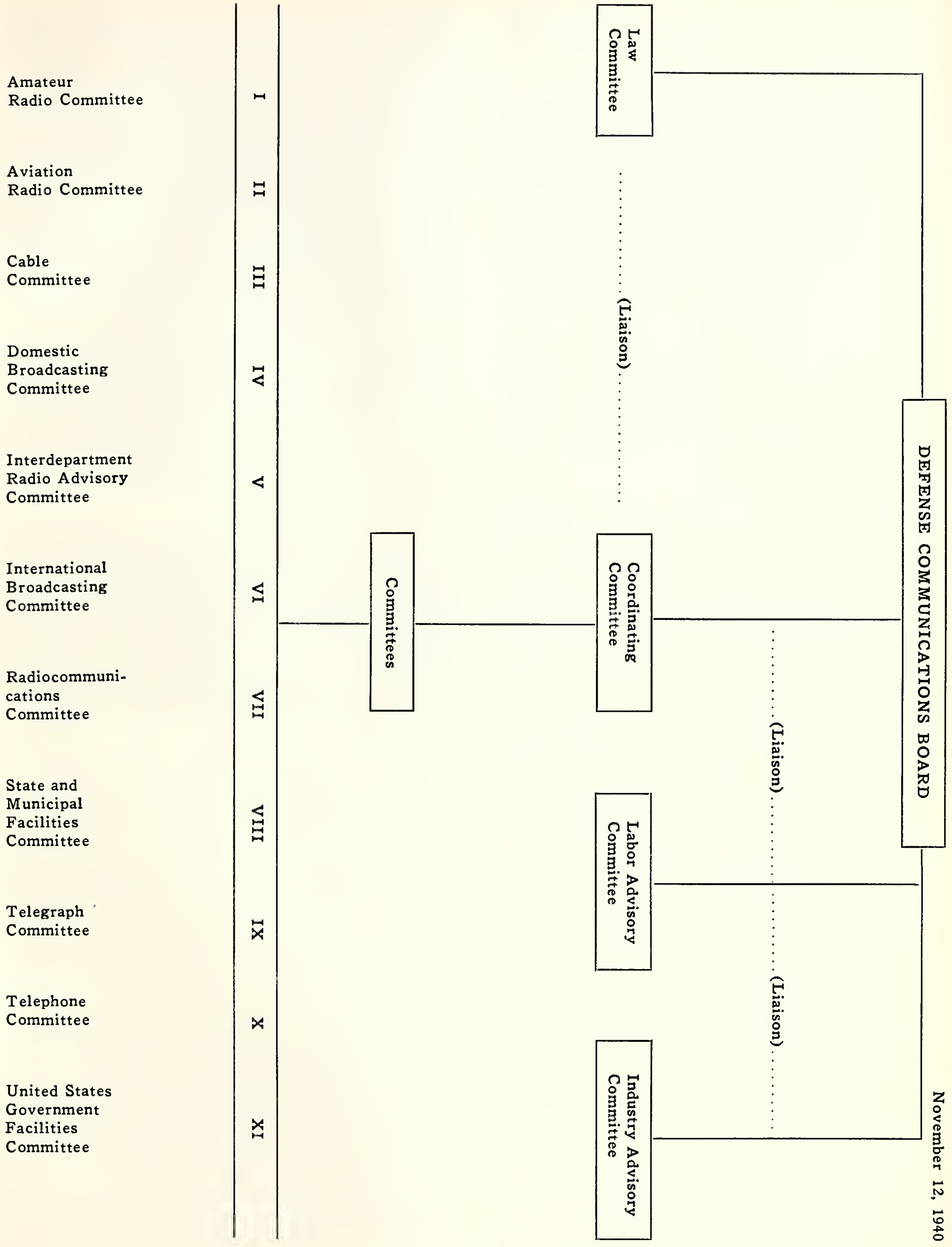
*Coordinating Committee*—The duties of the Coordinating Committee include assistance to the Board in planning and coordinating work. It will maintain liaison with the Law Committee, Labor Advisory Committee, and Industry Advisory Committee, for the purposes of advice and consultation and will supervise the work of the other committees, which will report directly to it.

Members: Chairman, Mr. E. K. Jett, Chief Engineer, Federal Communications Commission; Mr. Francis C. deWolf, State Department; Major W. T. Guest, War Department; Commander Earl E. Stone, Navy Department; Commander J. F. Farley, Chief of Communications, U. S. Coast Guard, Treasury Department.

*Law Committee*—The duties of the Law Committee include the furnishing of legal opinions and advice, and the drafting of final reports and recommendations, proposed Executive Orders, proclamations, and legislation. The Law Committee will report directly to the Board but will have liaison, for purposes of advice and consultation, with the Coordinating Committee, and, as may be necessary, with other committees.

Members: Chairman, Mr. Telford Taylor, General Counsel of the Federal Communications Commission; Captain J. W. Huyssoon, Office of the Judge Advocate General, War Department; Mr. Steven Spingarn, Treasury Department; Lt. Comdr. Franz O. Willenbucher, Navy Department; Mr. Raymund T. Yingling, State Department.

*Labor Advisory Committee*—The duties of the Labor Advisory Committee include the submission of expert advice to the Board on all labor problems incident to the proper carrying out of its national defense mission. With the requirements of national defense as a primary consideration, the Labor Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Labor Committee will report


DEFENSE COMMUNICATIONS BOARD
Law Committee
(Liaison)
Coordinating Committee
(Liaison)
Labor Advisory Committee
(Liaison)
Industry Advisory Committee
Committees
I
II
III
IV
V
VI
VII
VIII
IX
X
XI
Amateur Radio Committee
Aviation Radio Committee
Cable Committee
Domestic Broadcasting Committee
Interdepartment Radio Advisory Committee
International Broadcasting Committee
Radiocommunications Committee
State and Municipal Facilities Committee
Telegraph Committee
Telephone Committee
United States Government Facilities Committee

November 12, 1940

directly to the Board but will have liaison for the purpose of advice and consultation with the Coordinating Committee and the Industry Advisory Committee.

Members: (To be designated later.)

*Industry Advisory Committee*—The duties of the Industry Advisory Committee include the submission of expert advice to the Board on all problems of general concern to the communications companies incident to the proper carrying out of the Board's national defense mission. With the requirements of national defense as a primary consideration, the Industry Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Industry Advisory Committee will report directly to the Board but will have liaison for the purpose of advice and consultation with the Coordinating Committee and the Labor Advisory Committee.

Members: (To be designated later.)

I. *Amateur Radio Committee*—The duties of this Committee include the study of all phases of amateur radio facilities. With the requirements of national defense as a primary consideration, the committee shall recommend precautions and restrictions with respect to amateur radio operations under various emergency conditions, and the allocation of such amateur facilities as may be required by the Army or the Navy.

Members: (To be designated later.)

II. *Aviation Radio Committee*—The duties of this Committee include the study of all phases of domestic and international civil aviation radio facilities and communications services associated therewith. It will have liaison with the U. S. Government Facilities Committee and the State and Municipal Facilities Committee. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

III. *Cable Committee*—The duties of this Committee include the study of all phases of submarine cable communications facilities used in the international or overseas service. With the requirements of national defense as a primary consideration, the Committee shall recommend for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

IV. *Domestic Broadcasting Committee*—The duties of this committee include the study of the physical aspects of domestic standard broadcasting and formulation of recommendations of such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also consider other domestic broadcasting systems including relay broadcasting, high frequency (FM) broadcasting, television, facsimile broadcasting and experimental broadcasting. The Committee's work in all of these fields will include recommendations for the speedy and efficacious use in time of military emergency of all necessary domestic broadcasting facilities and communications services associated therewith, with the requirements of the national defense as a primary consideration.

Members: (To be designated later.)

V. *Interdepartment Radio Advisory Committee*—This Committee is designated under the provisions of Par. 5 and 7, but without reference to Par. 8, of the President's Executive Order of September 24, 1940. The duties of this committee will include making special studies and recommendations regarding frequency allocations, with the requirements of national defense as a primary consideration but giving due consideration to the needs of governmental agencies, of industry, and of other civilian activities.

Members: (Existing members of I. R. A. C.)

VI. *International Broadcasting Committee*—The duties of this Committee include the study of all phases of international broadcasting and the formulation of recommendations concerning such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. With the requirements of national defense as a primary consideration, it shall also recommend plans for the speedy and efficacious use of all necessary international broadcasting facilities in time of military emergency giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

VII. *Radiocommunications Committee*—The duties of this committee include the study of all phases of domestic and international radiotelegraph and radiotelephone communications facilities (including mobile and fixed services) except aviation, amateur, Federal, State, and Municipal communications facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

VIII. *State and Municipal Facilities Committee*—The duties of this committee include the study of all phases of State and Municipal communications facilities, including Municipal and State Police Radio Stations, Inter-City Police Radio Stations, State Forestry Radio Stations, Marine Fire Radio Stations, and State and municipally owned or leased wire facilities. With the requirements of national defense as a primary consideration, the committee shall recommend plans for the most efficacious use of all of those facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

IX. *Telegraph Committee*—The duties of this Committee include the study of all phases of landline record communications, both domestic and connecting international landline services and facilities (except federally owned facilities) including leased line, teletypewriter exchange, wire photo and facsimile services and facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these services and facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

X. *Telephone Committee*—The duties of this Committee include the study of all phases of landline telephone communications, both domestic and connecting international landline and submarine cable telephone services and facilities (except federally owned facilities) including leased line telephone services and facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these services and facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

XI. *United States Government Facilities Committee*—The duties of this committee include the study of all phases of non-military governmental communications facilities with a view to possible military use and the coordination of these facilities including wire, cable and radio facilities owned or leased for government operation, with communications facilities of the Army, Navy, and Coast Guard. With the requirements of national defense as a primary consideration, the committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

## PROGRAMS FROM ARMY POSTS

Stations or sponsors desiring to originate their programs from Army Posts, must obtain permission direct from the War Department in Washington.

Inquiries, together with a complete description of the program should be addressed to:

Lt. Col. Ward Mairis, Chief
Public Relations Division
General Staff
War Department, Washington, D. C.

It is desirable also to send along a sample continuity of the program. The Department is disposed to permit radio programs, sponsored or unsponsored, to originate from Army posts before an audience of soldiers or trainees, regarding their entertainment features as factors in morale building. Commercial programs, however, must carry an announcement at the opening and close that the broadcast from the Army Post, in no way constitutes an endorsement by the Army or *any of its personnel* of the product advertised. Certain restrictions in commercial copy, prepared or ad libbed, will be enforced to further extend this policy.

NAB Headquarters will be very happy to render every aid possible in expediting requests for Army post origination permits. In addition, stations are requested to send into NAB a list of such programs, together with the number of times they are scheduled. This information is of great importance.

Ed Kirby, NAB Director of Public Relations, is expected to move over to the War Department to head up its radio division in the near future. He has been granted a leave of absence for the purpose at the request of the Department.

## BIRTHDAY DINNER ATTRACTS NATIONAL FIGURES

Keying off a series of dinners around the country in celebration of radio's twentieth anniversary, local Washington radio stations, the Radio Manufacturers Association and the NAB will co-sponsor a dinner to be held Tuesday evening, November 26 in the Willard Hotel here. The President, members of his Cabinet, members of Congress, the FCC and high government, Army and Navy officials, as well as outstanding figures in all walks of public life will be invited. With the dinner in the nature of a birthday celebration, with speech making held to a minimum, outstanding radio talent, whose names are associated with the industry's growth will be on hand to entertain and reminisce. While other network programs may be scheduled, the Mutual Broadcasting System has already cleared 9:30 to 10:00 p. m., EST, for a special broadcast of the American Forum of the Air, to be broadcast direct from the banquet hall, presided over by its founder, Theodore Grannik, with nationally known figures taking part, reviewing the past twenty years and forecasting ahead into the next twenty years.

The 20-day celebration of Radio's 20th Birthday is well under way in all parts of the country. Our good friends in many markets have taken time to write of the beginning of their activities.

WHO, Des Moines, began, on Nov. 7, with a plan to tie-in all listeners. Woody Woods took to the microphone to address: "To all of the inspired geniuses whose creative efforts have been and are responsible for the fine programs that are produced in the studios of WHO, 50,000 watt voice of the middlewest. . . . Greetings and salutations!"

> "What sins," he said, "have been committed in the name of broadcasting in two short decades. . . . It seems like a lifetime. It is a lifetime. . . . I remember when I knew two persons who had radio receiving stations. They built them themselves, and each of them filled a small room. I remember splitting a pair of headphones with a friend one night, and after watching him make innumerable adjustments, we strained our ears in the small hours of the morning to hear one act of the famous play, 'Lightnin', broadcast from Atlanta, Georgia (remember that old war cry 'Covers Dixie Like the Dew'?). Why, that must have been almost twenty years ago.
>
> "I remember my first factory-built set. It was a weird-looking thing—a yard or more long, the cabinet made of sheet metal and welded into one piece—'Because,' the salesman said, 'it's perfect. You will never have to get into it to fix it.' Three so-called radio experts spent half a day erecting an aerial and hooking up storage battery and B battery and C battery and a trickle charger for the storage battery. Remember? Why, the battery connections on that darned thing looked like a telephone cable gone crazy. Then one day we decided to put the batteries in the basement on account the women folk thought they looked kind of messy sitting under the library table, so the three experts came out again and spent another half day splicing an extra piece on the cable, disconnecting the batteries, boring a hole through the floor, lugging the batteries downstairs and hooking her up again."

Then he recited the intervening bits of radio progress up to the present and concluded with:

> "So now we are going to celebrate Radio's Twentieth Birthday, and you birds with the creative minds must have had a lot of experiences in and out of radio which would make good program material. You may never be Gold Star Mothers, but surely you can labor and bring forth an idea for glorifying and promoting this grand industry of which we are all a part.
>
> "Let's help celebrate this twenty-day birthday party! Let's kind of freshen up the listener's memory on how far radio has traveled between two world wars. Let's see if we can't make them appreciate the blessings of this thing called American Radio. You guys are good. . . . You all know it—some of you admit it. Now, let's see if this little monologue of mine can start some of those mighty mental processes percolating.
>
> "If you have an idea, or a plan, or a program—bring it to Harold Fair or myself. Maybe you are good!"

WRVA, Richmond, wrote C. T. Lucy, general manager," is joining wholeheartedly in the celebration of Radio's 20th Anniversary. Every station identification carries a slogan appropriate to the event.

"We have arranged for window displays in prominent stores, showing the difference in radio today and twenty years ago. Several half-hour dramatic shows are scheduled, depicting radio's twenty-year progress, and showing how radio has created employment in many allied fields. Other promotion is being discussed and arranged, but for the present we at least want you to know of our activity in radio's twentieth anniversary."

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The Yankee Network, according to Robert S. Playfair, director, station and sales promotion, is "taking a number of novel steps to celebrate Radio's 20th Birthday."

An unusual phase is the linking together of Radio's Birthday with the 500th anniversary of printing, to be celebrated the week of November 17-23.

The network is cooperating with the Oxford Press, a Boston organization.

> "At a huge exhibit in the Statler Hotel, Boston, we will have three boards displaying progress of radio in the last twenty years. This will be part of the printing exhibit and will highlight the independence of radio and the press.
>
> "Our Ruth Moss will interview Douglas C. McMurtrie on her program which will be broadcast over the Colonial Network.
>
> "In addition, we are arranging a joint table souvenir in the form of a Johann Gutenberg memorial cut and copy to which will be attached book matches of the Yankee and Colonial Networks. We supply the matches, the Oxford Press supplies the printing; the souvenir is placed on tables of leading Boston hotels and eating places.
>
> "Of other formative steps in which we are cooperating with the 500th Anniversary of Printing to the benefit of the 20th Anniversary of Radio, I will let you know more in the future."

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WSAZ, Huntington, W. Va., a member of the West Virginia Network, is also busy with the 20 days celebration. On Sunday morning, November 11, WSAZ ran a full page ad, in color, in The Herald-Advertiser, headed in hand lettered script, "Radio Turns 20."

The copy reads:

> "Twenty candles will cast their happy glow atop radio's birthday cake during this month! From a mere gleam in its father's knowing eye, radio has stepped in with this ever-changing universe of ours to become, in a score of years, a significant medium of news and advertising and entertainment affecting almost all of the 132,000,000 people residing in these United States. Through this national emergency—through many score more years to come, rely on Radio! Count it among your most dependable and gracious friends."

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WHK-WCLE, Cleveland, advises that a drug chain, the Weinberger Drug Company, has placed Radio Birthday posters in street front windows in all stores. Each poster is surrounded by radio-advertised merchandise, particularly products carried by WHK-WCLE, said Robert Greenberg, promotion manager.

Kansas City, Mo., joint celebration, got off to its organized start in the celebration of Radio's 20th Birthday, with a Radio Rally, Hotel President, November 8.

John T. Shcilling, general manager, WHB, represented the broadcasters; Fred B. Jenkins, president, Electric Association, and president of Jenkins Music Co., presided. Over a hundred radio dealers, salesmen, distributors and broadcasters attended. Lee Williams, committee chairman, explained the Birthday promotion and staged a demonstration of a 12-year-old set versus a 1941 model.

Red on white posters, 441x14 inches have been put up in store windows. All members of the radio trade in the Kansas City market are wearing lapel buttons with "20" in red on a white background. One and 2 column mats with the birthday cake and candles are being used in all newspaper advertising; and radio commercials are tied in.

All radio dealers have been urged to "dress up your store. Why not use American flags", asked Jerry Weston, secretary-manager, "as one thing this birthday celebration stresses in the progress under the American system of broadcasting. In most foreign countries, radio is government owned and operated—every set is taxed—programs are dull, monotonous, and full of propaganda."

For the best window display, illustrating 20 years of progress in radio, prizes of $25, $15 and $10 will be paid.

In order to maintain interest of all men on the firing line straight through the Birthday celebration, a second Radio Rally will be held on November 22.

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O. H. Caldwell, editor, *Radio Today,* will present on the November cover of his magazine "Milestones Marking 20 Years of Radio Progress."

According to Dr. Caldwell, they are:

| *Year* | *Milestones of Progress* |
|---|---|
| 1920 | Radio broadcasting begins. |
| 1921 | Six BC stations operating. |
| 1922 | First "Commercial" BC program. |
| 1923 | Superhets, Neutrodynes. First BC chain. |
| 1924 | First shortwave rebroadcast. Factory-built set. |
| 1925 | Socket-power units. Facsimile shown. |
| 1926 | Year of wave-jumping and air chaos. |
| 1927 | Federal Radio Commission clears air. |
| 1928 | Broadcast reallocation. AC-operated radios. |
| 1929 | Screen-grid tubes. Dynamic speakers. |
| 1930 | Midgets and table models introduced. |
| 1931 | Automatic volume controls. Auto radios. |
| 1932 | Shortwave receivers become popular. |
| 1933 | Tuning conveniences. Television iconoscope. |
| 1934 | High fidelity sets. FCC takes over radio. |
| 1935 | Metal tubes. Noise-reducing antennas. |
| 1936 | Business recovery. Record radio year. |
| 1937 | AFC. Push-button tuning. Combinations. |
| 1938 | Television. Wireless controls and players. |
| 1939 | Recorders. FM. Portables. |
| 1940 | "Camera" portables. |

These "milestones" used in conjunction with Broadcasting Magazine's Year Book chronology, page 396, provide a concise picture of the events which brought radio to its present high state of development and position of service.

In the Radio Birthday broadcast over WJZ-NBC Blue, at 7:30 p. m., Friday, November 15, Dr. Caldwell covered some of the milestones listed above.

He paid tribute to "Joseph Henry, another great pioneer American scientist who sent the first wireless signal between two antennas 400 feet apart on the Princeton College Campus—just 100 years ago."

On November 22 at the same time and over the same stations, Dr. Caldwell will discuss "From Crystal Set to Superhet"; on the week following, "Radio's Effects on Home Life".

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In tribute to Radio's Twentieth Anniversary, the Columbia Broadcasting System will broadcast tonight (Nov. 15). Norwin's Corwin brilliant verse-narrative, "Seems Radio's Here to Stay".

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Paul H. Connet, sales manager, KGW and KEX, Portland, has mailed a bundle of tear sheets from The Oregonian of various October and November dates. They showed the two column Listen Before You Vote advertisement. Copy illustrated with an elephant and donkey, read:

"LISTEN BEFORE
"YOU VOTE!

"Radio steps along with the American press in offering the American people the uncensored statements of political parties and candidates.

"Your Oregonian carries a front page box daily listing political broadcasts."

"TUNE IN, LISTEN, THEN VOTE
"KGW-KEX
"The Oregonian"

The transcription which the United States Civil Service Commission has prepared in celebration of Radio's 20th Birthday is expected to be mailed today to all stations in the United States.

The closing band selection may be faded out for inclusion of any announcement which the station may care to make.

Following are the remarks by Harry B. Mitchell, president of the Commission:

"The most important problem in the United States is national defense. Today, as the American radio industry celebrates its twentieth anniversary, the United States Civil Service Commission congratulates radio and the American public on the part radio is taking in the national defense program.

"In May 1940, the President of the United States and the Congress initiated the preparedness program in which we, as Americans, are now engaged. The United States Civil Service Commission was given the task of locating with the greatest possible speed thousands of skilled civilian workers. This program could not be carried on with the necessary speed by ordinary procedures. The Commission, therefore, turned to radio as one of the most important channels of public information in telling the public immediately of the need for workers. They were needed in navy yards to build ships; they were needed in torpedo stations; they were needed to manufacture munitions and to perform other defense work under the War and Navy Departments. Although public attention has been focused on the men who will serve the Nation in the military and naval forces, it cannot be emphasized too strongly that the men who work in navy yards and army arsenals are equally important in the defense of the United States.

"In all national defense work, the emphasis is necessarily on speed. In the war-torn world in which we live today, there is little place for leisurely procedures. With 'bombs bursting' over a large part of the so-called civilized world, we who live in one of the last ramparts of democracy are girding ourselves for adequate preparedness. So far as our own Commission is concerned, we interpret this to mean that we must give speedy service to national defense agencies in need of civilian defense workers.

"In this recruiting program, the Commission has been impressed by four facts:

"First. By the spirit in which radio immediately met the national defense challenge. The Civil Service Commission has made no requests of the radio industry without receiving immediate, affirmative action. There have been no ifs or ands. Its reply to our request for cooperation was simply this: 'Radio is ready to act; it will do everything within its power for the defense of the United States.'

"Second. The Commission has been impressed by radio's *continued* spirit of cooperation. As the preparedness program gains momentum, the needs of the Navy Department and the War Department for civilian employees change from day to day. New establishments are being opened requiring the services of thousands of additional workmen. Other establishments are expanding. On such occasions, it is necessary to call the need for workmen to the attention of the American public. Radio is doing this job. As the weeks have rolled on since the emergency began, radio stations throughout the nation have informed the people where national defense workers are needed. In no other way would it be possible to meet defense needs with the necessary speed.

"Third. The Commission has been gratified at radio's ability to bring the defense needs to the attention of all of the American people. Hundreds of stations are daily sounding the summons for skilled workers. In Pennsylvania, there are 39 such stations. In Illinois there are 23, in Texas there are 37. In California there are 25. They are found in EVERY State.

"All of you have seen news photographs of the President of the United States speaking in the halls of Congress before a battery of microphones. Today, and every day, the national defense needs outlined by the President and by the Congress are being broadcast before a battery of more than 800 microphones scattered throughout the United States. These broadcasts are stating the need for civilian defense workers. The story is reaching into every home in the land.

"Fourth. The Commission is impressed by the results which the cooperation of radio has made possible. Not long ago, the War Department needed telephone construction men at the Panama Canal, the solar plexus of America's defense on the Western Hemisphere. The Commission explained the problem to radio, and within a week, the need was filled.

"Through radio's aid, we have told the American people of the need for toolmakers, inspectors of powder and explosives, inspectors of ship construction, aircraft technicians, and many other types of defense workers.

"Since the preparedness program began, the Civil Service Commission, with radio's cooperation, has obtained and placed on the job more than 150,000 workers in the War and Navy Departments. This does not include thousands of national defense employees who have been placed on other vital defense jobs in other establishments. There is no better example showing that democracy can and does work than this speeding up of defense operations through the loyal cooperation of thousands of Americans working toward the goal of national defense."

"As president of the United States Civil Service Commission, I congratulate the American radio industry on its twentieth anniversary and on the patriotic cooperation it is giving in making successful the national defense program of our great Republic.

"When the story of the present national emergency is written, radio will be able to say with pride and satisfaction that when it was called upon to help do the national defense job, it responded willingly, wholeheartedly, and effectively. In turn, the people of the United States may well feel grateful to the entire radio industry and to the National Association of Broadcasters for the assistance they rendered in helping make America safe."

# BMI

## FORT WORTH REGIONAL MEETING

Seventy stations from seven states were represented at a regional meeting Tuesday in Fort Worth, Tex., to discuss the establishment of a regional copyright clearance bureau. Harold Hough, WBAP, who presided, reported that the broadcasters present were enthusiastic about the idea and that none present would accept the contract which ASCAP proposed. Several stations joined BMI after Stuart Sprague had told what that organization was doing to lick the music monopoly.

### BMI FEATURE TUNES

### November 18-25

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON

When people spend nickles to listen to a song, there is conclusive proof that they like the music. That sort of C.O.D. popularity cannot be faked. This week, records of three BMI numbers appear among the biggest money makers in the nation's coin phonographs. Bob Chester's record of *Practice Makes Perfect,* showing up on the list for the fourth week, is in fifth place. Tommy Tucker's record of *There I Go* and Frankie Master's account of the *Same Old Story* are also on the list. *Practice Makes Perfect* and Vaughn Monroe's record of *There I Go* are among the best sellers. In sheet music, both *Practice* and *There I Go* hold national ranking. On the most played lists there are seven BMI numbers: *There I Go, Practice Makes Perfect, I Give You My Word, So You're The One, Same Old Story, May I Never Love Again, I Hear A Rhapsody. Practice* stood at number four and *There I Go* at number seven on last week's Hit Parade.

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For the past week stations have been flocking to the fold at the rate of one a day to bring the total tally up to 414. We welcome to the list of BMI subscribers, the following:

KFDY, Brookings, S. Dak.
KOWH, Omaha, Nebr.
KROD, El Paso, Texas.
WEW, St. Louis, Mo.
WFOR, Hattiesburg, Miss.
WHB, Kansas City, Mo.
WMRN, Marion, Ohio.

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Broadcast Music, Inc. has acquired the performing rights in music of the New Era Music Corporation, the publishing company controlled by Jimmie Lunceford. The contract guarantees that BMI now has available twenty-four Lunceford recordings of this music and provides for sixteen additional records to be made by Lunceford for BMI.

These new recordings were cut by the Lang-Worth Company on November 11 and the transcriptions are expected to be ready for release to BMI subscribers by December 1.

A few weeks ago Lunceford dropped his CBS broadcasts, saying that he could not get enough numbers typical of his style of playing to fill his programs under the restrictions imposed by the ASCAP-radio controversy. In announcing his new contract with BMI, Lunceford explained his position with regard to the controversy in the following statement:

> "This contract ought to show what I think about BMI. The BMI way of dealing with writers is the best thing that has ever happened to American music. Some newspapers tried to make out that I was rooting for ASCAP. This is just not so. There is no publishing house in the country, except my own, which gives me one tune in a thousand that suits my style of playing. That is why I have my own house. My own music is going to BMI because BMI gives the fairest deal that I can get. No matter whether my band plays before a microphone for the next few months or not, my music will still be on the air through the records that I have made and the new ones that I'm going to make for BMI."

Harold Oxley, Lunceford's personal representative and the President of New Era, states that the difficulty which Lunceford encountered with both CBS and Mutual is now being eliminated. Under these circumstances it will be possible for Lunceford to broadcast complete programs with non-ASCAP music. While Lunceford is now on the road, so that he has no opportunity to broadcast at present, there is no longer any obstacle to his appearance before the microphone.

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BMI has signed a contract by which it acquires the performing rights to the music of O. B. Clow of Tacoma, Washington. Under this contract, twenty-four recorded tunes become available to BMI subscribers and BMI acquires also the rights of publication. Mr. Clow is both composer and lyrist and has himself published some of his own music. He is an inventor, a restaurant operator and an apartment house owner who has produced about 4,000 compositions in addition to pursuing a highly successful business career.

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Five new BMI records are announced for future release. For previous announcements of BMI records, see

NAB REPORT of October 18, page 4689, and October 11, page 4667.

| | | |
|---|---|---|
| *COLUMBIA* | | |
| *I Give You My Word* and<br>*So You're The One* | Eddy Duchin | Col. 35812<br>Not before November 29 |
| *OKEH* (Columbia) | | |
| *I Hear A Rhapsody* | Al Donahue | Okeh 5888<br>Not before November 29 |
| *I Give You My Word* | Jack Leonard | Okeh 5886<br>Not before November 29 |
| *High On A Windy Hill* and<br>*It All Comes Back To Me Now* | Gene Krupa | Okeh 5883<br>Not before November 29 |
| *BLUEBIRD* (Victor) | | |
| *I Hear A Rhapsody* | Charlie Barnett | B-10934<br>Not before November 29 |

### CHICAGO SCHOOL BROADCAST CONFERENCE OPENS DEC. 4

Many member stations are planning to send representatives to the Fourth Chicago School Broadcast Conference, December 4, 5, and 6, at the Congress Hotel. Both NAB and BMI will have exhibits. Carl Haverlin, BMI Stations Relations Director, will be present to explain to educators and broadcasters the latest aspect of the music problem as January 1 approaches. Ed. Kirby, NAB Director of Public Relations, will attend and preside at a dinner at which Dr. James R. Angell, Vice President and Educational Director of NBC, and Gilbert Murray, of the Canadian Broadcasting Corporation, will speak. This year's conference, largest in history, will attract an attendance of around 1,000. The educational directors of both CBS and NBC are planning special meetings for representatives of their affiliated stations. The program follows:

*Wednesday:*

10:00 A. M. General Session, J. Irving Lee, Chairman. "The Transition from Stage to Radio," Script by Erik Barnouw, Production by Wynn Wright.
1:00-4:00 P. M. Classroom Demonstration, Clifton Utley, Chairman.
7:00 P. M. Dinner. James R. Angell, Educational Counselor, NBC, and Gilbert Murray, CBC. Toastmaster, Ed. Kirby, NAB.
8:00 P. M. Report and Clinic on Evaluation. I. Keith and Staff.

*Thursday:*

9:00-10:30 A. M. Classroom Demonstration, Alice Keliher, Chairman.
10:30-12:00 Noon. Classroom Demonstration, Dudley Crafts Watson, Chairman, Chicago Art Institute.
1:00-2:30 P. M. Classroom Demonstration, Out-of-School Listening, Agnes Adams, Chairman.
2:30-4:30 P. M. Work Study Groups.
6:30 P. M. Advisory Council Dinner.
7:30 P. M. America's Town Meeting—Origination.

*Friday:*

9:00-11:00 A. M. Demonstration, Gebhart Wiebe, Chairman. Five types of music presentation with no children.
11:00-12:00 Noon. Classroom Demonstration, Donald Cawelti, Chairman.
1:00-2:30 P. M. Classroom Demonstration, Out-of-School project, Elizabeth Robertson, Chairman.
2:30-4:30 P. M. Work Study Groups. (Continued from preceding day.)
7:00 P. M. Banquet, Chairman C. A. Siepmann.
George Denny, Lyman Bryson, Raymond Gram Swing; "Methods by Which Radio Implements Democracy."
Folk Songs—Alan Lomax.
Award of Merit.
Entertainment.

## Sales

### AND NOW—MUSHROOMS

Meat, doughnuts, canned peas—and now mushrooms are added to the long list of products seeking free radio time through various methods. Nancy Bobb, 225 West 39th Street, New York, asks stations to help her distribute a recipe booklet "Magic with Mushrooms." Miss Bobb makes it easy for stations to offer her booklet by also offering a special script for women's programs. The Bureau of Radio Advertising has written Miss Bobb pointing out the error of her ways, and inviting her client to buy time.

MacFadden Publications is an older and more experienced "free offerer," who make a combination offer of two weekly half-hour scripts on behalf of True Story and True Detective Mysteries magazines, plus the utmost cooperation of local MacFadden distributors in publicizing the shows. The NAB points out that stations are not in the habit of promoting magazine circulation free of charge, but in view of MacFadden's marked interest in the power and influence of radio advertising, invites them to consider a paid campaign.

### SAVINGS AND LOAN ASSOCIATIONS USE RADIO

The Bureau of Radio Advertising has released to all members reprints of a report on "Radio Advertising by Savings and Loan Associations."

The report, which first appeared in the October issue of the Federal Home Loan Bank Review, is the result of the FHLB's third annual "Hunt for Facts" survey, and shows that 240 member associations used radio in 1939, some more effectively than others. According to the detailed breakdown, the report states,

" . . . it is significant to discover that in the group of associations spending $1,000 or more, the ratio of satisfied to dissatisfied users was nearly 3 to 1." In other words, radio paid for those who gave it a real try.

Additional copies of the factual analysis may be had on request to the NAB Bureau of Radio Advertising.

## Legal

### WHITEMAN APPEALS

Petition for writ of certiorari in the case of *Whiteman* v. *RCA Manufacturing Co.* (119 Fed. 2d. 86) was filed with the Supreme Court of the United States by Mr. Whiteman on November 9. Review is sought of the decision of the Circuit Court of Appeals for the Second Circuit holding that phonograph records may be broadcast even though they contain a label forbidding their use except on phonographs in homes.

### APPLICATION FORMS

The subcommittee on application forms of NAB-FCC Conference Committee met Wednesday in Washington for consideration of the proposed recommendations of the FCC Rules Committee to the Commission. It is expected that a meeting of the full committee will be held early next week for the purpose of drafting final requests for revision of application forms 301 and 319.

### SPOT CONTRACTS

The subcommittee of the NAB-AAAA Conference Committee charged with redrafting the spot-broadcasting contract meets Friday in New York to continue its work.

### FCC ATTORNEY GOES IN ARMY

James D. Cullingham, principal attorney of the Federal Communications Commission, has been called by the Army as a Captain in the Reserve Corps. He will be attached to the office of the Judge Advocate General of the Army.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, November 18. They are subject to change.

### Monday, November 18

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.**, 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

### Tuesday, November 19

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, **1310 kc.**, 100 KW night, 250 KW LS, unlimited time.

To be held in the following places:

Court Room of the U. S. District Court
Post Office Building
Tallahassee, Florida.
Grand Jury Room 309
Federal Building
Tampa, Florida.
Court Room No. 2
5th Floor Post Office Building
Jacksonville, Florida.

### Friday, November 22

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.**, 1 KW night, 1 KW LS, unlimited time (DA night).

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

LaGrange Broadcasting Co., LaGrange, Ga.—Granted construction permit for new broadcast station to operate on **1210 kc.**, with 250 watts power, unlimited time (B3-P-2763).

Central Willamette Broadcasting Co., Albany, Ore.—Granted construction permit for new broadcast station to operate on **1210 kc.**, 250 watts, unlimited time (B5-P-2949).

Delta Broadcasting Co., Escanaba, Mich.—Granted construction permit for new broadcast station to operate on **1500 kc.**, 250 watts power, unlimited time, exact transmitter site and antenna to be determined subject to Commission's approval (B2-P-2854).

KOIL—Sidles Company (Assignor), Star Printing Co. (Assignee), Omaha, Nebr.—Granted authority to transfer control of Central States Broadcasting Company, licensee of station KOIL, to the Star Printing Company, consisting of one share of common stock; the Sidles Co. thus relinquishes control of the licensee corporation by the transfer of the one share of common stock to the Star Printing Co., now owner of 249 shares, for a consideration of $125.00. Station KOIL is normally licensed to operate on **1260 kc.**, 1 KW night, 5 KW day, unlimited time (B4-TC-202).

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted request to relinquishment by Alma W. King of the control of Coastal Broadcasting Company, licensee of WMOG, to Arthur Lucas and William K. Jenkins, consisting of 75 shares (75%) of the common stock of licensee corporation for the sum of $7,500. Station operates on **1500 kc.**, with 250 watts day, 100 watts night, unlimited time (B3-TC-234).

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted construction permit to install new transmitter and vertical radiator, and increase power from 1 KW to 5 KW, **830 kc.**, operating from local sunrise to sunset at Denver, Colo. (B4-P-2882).

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of construction permit (B5-P-2843) to make changes in directional antenna and extend commencement date to 60 days after grant and completion date to 180 days thereafter (B5-MP-1073).

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted construction permit to install new equipment and vertical radiator, move transmitter and increase power from 50 watts to 250 watts, unlimited time, exact transmitter site and type of antenna to be determined with Commission's approval; **1310 kc.** (B2-P-2459).

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted construction permit to increase power from 500 watts to 1 KW, **1330 kc.**; install new transmitter; make changes in antenna and move transmitter to a new site locally, subject to Commission's approval of antenna site (B3-P-2230).

KMO—Carl E. Haymond, Tacoma, Wash.—Granted construction permit to install new transmitter and increase power from 1 to 5 KW; **1330 kc.**, unlimited time (B5-P-2707).

WAGF—John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co. (Assignor), Dothan Broadcasting Co. (Assignee), Dothan, Ala.—Granted consent to voluntary assignment of license and construction permit from John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co., to John T. Hubbard, Julian C. Smith, Fred C. Moseley and Horace Hall, d/b as Dothan Broadcasting Company, the new partner, Horace Hall, to pay the sum of $12,500 to the three partners of the assignor partnership, as individuals, the sum of $12,500 for his 25% interest in the assignee; station operates on **1370 kc.**, 250 watts power, daytime only (B3-APL-9).

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on **1420 kc.**, 250 watts day (B1-ML-1023).

## DESIGNATED FOR HEARING

KFOR—Sidles Co. (Assignor), Star Printing Co. (Assignee), Lincoln, Nebr.—Application for consent to transfer of control from Sidles Co. to Star Printing Co. of Cornbelt Broadcasting Co., licensee of station KFOR; **1210 kc.,** 100 watts night, 250 watts day, unlimited time (B4-TC-203).

KFAB—Sidles Co. (Assignor), Star Printing Co. (Assignee), Lincoln, Nebr.—Application for consent to transfer of control of KFAB Broadcasting Co. from Sidles Co. to Star Printing Co.; **770 kc.,** 10 KW, simultaneous day, shares with station WBBM night.

Fred Jones Broadcasting Co., Tulsa, Okla.—Application for construction permit for new station to operate on **690 kc.,** 50 KW, directional antenna for day and night use (B3-P-2957).

KOMA—KOMA, Inc., Oklahoma City, Okla.—Application for construction permit to increase power to 50 KW; install new transmitter and directional antenna for night use; move transmitter; and change frequency to **690 kc.** under terms of the North American Regional Broadcasting Agreement; unlimited time. Station now operates on **1480 kc.,** 5 KW power, unlimited time (B3-P-2703).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Application for construction permit to change frequency to **690 kc.;** increase power to 5 KW; install new transmitter and directional antenna for nighttime use; and move transmitter. Station now operates on **1010 kc.,** 1 KW power, specified hours (WNAD) (B4-P-2883).

KFEQ—KFEQ, Inc., St. Joseph, Mo.; KWK—Thomas Patrick, Inc., St. Louis, Mo.—Application of KFEQ, Inc., to install new transmitter with directional antenna, increase power to 5 KW, and extend hours of operation from limited to unlimited. Station now operates on **680 kc.,** 500 watts, 2½ KW daytime to local sunset at San Francisco; to be heard with application of Thomas Patrick, Inc., for construction permit to change frequency from **1350 kc.** to **680 kc.,** and increase power from 1 KW, 5 KW LS, to 50 KW (B4-P-2364).

Trent Broadcast Corp., Trenton, N. J.; WTMJ—WOAX, Inc., Trenton, N. J.—Application for new station to operate on **1230 kc.,** 1 KW power, unlimited time (B1-P-2861), to be heard with application of WOAX, Inc., for construction permit to change frequency from **1280 kc.** to **1230 kc.;** increase power from 500 watts to 1 KW; change hours of operation from shares WCAM and WCAP to unlimited time; install directional antenna for day and night use; and move transmitter (B1-P-2959).

WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.; WTNJ—WOAX, Inc., Trenton, N. J.—Applications for renewal of licenses of stations WCAM, Camden, N. J.; WCAP, Asbury Park, N. J.; and WTNJ, Trenton, N. J.; WCAM operates on **1280 kc.,** 500 watts, shares WCAP, WTNJ; WCAP operates on **1280 kc.,** 500 watts, shares WCAM, WTNJ; WTNJ operates on **1280 kc.,** 500 watts, shares WCAM, WCAP.

Herbert L. Wilson, Community Broadcasting Corp., New York, N. Y.—Application for construction permit for new station to operate on **1310 kc.,** 250 watts power, unlimited time (B1-P-2678), to be heard with: Community Broadcasting Co., Middletown, N. Y.—Application for construction permit for new station to operate on **1310 kc.,** 250 watts, unlimited time (B1-P-2594).

KFRO—Voice of Longview, Longview, Tex.—Application for modification of construction permit for new equipment and increase in power from 1 KW to 5 KW, and extend commencement date to 60 days after grant and completion date to 180 days thereafter; **1340 kc.,** DA night, unlimited (B3-MP-872).

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Application for modification of license to increase night power from 250 watts to 500 watts; 1 KW LS, unlimited time, on **1340 kc.** (B4-ML-998).

Central Carolina Broadcasting Corp., Burlington, N. C.—Application for construction permit for new station to operate on **1420 kc.,** with 100 watts power, unlimited time (B3-P-2556).

WMBG—Havens & Martin, Inc., Richmond, Va.—Application for modification of license to increase power from 1 KW, 5 KW local sunset to 5 KW day and night, using directional antenna; **1350 kc.** (B3-ML-1011).

Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Application for construction permit amended to request new station to operate on **1370 kc.,** 100 watts, unlimited time (B3-P-2472).

R. B. Terry, D. A. Rawley, C. M. Waynick & H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C.—Application for construction permit for new station to operate on **1370 kc.,** 100 watts, unlimited time; to be heard in connection with application for Greensboro, listed above (B3-P-2491).

WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Application for modification of license to increase nighttime power from 500 watts to 1 KW; **1410 kc.,** 1 KW day (B2-ML-973).

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Application for construction permit to make changes in antenna, install new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day on **1410 kc.** (B2-P-2699).

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Application for modification of license to increase nighttime power from 500 watts to 1 KW; **1410 kc.,** 1 KW day. (B3-ML-971).

## MISCELLANEOUS

W9XA—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26300 kc.,** using maximum power of 1000 watts, special emission (frequency modulation) in cooperation with the licensee of high frequency broadcast station W2XJI, for the period November 8, 1940, to not later than December 7, 1940, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.,** employing frequency modulation, and to determine to what field strength contour of the desired station the interference station whose transmissions are received via skywave will interfere with program reception of the desired station in its own coverage area.

W1XSO—The Travelers Broadcast Service Corp., Hartford, Conn. —Granted extension of special temporary authority to operate high frequency station W1XSO on frequency **43.7 mc.** instead of **43.2 mc.** for the period November 10, 1940, to not later than December 9, 1940, in order to eliminate certain interference.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted special temporary authority to rebroadcast transmissions received from SS NORTH STAR, Call letters WTDU, frequency **2126 kc.** on November 8, 1940, in connection with regular Antarctic Expedition program.

WMAX—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate additional time November 8 and 9, 1940, to broadcast programs of Mercer University only, and to operate additional time November 10 to 14, 1940, inclusive, to broadcast programs of Georgia Baptist Convention only.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 5:30 p. m., PST, November 11, 1940, in order to broadcast special high school football game only.

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast communication between U. S. Marine Corp. plane and the airport control tower provided by Marine Corp., frequency **3785 kc.,** from 8 p. m. to 8:30 p. m. EST, November 10, 1940, in connection with dive bombing tests conducted in the area of North Island Airport, San Diego, Calif.

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to pickup and rebroadcast transmissions from training ship operating with Army equipment and under supervision of Army operation on frequency **4185 kc.,** 5 watts power, from 11:30 to 12 noon, PST, November 9, 1940, in connection with delivery of planes from Vultee Air Factory at Downey, Calif., to Moffett Field.

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Granted special temporary authority to rebroadcast transmissions received from Army airplane between 11 a. m. and 12 noon, EST, November 11, 1940, in connection with Armistice Day celebration.

WNYC—City of Ney York, Municipal Broadcast System, New York, N. Y.—Granted special temporary authority to broadcast program sustaining audience in addition to the authority granted November 7, 1940, to operate from local sunset to 6:45 p. m., EST, for the period ending not later than November 30, 1940, in order to broadcast official information to Draft Boards only.

WNYC—City of New York, Municipal Broadcast System, New York, N. Y.—Granted special temporary authority to operate from local sunset (November, 4:45 p. m., EST), to 6:45 p. m., EST, for the period ending not later than November 30, 1940, in order to broadcast official information to Selective Service Draft Boards only (Sundays excepted).

WAPI—Alabama Polytechnic Institute, Univ. of Ala., and Ala. College (Board of Control of Radio Station WAPI), Birmingham, Ala.—Granted petition in part continuing hearing now scheduled for November 18 to December 9, on application for renewal of license for station WAPI.

## APPLICATIONS FILED AT FCC

### 580 Kilocycles

WTAG—Worcester Telegram Publishnig Co., Inc., Worcester, Mass.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna for day and night use.

### 610 Kilocycles

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 620 Kilocycles

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—License to cover construction permit (B3-P-2461) for a new transmitter, installation of directional antenna, increase in power, requesting change in type of transmitter.

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-2339) as modified for new equipment, installation of directional antenna for use day and night, and move transmitter.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 780 Kilocycles

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Voluntary assignment of license from Memphis Commercial Appeal Company to Memphis Publishing Company.

### 920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station on **920 kc.,** 5 KW, unlimited time, directional antenna for day and night use. Amended to make changes in directional antenna and change transmitter site.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—License to use old composite transmitter for auxiliary purposes only, using 500 watts power.

### 1200 Kilocycles

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Authority to transfer control of corporation from James S. Maffeo and Lawrence R. Jackson to Carleton W. Morris, 463¼ shares of stock.

KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich. —Modification of construction permit (B2-P-2582) for a new station, requesting approval of vertical antenna and transmitter and studio sites and change type of transmitter.

WDSM—WDSM, Inc., Superior, Wis.—Authority to install automatic frequency control equipment.

### 1210 Kilocycles

KFXM—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Construction permit to change frequency from **1210** to **1390 kc.,** increase power from 250 watts to 1 KW, change hours from share KPPC to unlimited time, install new transmitter, and make changes in vertical antenna.

NEW—Mohawk Radio, Inc., Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on **1210 kc.,** 250 watts, unlimited time. Amended re stockholders and financial structure.

NEW—Texas Star Broadcasting Co., Houston, Tex.—Construction permit for a new broadcast station on **1210 kc.,** 250 watts, unlimited time. Class IV station.

WGRM—P. K. Ewing, Greenwood, Miss.—Construction permit to install a new transmitter.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to make changes in automatic frequency control equipment.

### 1240 Kilocycles

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

### 1290 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—Construction permit to increase power from 250 watts to 1 KW, install a new transmitter, and make changes in directional antenna for day and night use.

### 1300 Kilocycles

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1310 Kilocycles

NEW—Parkersburg Sentinel Co., Parkersburg, W. Va.—Construction permit for a new broadcast station on **1310 kc.** (Class IV station), 250 watts, unlimited time.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—License to cover construction permit (B2-P-2411) as modified for a new station.

### 1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct measurement of antenna power.

### 1340 Kilocycles

KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) as modified for approval of transmitter site at East Dubuque, Ill., and approval of directional antenna for night use.

### 1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Authority to determine operating power by direct measurement of antenna power.

KFRU—KFRU, Inc., Columbia, Mo.—License to cover construction permit (B4-P-2322) as modified for change of frequency, decrease in power, and change in hours of operation.

### 1380 Kilocycles

NEW—Wayne M. Nelson, Concord, N. C.—Construction permit for a new broadcast station on **1380 kc.,** 1 KW, daytime. Class III Station.

### 1400 Kilocycles

NEW—Richard Field Lewis, Jr., Winchester, Va.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time. Class IV Station. (Requesting **1400 kc.,** under NARA.)

### 1420 Kilocycles

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Modification of construction permit (B3-P-2646) for changes in equipment, increase in power and move of transmitter and studio, requesting move of studio from near Albany to Albany, Ga.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Authority to determine operating power by direct measurement of antenna power.

WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Authority to determine operating power by direct measurement of antenna power.

### 1450 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, and make changes in directional antenna for night use. Class III-A Station.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Authority to determine operating power by direct measurement of antenna power.

### 1490 Kilocycles

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—Construction permit for a new broadcast station on **930* kc.,** 250 watts, unlimited time. ***960 kc.** requested if Havana treaty effective. Amended: To request **1500 kc.** (**1490 kc.** under N. A. R. A.). Contingent on KUTA being granted **570 kc.,** 1 KW).

### 1500 Kilocycles

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Authority to transfer control of corporation from Owensboro Publishing Co., Inc., to L. W. Hager, 77 shares, W. B. Hager, 77 shares, and George M. Fuqua, 37 shares.

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Modification of license to change power from 100 watts night, 250 watts day, to 250 watts day and night.

## FM APPLICATIONS

NEW—Federated Publications, Inc., Lansing, Mich.—Construction permit for a new high frequency broadcast station to be operated on **47100 kc.;** coverage, 3,820 square miles; population, 278,162.

NEW—Federated Publications, Inc., Battle Creek, Mich.—Construction permit for a new high frequency broadcast station to be operated on **48100 kc.;** coverage, 4,100 square miles; population, 278,739.

NEW—Federated Publications, Inc., Grand Rapids, Mich.—Construction permit for a new high frequency broadcast station to be operated on **46100 kc.;** coverage, 5,300 square miles; population, 518,766.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.;** coverage, 14,150 square miles; population, 14,954,832.

NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.;** coverage, 3,960 square miles; population, 11,010,372.

## TELEVISION APPLICATION

NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for a new television broadcast station to be operated on **50000-56000 kc.,** power 1000 watts visual, and 500 watts aural, emission A3 and A5, Class I Television broadcast station. Amended: re transmitter location and equipment.

## MISCELLANEOUS

W1XK—Westinghouse Electric & Manufacturing Co., Hull, Mass.—License to cover construction permit (B1-PHB-76) as modified, for a new high frequency broadcast station.

WEKW—Travelers Broadcasting Service Corp., Mobile.—License to cover construction permit (B1-PRE-366), which authorized decrease in power to 15 watts and new equipment.

NEW—Juan Piza, San Juan, P. R.—Construction permit for a new relay broadcast station to be operated on **158400 kc.,** 20 watts, special emission for frequency modulation. Amended: To change frequency to **156750, 158400, 159300, 161100 kc.**

WELU—WDZ Broadcasting Co., Portable-Mobile.—License to reinstate station WELU; frequencies **30820, 33740, 35820, 37980 kc.;** power 2 watts, emission A3.

WABG—Memphis Commercial Appeal Co., Mobile.—Voluntary assignment of license from Memphis Commercial Appeal Company to Memphis Publishing Company.

KIUN—Jack W. Hawkins & Barney H. Hubbs, Pecos, Tex.—Authority to determine operating power by direct measurement of antenna power. (**1370 kc.**)

WBAZ—L. B. Wilson, Inc., Portable-Mobile.—License to cover construction permit (B2-PRE-367) for new relay broadcast station.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Bowe & Hartman**—Alleging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against R. G. Bowe and W. W. Hartman, trading as Bowe & Hartman, 101 Summit St., Toledo.

In the sale of "Bowe's Tablets," the respondents are alleged to disseminate advertisements in commerce in which they represent, directly or by implication, that ulcers of the stomach, duodenum and intestines, gas on the stomach, sour stomach, indigestion, heartburn, constipation, nausea, pains around the heart, muscular pains, nervousness, melancholia, colds, headaches, dizziness, fatigue, lack of appetite, bad breath and insomnia are due to, or persist because of, hyperacidity or the presence of excess acid, and that their preparation is a cure or a remedy for hyperacidity and thereby constitutes a cure or remedy for the specific ailments and conditions mentioned.

The complaint alleges that, in truth, while gastric hyperacidity may be associated with the illnesses mentioned, it is not the cause of such conditions, nor do they persist solely because of hyperacidity. Although the respondents' product, according to the complaint, will assist in the temporary neutralization of gastric hyperacidity, it does not constitute a cure or remedy for any of the conditions enumerated.

The complaint further alleges that the preparation possesses no therapeutic value in the treatment of the conditions mentioned in excess of such temporary and palliative relief as it may afford in those instances where gastric hyperacidity is a concomitant factor.

According to the complaint, the respondents represent that they are manufacturing pharmacists and that their preparation is manufactured by them. The complaint alleges that they are not manufacturing pharmacists and obtain the preparation from other sources. (4373)

**Chocolate Products Company,** 415 West Scott St., Chicago, is charged in a complaint, with misrepresentation in the sale of a chocolate syrup designated "Stillicious Vitamix," alleged to contain Vitamins A, B, D, and G. The product was formerly known as "Stillicious Vitamin A, B, D."

The complaint alleges that the respondent sells its product in small containers to wholesale and retail dealers and in large quantities to dairies. The dairies, according to the complaint, use the product in making bottled chocolate drinks or beverages which, pursuant to agreement with the respondent, are sold to the public under the trade name "Stillicious."

In advertisements disseminated in various States, the respondent, according to the complaint, represents, directly or by implication, that the chocolate drinks or beverages made by the dairies with the respondent's product and sold by the dairies under the name "Stillicious," are made with milk. The complaint alleges that the milk content is not in any case whole milk but is skimmed milk or a mixture of whole milk and skimmed milk.

The complaint further alleges that the respondent disseminates advertisements representing, directly or by implication, and contrary to fact, that its product, by reason of the Vitamin A content, helps to build resistance to colds and infection. The complaint alleges that even in exceptional cases where persons suffer from a recognizable deficiency of Vitamin A, the quantity of that vitamin in the respondent's product is insufficient to overcome such deficiency or afford substantial assistance in building resistance to colds or infection. (4371)

**Crowell-Collier Publishing Company** and its subsidiary, P. F. Collier and Son Corporation, both of 250 Park Ave., New York City, and 24 officers and directors of the corporations, have been charged in a complaint with misleading sales methods and representations in the sale of books and encyclopedias with yearly supplements or revision services.

The respondent Crowell-Collier Publishing Company, according to the complaint, sells its publications to school teachers, college professors, business and professional men and to the general public, and, acting by and through its corporate subsidiaries and under the control and direction of the respondent officers, has employed, among other sales methods, the following:

(1) A prospective purchaser will be informed that as a result of a drawing conducted by the respondents, she has won a set of encyclopedias and other books, and the privilege of using for 10 years a research bureau maintained by the respondents; that in order to receive the books it is necessary for her to purchase from the respondents a yearly supplement to be supplied for 10 years at a given price which may be paid in monthly installments; that the sum asked for is the price of the yearly supplements, and that the books are given free.

(2) Agents and salesmen advise prospective customers that they are from the respondents' publicity department; that in exchange for letters commending the books, introductory encyclopedia sets are to be placed with a select few in different communities for advertising purposes; that prospects contacted have been selected to receive a set of encyclopedias; that, in order to get the books free, it is necessary for the customer to buy the yearly supplements or the annual revisions for a 10-year period; that the price of the supplements or revisions is far less than the price at which they will be sold later after the close of the advertising campaign, and that the price charged is to cover only the actual cost of the revision work to the respondents.

The complaint alleges that among other representations made in the sale of the respondents' publications are: that through a combination purchase the customer will receive $184 worth of merchandise for $59; that it is necessary for the respondents to move their merchandise from a warehouse located in one State to a warehouse located in another State, and that in order to save the expense of moving, the merchandise is offered at a greatly reduced price; that books offered are reclaimed books and are consequently being given at a lower price, and that special offers of reduced prices are being made to employees whose employers have placed advertisements with the respondents.

The complaint alleges that in fact none of the respondents' publications is ever given as the result of a drawing, or free, and as a gift or gratuity; that the purchase price of the so-called free goods is, in every instance, included in the price of the other merchandise sold to the customer; that in no case do the respondents sell at actual cost; that the sum of $59, represented as a reduced price, is the regular price; and that other claims as made by the respondents are also deceptive and misleading.

Respondent officers and directors named in the complaint are:

J. P. Knapp, chairman, board of directors, Crowell-Collier Publishing Company; T. H. Beck, president, Crowell-Collier Publishing Company, and director, P. F. Collier and Son Corporation; A. E. Winger, executive vice president and treasurer and director of Crowell-Collier Publishing Company, and director, P. F. Collier and Son Corporation; J. A. Welch, vice president and director, Crowell-Collier Publishing Company; W. P. Larkin, vice president and director, Crowell-Collier Publishing Company, and president and director, P. F. Collier and Son Corporation; J. S. Brehm, vice president and director, Crowell-Collier Publishing Company; F. Braucher, vice president, Crowell-Collier Publishing Company; G. B. Lane, vice president and director, Crowell-Collier Publishing Company; C. J. Bevan, vice president, Crowell-Collier Publishing Company; J. Ducey, assistant treasurer and auditor, Crowell-Collier Publishing Company; D. O'Sullivan, secretary, Crowell-Collier Publishing Company, and secretary, P. F. Collier and Son Corporation, and A. B. Pursell, assistant auditor, Crowell-Collier Publishing Company.

A. H. Lockett, Garden Hazen, H. G. Schackno, P. J. Dennerlein, T. L. Brantley and R. T. Messler, directors of Crowell-Collier Publishing Company; and R. G. Smith, C. E. Stouch, A. Untermeyer, W. L. Chenery, Mrs. G. Whiting, and J. C. Sterling, directors of Crowell-Collier Publishing Company and vice presidents of P. F. Collier and Son Corporation. (4372)

**Westville Refinery, Inc.,** Westville, Ind., a distributor of reclaimed oil, is charged with misrepresentation, in a complaint.

Through use of the word "Refinery" in its corporate name and in other ways, the respondent, according to the complaint, represents that it operates an oil refinery, when in truth, the complaint alleges, it does not own and operate such a refinery in the sense in which the term is understood in the petroleum industry and by the public, namely, to designate a place with the proper and usual equipment where virgin crude oil is refined and prepared for use. The respondent, according to the complaint, is engaged solely in reclaiming and processing used motor oil from crankcase drainings.

The complaint alleges further that the respondent represents that its product is Pennsylvania oil with a paraffin base; that the base is wholly Pennsylvania oil, and that it is made solely from paraffin base stock. According to the complaint, such representations appear in statements printed on labels attached to containers, and the respondent's use of the brand name "Para-Penn" in describing its motor oil constitutes within itself a representation that the oil is from the Pennsylvania oil field and has a paraffin base. (4370)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**American Products Company,** 711 North Taylor Ave., St. Louis, Mo., until recently engaged in selling a vending machine designated "Penny Snappy Vending Machine," and an alleged breath purifier designated "Penny Snappy Breath Flavors," has agreed to cease and desist from representing that it manufactures any product, unless and until it owns, controls, maintains or operates a factory wherein the product is manufactured; that the Penny Snappy Breath Flavor bar will kill or destroy liquor, onion, cheese, garlic or tobacco odors or any other odor, or that it will do more than temporarily mask any odor; that the bar is the only product of its kind on the market or is sold only through the Penny Snappy Vending Machine; that in selling the Penny Snappy Breath Flavor bar and the Penny Snappy Vending Machine one would have no competition, or that the respondents' facilities afford mass production, or that in buying from it one would be buying direct from the manufacturer. (02665)

**Mutual Fibre Box Company**—Henry S. Rosen and Sadie Rosen, trading as Mutual Fibre Box Co., 1400 Broadway, New York City, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of fiber board packing boxes.

Under their stipulation, the respondents agree to desist from marking or stamping such boxes with the purported certification of a box maker or manufacturer together with such use of their trade name "Mutual Fibre Box Co." as may tend to create the impression that they make or manufacture such boxes.

The respondent co-partners also agree to cease using on their stationery or printed matter, or in marking or stamping the boxes, or otherwise, in connection with the sale of such products, the word "manufacturers" or "makers," or other words of similar meaning, so as to imply that they actually own and operate or control a factory in which the boxes are made. (2981)

**Pow-A-Tan Medicine Company,** 825 Fourth Avenue, Huntington, W. Va., engaged in selling a drug preparation designated

"Powatan Herb Tonic," has agreed to cease and desist from representing that its preparation is a cure, remedy or competent treatment for all common ailments, rheumatism, neuritis, arthritis, indigestion, gas and bloatiness, piles, la grippe, colds, sick headache, heartburn, palpitation of the heart, weakness, tired out feeling and general run-down condition, pains in the neck, shoulders, side, back or hips, lumbago, and female complaints; that its preparation possesses any value in the treatment of the above symptoms or conditions in excess of such temporary relief as may be furnished by a laxative when such symptoms or conditions are due to or caused by constipation; that the beneficial effect of the preparation will prevent or make improbable such diseases and conditions as appendicitis, tuberculosis, catarrh, typhoid and other contagious and acute diseases; or that any price is the regular price for the product, unless it is the price at which the product is regularly and customarily sold. (02666)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**American Lead Pencil Company**—Six manufacturers of rubber typewriter erasers have been ordered to cease and desist from uniform price fixing agreements.

Respondents are American Lead Pencil Company, Hoboken, N. J.; Eagle Pencil Company, Inc., New York; Joseph Dixon Crucible Company, Jersey City, N. J.; Eberhard Faber Pencil Company, Inc., Brooklyn; Weldon Roberts Rubber Company, Newark, N. J., and A. W. Faber, Inc., Newark, N. J., who constitute substantially all of the manufacturers of rubber typewriter erasers.

Prior to November 10, 1935, according to Commission findings, the respondents, in an effort to suppress price competition, restrain interstate trade, eliminate competition between themselves and monopolize trade in rubber typewriter erasers, entered into an agreement and understanding, and from November 10, 1935, to April 10, 1938, carried out such agreement and understanding.

Pursuant to and for the purpose of carrying out their agreement, and in making public bids, the Commission findings continue, the respondents fixed and maintained the prices at which their product was sold, fixed and maintained uniform terms and conditions governing its sale, and submitted, directly and through their agents, uniform and identical bids on their products, when requests were made for such bids.

The Commission order directs the respondents to cease and desist from entering into, continuing, carrying out or attempting to continue to carry out, by any method or means, any contract, agreement or understanding, either written or verbal, the purpose or effect of which is to fix and maintain uniform prices at which rubber typewriter erasers are to be sold, or to fix the terms and conditions governing the sale of such products in commerce.

In answering the Commission complaint in this case, the respondents had admitted all material allegations of fact set forth in the complaint concerning their acts and practices in making public bids on rubber typewriter erasers for the period between November 10, 1935, and April 10, 1938, and waived all intervening procedure. (4170)

**Atco Soap Company**—See A. T. Cherry Company.

**Basic Foods, Inc.,** and Curtis Howe Springer, president of the corporation, Somerset, Pa., have been served with an order directing them to cease and desist from misrepresentations in the sale of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib."

The order directs the respondents to cease using the word "doctor" or any abbreviation thereof to designate or identify any person or product when the person so designated is not or has not been a physician or practitioner of medicine, duly licensed as such to practice medicine by a recognized governmental authority, and when the product so identified is not the product or prescription of, and approved or sponsored by, such a physician or practitioner of medicine.

Further representations which the respondents are ordered to discontinue are that the majority of human aches and pains are due to congestion of the glands and organs of the body, or to constipation or over-acid conditions; that Dr. Springer's Antediluvian Tea and Dr. Springer's Re-Hib, or any products of substantially similar composition, may be beneficially or safely taken by all persons, and that any of the respondents' products are approved by any governmental agency.

The order directs the respondents to cease representing that Dr. Springer's Antediluvian Tea, or any product of substantially similar composition, has any beneficial, curative or remedial value for any malady or diseased condition or possesses any therapeutic value in the treatment of kidney trouble, diseased tonsils, stiff and aching joints, swollen feet, heartburn, insomnia, nervousness, or in the treatment of any other condition except to the extent the symptoms thereof may be relieved by the administration of a mild laxative.

The order further prohibits the respondents from representing that Dr. Springer's Re-Hib, or any product of substantially similar composition, has any beneficial, curative or remedial value for, or possesses any therapeutic value in the treatment of, any condition or malady, except to the extent that such conditon or malady is caused by hyper-acidity of the stomach which may be relieved by the administration of the product as a palliative or acid neutralizer, and except to the extent that the digestion of foods may be aided by the administration of the product as a digestant. (2844)

**R. F. Bemporad & Company, Inc.**—An order has been issued requiring R. F. Bemporad & Co., Inc., 102 Madison Ave., New York City, importer and distributor of rugs, to cease and desist from misrepresentations in the sale of its products.

The order directs the respondent company to cease and desist from using the word "Hong Kong," "Canton," "Kina" or other names indicative of Chinese origin, as descriptive of rugs which are not in fact made in China and which do not possess all the essential characteristics and structure of Chinese Oriental rugs; from using the word "Mahah," "Kirma," "Orienta," "Bagdad," or names indicative of the Orient, as descriptive of rugs which neither are made in the Orient nor possess all of the Oriental rug characteristics; from using the word "Reproduction," or any similar word which implies that the article to which it refers is a replica or duplicate of an original, as descriptive of rugs which are not in fact true counterparts of the type named, and from using the words "Old Cabin," "Boston," or other distinctively American names, as descriptive of rugs which are not in fact made in the United States.

Commission findings are that some of the respondent's rugs sold under Oriental and Chinese names are made in Italy and others in Belgium, of cotton, on power looms, and do not have all the characteristics of true Oriental rugs, although they so closely resemble Chinese Oriental or Oriental rugs, as the case may be, that many laymen are unable to distinguish them from the true Orientals.

Pointing out that hooked rugs are generally regarded as a distinctively American product, findings are that the respondent's hooked rugs, designated as "Boston" and "Old Cabin," were made in Europe. (4238)

**A. T. Cherry Company**—Albert T. Cherry, doing business as A. T. Cherry Company and as Atco Soap Company, 2200 Northwestern Ave., Dayton, Ohio, engaged in the sale and distribution of soap and soap powder, has been ordered to cease certain misrepresentations concerning his products.

The Commission finds that the respondent sells his products to house-to-house canvassers, who sell the products in so-called "Combination Deals." A typical "deal" consists of two cartons of soap and four boxes of powder, the wholesale cost of which is approximately 18¢. Although, according to findings, each carton contains the statement "Combination Deal 75¢" or some equivalent statement, the deals are not uniform as to content or price, but each canvasser determines for himself the kind and number of articles to go into each deal and the price at which it is to be sold.

In truth, the Commission finds, the price of 75¢ indicated on the cartons, or the other amount indicated thereon, does not represent the price at which the carton is generally and customarily offered for sale and sold at retail, the prices being wholly fictitious and greatly in excess of the actual retail selling price of the soap.

The respondent is ordered to cease and desist from using the expression "Combination Deal 75¢" or the price mark "75¢", or any other expression or price marks indicating a price, on the container in which soap or soap products are sold, unless the quantity of soap or soap products enclosed in the container is regularly and customarily offered for sale and sold at 75¢, or the sum indicated; from representing as the customary or regular retail prices for soap or soap products prices which are in fact fictitious and in excess of the prices at which the products are regularly and customarily offered for sale and sold in the normal course of business; and from supplying to, or placing in the hands of, house-to-house canvassers or others purchasing for resale, any soap or soap products price marked or branded in violation of the preceding order. (3416)

**Heifler & Jackson**—An order has been issued striking out a portion of an order to cease and desist of April 15, entered against Rose Heifler and Fred Jackson, trading as Heifler and Jackson, 740 Bergen St., Brooklyn, distributors of a preparation advertised as a treatment for the scalp and hair and designated as "Morgan's Pomade."

The Commission order of last April directed the respondents to cease and desist from dissemination of advertisements containing certain representations of their product.

Upon request of the respondents, the Commission, in the public interest, has modified its order to cease and desist by striking from the last four lines the language "or which advertisements fail to reveal that the application of 'Morgan's Pomade' to tender, injured or broken skin may result in serious injury to the health of the user."

The Commission further directed that except as modified, the order to cease and desist is to remain in full force and effect. (3893)

**Ideal Candy Novelties Co., Inc.,** and Abraham and Rose Aronoff, are directed to cease and desist from selling and distributing candy or any other merchandise so packed and assembled that sales to the public may be made by means of a lottery; from supplying others with assortments of candy or other merchandise or any lottery devices which may be used to conduct gift enterprises or lottery schemes in the sale or distribution of such candy or other merchandise to the public; from supplying others, for sale to the public, with packages or assortments of candy composed of individually wrapped pieces of candy of uniform size and shape and of different colors, together with articles of merchandise or larger pieces of candy which may be given as prizes to purchasers procuring pieces of candy of a particular color, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4086)

**Manchester Silver Company,** 49 Pavilion Ave., Providence, R. I., and Frank S. Trumbull, Franz S. Tiderman and Edward B. Palmer, officers of the corporation, have been ordered to cease and desist from certain misrepresentations of prices in the sale of sterling silver flatware.

Commission findings are that for many years the respondents have circulated among retailers, wholesalers and jobbers a price list known as a "Pink List," purporting to show the usual and regular retail prices or values of the respondents' silver flatware; that sales have been made to such dealers at specified discounts from the Pink List, and that retailers, particularly large department stores, in conducting special sales of the respondents' products, have used the Pink List to show the so-called regular prices of those products as compared with the special sales prices.

About January 1, 1939, the findings continue, the respondents devised a plan for use by retailers to promote the sale of the respondents' products at special sales, pursuant to which they issued a "Blue List" which had the words "Wholesale List" printed thereon. The prices shown in the Blue List for identical articles were substantially higher than the Pink List prices which had long been in use, and were wholly fictitious and greatly in excess of the regular prices, according to findings.

Findings are further that use of the Blue List fictitious prices enabled dealers to represent that purchasers at retail obtain as much as 50 per cent off the respondents' regular list price, whereas when the respondents' real price list (the Pink List) has been used, retailers conducting special sales have been unable to represent that purchasers obtain discounts off the list price in excess of 33 per cent.

The Commission's order directs the respondents to cease and desist from representating as the customary or regular retail prices for their products prices which are, in fact, fictitious and in excess of the regular prices; from using, or supplying to dealers and others for use, purported wholesale, retail or other price lists, when they contain fictitious prices which are in excess of the customary prices; from representing that the regular price of any article of silverware is in excess of the price at which it is customarily sold, and from using, or supplying to wholesalers, retailers and others for use, any price list which does not correctly set forth the true price at which the silverware is customarily offered for sale and sold. (4133)

**Modern Hat Works**—An order has been issued directing Jacob Schachnow, trading as Modern Hat Works, 313 Third St., Jersey City, N. J., to cease and desist from misrepresentations in the sale and distribution of hats.

The order directs the respondents to cease representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the representation that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the hats then the stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (2047)

**Reliable Sales Service Company**—Joseph Saladoff, trading as Reliable Sales Service Company, is directed to cease and desist from selling or distributing sales promotion cards, or any other articles of merchandise, so designed and arranged that their use by retail merchants may constitute the operation of a game of chance; from supplying to, or placing in the hands of, others sales promotion cards or sales promotion plans or schemes, or any other merchandise, which may be used, without alteration or rearrangement, to conduct a lottery when distributed to the public; and from furnishing or supplying to dealers display posters or circulars or other advertising literature bearing legends or statements informing the public as to the manner in which sales promotion cards or other lottery devices may be distributed and used. (3535)

## FTC CASE CLOSED

The Federal Trade Commission has closed a case against Dr. H. B. Norton Shoe Co., Inc., and Dr. H. B. Norton and Benjamin Weinstein, trading as The Foot Health Institute, 1619 Chestnut St., Philadelphia, without prejudice to its right to resume proceedings, should future facts so warrant. The respondents had been charged, in a Commission complaint, with violation of the Federal Trade Commission Act in connection with the sale of specially built shoes designed for ill-formed feet.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 47, November 22, 1940

## THIS WEEK IN WASHINGTON

Telegram to IRNA members inquiring if the brief submitted by Paul F. Segal, IRNA counsel, "was authorized by you, was submitted to you for approval or whether brief reflects position your station" evoked vigorous response from Samuel R. Rosenbaum, IRNA Chairman, and Mark Ethridge, WHAS. (page 4797.)

Chairman Fly reported on the progress of the Defense Communications Board. (page 4798.)

John Shepard, president of the Yankee Network, became the first FM operator to affiliate his stations with NAB. (page 4798.)

The names of twelve nationally prominent Americans were announced this week as constituting the personnel of the George Foster Peabody Radio Awards Advisory Board. The Peabody awards will be made to stations and networks for outstanding public service broadcasting. (page 4800.)

Plans were rapidly being completed for the large dinner to celebrate radio's Twentieth Anniversary in the Grand Ball Room of Hotel Willard, next Tuesday (November 26) evening. (page 4798.)

## ACTION OF FCC COMMITTEE AROUSES INDUSTRY CONCERN

Considerable concern was evidenced in radio circles throughout the country growing out of the hearing before the FCC Monopoly Committee this week.

Following the submission by Paul Segal, counsel for IRNA, of his brief, the FCC Monopoly Committee ordered T. J. Slowie, Secretary of the FCC, to send the following telegram to all IRNA members:

"Please advise by telegram today whether brief filed in chain broadcasting investigation by attorney Independent Network Affiliates was authorized by you, was submitted to you for approval, or whether views expressed therein were submitted, and whether brief reflects position your station."

Immediately following the sending out of this telegram, Samuel R. Rosenbaum, chairman of IRNA, sent the following telegram to all network affiliates:

"At the San Francisco convention the IRNA officers and board were instructed to file a brief taking exception to the report of the Monopoly Committee and Paul Segal was retained to write the brief. Segal's brief for IRNA does not attempt to express any view on behalf of any individual affiliate, nor does it preclude an expression of such views. It sets forth only an argument on behalf of IRNA as an organized group containing affiliates of every class and description, and therefore is limited to a spirited defense of the right of stations to contract freely for network affiliation within the present structure of American network broadcasting, and vigorously denies the Monopoly Committee's charge that present affiliation relationships interfere with our ability as affiliates to render satisfactory public service under our licenses.

"Before the brief was filed, advance proof was circulated to the IRNA board, and when it was filed, extra copies were ordered for distribution to every affiliate regardless of IRNA membership. These are being mailed today. A copy of this wire is being sent to the Secretary of the Commission in answer to his wire. We are informed his wire was intended principally to ascertain for Commission information the number of stations for whom IRNA is qualified to argue, and not to place your individual opinions or views on the record. Would appreciate for our files copy of any reply you send the Commission in this regard, and also your opinion of the brief after you have read it. Copy of the brief is being furnished to every known radio station lawyer in Washington."

Among other responses made to the FCC was the reply of Mark Ethridge of WHAS, Louisville, who sent the following communication to Chairman James Lawrence Fly of the FCC, sending a copy also to President Roosevelt:

"I have sent the following wire to Mr. Slowie, in response to his wire of yesterday:

> 'WHAS was represented at the San Francisco Convention, which instructed the officers and directors of IRNA to file a brief setting out the attitude of stations toward the Monopoly Committee's report. The brief was submitted to us for approval and we approve.'

"I do want to protest to you, however, as Chairman of the Commission, what I consider to be intimidation. Whether the wire had that purpose, its wording and its preemptory nature will certainly have that effect. I do not know any reason why the stations affiliated with the networks should not make their position known to the full Commission, particularly when a report of a committee of the Commission charges, in effect, that the stations are not fulfilling their public duty.

"The full Commission, you told me, has not had the opportunity to study the question and has set oral arguments for the purpose of receiving further information and views. It seems to me that the Commission would welcome a statement of the position of affiliates, no matter whether it embraced that position or not.

"If the Commission was interested in knowing whom Mr. Segal represented, it could have required from him written authorization of signatures to the brief; or when he appeared to argue it, could have required him to make a showing of representation; or could have denied him the right to be heard if he could not make a showing. As a lawyer, I know you will recognize that as a fair and just and regular procedure.

"I do not believe the Commission as a whole would ever have authorized such a telegram as was sent out. I must say that it strikes me as a violent departure from any procedure of democratic government.

"I cannot refrain from adding a more personal word. As you may know, I was a New Dealer before anybody in the present

*(Continued on page 4798)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

## ACTION OF FCC COMMITTEE AROUSES INDUSTRY CONCERN

*(Continued from page 4797)*

administration ever said he was, and all my adult life I have fought the same sort of evils you have. Moreover, I have done all I could in the radio industry to bring it to an acceptance of the necessity and desirability of regulation. But this sort of thing seems to me irresponsible regulation, and, worse than that, a form of tyranny which I do not like in any form."

## FLY TALKS ON DEFENSE BOARD

Defense Communications Board is making progress, James Lawrence Fly, chairman of the FCC and of the Board, said at a press conference early this week.

Mr. Fly told the newsmen that he is hopeful that the Board will get to the question of nominations for Advisory Committees "quite promptly." One of the first steps will be the list of companies and organizations from which to invite such nominations, he said. Then will come the routine work of getting out invitations.

Discussing other than the broadcasting commmunications, Mr. Fly said that this will not be a job of selection. Every responsible company, he stated, will be represented. He made it clear that any concern substantially interested which might be overlooked at first will be invited to participate. Cable representation will be simple, the chairman said, but other groups, such as labor and amateurs, will not be so easy to handle. Mr. Fly said he expects the committees to have efficient organizations, name their chairman and get "clicking along" on a substantial basis.

Answering a specific question, Mr. Fly said that he does not expect the monopoly oral argument set for December 2 and 3 to be either cancelled or postponed. There has been talk around the Commission that an effort is being made to do away with the oral argument, but the chairman said he knew of no such movement.

## FM'S IN NAB

John Shepard, 3rd, President of the Yankee Network, is the first FM opeartor to affiliate his stations in the National Association of Broadcasters. This week membership applications were received covering W1XOJ and a new station for which the call letters have not as yet been assigned.

At the San Francisco convention, the membership amended the By-Laws of NAB so as to permit FM station membership. We earnestly hope that other FM licensees will follow the splendid lead set by Mr. Shepard and affiliate their stations in the National Association of Broadcasters. We shall be very glad to answer any inquiries regarding the basis of membership.

## BROADCASTERS OF ELEVENTH DISTRICT MEET

The Eleventh District broadcasters met at the Hotel Nicollet in Minneapolis, all day on Friday, November 15. When Director Earl Gammons called the meeting to order the following responded:

Ed Hayek, KATE, Albert Lea, Minnesota; Dalton LeMasurier, KDAL, Duluth and KFJM, Grand Forks, North Dakota; Earl Gammons and Carl Burkland, WCCO, Minneapolis; Wallace Stone and Dr. George W. Young, WDGY, Minneapolis; Burton Paulu, WLB, Minneapolis; Ed Shurick, WLOL, Minneapolis; Lee Whiting and Bob DeHaven, WTCN, Minneapolis; M. M. Marget, KVOX, Moorhead; Gregory Gentling, KROC, Rochester; Stanley Hubbard and Kenneth Hance, KSTP, St. Paul; Edward Hoffman, WMIN, St. Paul; Max White, KWNO, Winona.

P. J. Meyer, KFYR, Bismarck, North Dakota; Bert Wick, KDLR, Devils Lake; Earl Reineke, WDAY, Fargo; B. Harland Ohde, KRMC, Jamestown.

A. A. Fahy, KABR, Aberdeen, South Dakota; George E. Bruntlett, KOBH, Rapid City; Joseph Henkin, KSOO-KELO, Sioux Falls; Robert Tincher, WNAX, Yankton.

C. E. Arney, Jr., of the NAB staff, Assistant to President Miller, was introduced and outlined the various activities of the Association. Many questions were asked and a thorough discussion of NAB activities was had.

At the afternoon session, Carl Haverlin, Manager of Station Relations of Broadcast Music, Incorporated, gave a thorough outline of the status and plans of BMI. Many questions were asked and a thorough discussion of this subject was had. Many not now members of BMI signified their intention of joining.

The meeting recommended to the Board of Directors of NAB that the annual convention be held some time between the first and fifteenth of June, that being, in their judgment, the most appropriate and convenient time.

There being no further business, the meeting adjourned.

## TWENTIETH ANNIVERSARY DINNER IN WASHINGTON NEXT TUESDAY

All branches of the industry in the Washington area will be represented at the dinner celebrating the Twentieth Birthday of American Broadcasting. The dinner will be held in the Grand Ball Room of the Hotel Willard. A brilliant program of entertainment and special features has been arranged. Members of the Commission, officials high in Government circles, are expected to be on hand. Broadcasters who may be in Washington on this date may secure reservations direct from NAB headquarters.

## WAGES AND ENLISTED PERSONNEL

The Commissioner of Internal Revenue has ruled that payments made by an employer to his former employees called for active service with the armed forces of the United States, or who voluntarily enlisted for service, which payments are designed to supplement amounts received by them from the Federal Government, do not constitute "wages" for Federal employment tax purposes. The Commissioner pointed out that this ruling is in consonance with the Bureau's ruling holding that amounts paid by employers during the present emergency to employees who are absent in the military or naval service, are allowable deductions from gross income of the payors for Federal income tax purposes. The Commissioner also pointed out that this ruling does not modify previous rulings holding that such payments constitute taxable income to the recipient for purposes of the Federal income tax laws.

## Engineering

### STANDARD FREQUENCY BROADCASTS

Standard frequency service of the Bureau of Standards over Station WWV, interrupted early this month when fire destroyed the building housing the station, has been resumed on a reduced basis, Dr. Lyman J. Briggs, Director of the Bureau, has announced.

A temporary transmitter has been installed in another building which broadcast the frequency five megacycles (5000 kilocycles) per second, every day (except Sunday) from 10 A. M. to midnight. This is continuous-wave only, with telegraphic code announcements of the call letters WWV every twenty minutes. The accuracy of the frequency is the same as in the past, namely, better than a part in ten million.

The broadcast is from a 1-kilowatt transmitter. Generally speaking, it is most useful for moderate distances in the daytime and long distances at night. More precisely, for reception in locations reasonably free from interference, it is receivable at all distances up to 1500 miles from Washington in the middle of the day. The distance range increases after about 4 P. M. (EST) until at night the broadcast is receivable throughout the United States; sometimes at night it may be difficult to receive it at distances between 50 and 500 miles while it is easy to receive it beyond 500 miles. In the spring the daytime distance range will decrease, dropping to about 500 miles in the summer.

The restricted service will continue for some months. As rapidly as possible the Bureau will establish a new station to provide more fully than in the past, standard frequencies receivable at all times throughout the country. These will include standard radio frequencies, standard seconds pulses, and the standard of musical pitch, 440 cycles per second, which will not be available during the period in which the temporary transmitter is used.

### $8,000,000 TO SPEED TELEVISION DEVELOPMENT

Development of television to a workable unified system is being speeded by an aggregate of $8,000,000 which has been budgeted for that purpose by some two score individuals and firms which, to date, have been authorized by the FCC to engage in such practical research and experimentation on a nation-wide basis.

Expenditure of more than $3,000,000 is proposed by 10 television projects which have received Commission approval. Two of these grants are to the Hughes Productions Division of the Hughes Tool Co., which has $2,000,000 available for stations in Los Angeles and San Francisco. The establishment of Howard R. Hughes proposes to experiment in program production development in cooperation with Hughes Productions of Hollywood; study studio lighting effects; seek improvement of television transmitters, cameras, and synchronizing generators; test transmission of various numbers of lines between 421 and 525; compare different types of synchronizing signals, and try FM (frequency modulation) for the sound accompanying the pictures. In both cities the Hughes concern will operate on Television Channel No. 2 (60,000-66,000 kilocycles) with 10 kilowatts aural and visual power.

At the same time the Commission authorized like experimental operation for five other Los Angeles applicants:

Columbia Broadcasting System, Inc., to operate on Channel No. 8 (162,000-168,000 kilocycles), 1000 watts aural and visual power; for the purpose of transmitting programs to ascertain public reaction and otherwise conducting a program of research in Los Angeles in conjunction with that of its New York television station.

Earle C. Anthony, Inc., to operate on Channel No. 6 (96,000-102,000 kilocycles), 1000 watts aural and visual power; to study the relative merits of horizontal and vertical polarization in the Los Angeles area, with particular study of the effect of ignition and diathermy interference, and transmission over salt water, to Catalina Island.

Leroy's Jewelers, to operate on Channel No. 10 (186,000-192,000), 1000 watts aural and visual power; "to further improve the quality of pictures transmitted by television from the standpoint of reception quality and to determine the system of television transmission which will produce the best results for widespread use from a visual and optical standpoint."

May Department Stores Co., to operate on Channel No. 12 (210,000-216,000 kilocycles), with 1 kilowatt aural and visual power, for general research and experimentation in the Los Angeles area.

Television Productions, Inc., a subsidiary of Paramount Pictures, to operate a television relay station on Channels Nos. 13 and 14 (234,000-240,000; 240,000-246,000 kilocycles), 250 watts visual power, to supplement television broadcast station W6XYZ, also in Los Angeles, for which the applicant has a construction permit. The latter, using Channel No. 4 (78,000-84,000 kilocycles), proposes experimentation with the "DuMont standards."

In addition, the Commission granted stations to New York, Chicago, and Manhattan, Kans., as follows:

Metropolitan Television, Inc., New York, to operate on Channel No. 8 (162,000-168,000 kilocycles), 1 kilowatt aural and visual power; to develop program techniques for determining public tastes, including the use of two television theaters where daily programs will be projected for free public viewing. This applicant is associated with two department stores, Bloomingdale Bros. and Abraham & Straus.

Columbia Broadcasting System, Inc., Chicago, to operate on Channel No. 4 (78,000-84,000 kilocycles), 1 kilowatt aural and visual power; to participate in CBS television research by developing data on Chicago conditions that may assist in the ultimate determination of polarization and synchronization for a national television service.

Kansas State College of Agriculture and Applied Science, Manhattan, Kans., to use Channel No. 1 (50,000-56,000 kilocycles), 100 watts aural and visual power; to determine propagation characteristics, study horizontal and vertical polarization, and experiment with various synchronizing systems using various numbers of lines and frames.

These contemplated programs of research and experimentation are pursuant to Commission requirements looking to development of television to a point that will enable the industry to agree on a uniform transmission system of acceptable technical quality.

Cooperation of the industry is further reflected in the comprehensive survey of the television situation now being conducted by the National Television Systems Committee. Organized last July through the joint efforts of the Radio Manufacturers Association and the Commission, this committee represents the pooled engineering experience of the industry. Its various panels have been making a detailed study of many phases of television.

The Commission yesterday designated Monday, January 27, as the time to receive a formal over-all progress report from the full committee. Members of the Commission plan to visit the New York area on January 24 to see late television developments first-hand prior to this conference with the National Television Systems Committee.

An investment of $5,000,000 is represented in previous television authorizations by the Commission. This list, which shows wide distribution of facilities, includes Balaban & Katz Corp., Chicago; Bamberger Broadcasting Service, Inc., New York; Columbia Broadcasting System, New York; Crosley Corporation, Cincinnati; Allen B. DuMont Laboratories, New York, Washington and Passaic, N. J.; Don Lee Broadcasting System, Los Angeles, Hollywood and San Francisco; First National Television, Inc., Kansas City, Mo.; General Electric Co., Schenectady; General Television Corporation, Boston; National Broadcasting Co., New York, Philadelphia and Washington; RCA Manufacturing Co., Camden, N. J.; Philco Radio & Television Corporation, Philadelphia; Purdue University, West Lafayette, Ind.; Radio Pictures, Long Island City, N. Y.; State University of Iowa, Iowa City; WCAU Broadcasting Co., Philadelphia; Zenith Radio Corporation, Chicago, and The Journal Co., Milwaukee, Wis.

## 868 STATIONS

During the month of October, 1940, the Federal Communications Commission issued operating licenses to seven stations, and granted seven permits for the construction of new stations. One operating station and two CP stations were deleted. A comparative table by months follows:

| | Nov. 1 | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | Apr. 1 | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating ........ | 751 | 755 | 765 | 769 | 771 | 775 | 779 | 783 | 791 | 799 | 806 | 810 | 816 |
| Construction ..... | 58 | 57 | 49 | 48 | 51 | 48 | 47 | 53 | 56 | 58 | 57 | 54 | 52 |
| | 809 | 812 | 814 | 817 | 822 | 823 | 826 | 836 | 847 | 857 | 863 | 864 | 868 |

## PEABODY RADIO AWARDS

Twelve nationally prominent Americans constitute the personnel of the George Foster Peabody Radio Awards Advisory Board, President Harmon W. Caldwell of the University of Georgia and Dean John E. Drewry of the Henry W. Grady School of Journalism announced over the past week-end.

They are:

Dr. S. V. Sanford, Chancellor, University System of Georgia.
Bruce Barton, President, Batten, Barton, Durstine, and Osborn, Advertising, New York City.
John H. Benson, President, American Association of Advertising Agencies, New York City.
Virginius Dabney, Editor, Richmond (Va.) Times Dispatch.
Norman H. Davis, Chairman, American Red Cross, formerly Acting Secretary of State, etc., Washington, D. C.
Jonathan Daniels, Editor, Raleigh (N. C.) News and Observer.
Mark F. Ethridge, Vice President and General Manager, Louisville (Ky.) Courier-Journal and Times.
Waldemar Kaempffert, Science Editor, The New York Times.
Alfred A. Knopf, Publisher, New York City.
Dr. John W. Studebaker, United States Commissioner of Education, Washington, D. C.
Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody and President of "Yaddo," Saratoga Springs, New York.
Edward Weeks, Editor, The Atlantic Monthly, Boston, Massachusetts.

Designed to give educational recognition for public service by radio, and honoring a distinguished benefactor and life trustee of the University of Georgia, the George Foster Peabody Awards last May were established by the Board of Regents of the University System of Georgia. The Awards were set up with the approval and active cooperation of the National Association of Broadcasters.

These Awards are designed to provide the field of radio with the same stimulus and incentive to public service that the Pulitzer Awards give to newspapers and literature. They will be administered by the Henry W. Grady School of Journalism of the University of Georgia in Athens, in the same way that the Pulitzer awards are handled by the School of Journalism at Columbia University. There will be awards for small, medium, and large stations, and also for networks.

The Peabody Awards are an outgrowth of a series of conferences participated in by Dr. S. V. Sanford, Chancellor of the University System; Marion Smith, formerly chairman of the Board of Regents; Dr. Harmon W. Caldwell, president of the University; Mrs. Marjorie Peabody Waite, Saratoga Springs, N. Y., daughter of Peabody; John E. Drewry, dean of the Henry W. Grady School of Journalism; Lambdin Kay, director of public service for WSB, Atlanta; and Harry Hodgson, Athens, personal friend of the late Peabody.

Several years ago Mr. Kay was appointed to head a committee for the NAB to investigate possibilities of providing national educational recognition for public service in radio. His work resulted in the establishing of these awards.

The first awards will be made in 1941, probably at the annual Georgia Press Institute.

Neville Miller, president of the NAB, has commented on the Peabody awards as follows:

> "American broadcasters are honored that under such distinguished and impartial auspices, annual awards will be bestowed for the most outstanding contributions rendered in the public interest which they are dedicated to serve.
>
> "Without question, the George Foster Peabody Radio Awards to be selected by a group of outstanding Americans representing a cross section of the religious, cultural and economic life of the nation, will become a new and noteworthy standard by which the public service contributions of the broadcasters will be gauged and measured.
>
> "We welcome this new and wholesome influence in broadcasting. Our thanks go out to those individuals and to the University of Georgia whose public spiritedness has combined to bring about this worthy means through which to further perpetuate the noble memory of a great American, George Foster Peabody."

## Bureau of Radio Advertising

### WHO HAS THE BOTTLES?

Howard L. Chernoff, WCHS, Charleston, W. Va., is seeking information on a series of cooperative announcements evidently sponsored by a group of dairymen and heard "on some station in the vicinity of Chillicothe, Ohio." The announcement requested that consumers return all milk bottles to their respective dairies, with the theme, "Bring Back, Bring Back, Oh Bring Back My Bottles to Me."

NAB will appreciate any information members can supply on this series.

### CASE HISTORIES NOW AVAILABLE

The NAB Bureau of Radio Advertising is fast building its file of case histories and success stories, in line with its announced purpose of providing members with a clearing-house of program ideas and sales ammunition. The case histories cover many types of local and national accounts now using radio. In addition to the regular Bureau trade studies listed below, considerable miscellaneous information on the following advertisers is immediately available to all members, on request to the Bureau:

Bread and Bakeries
Clothing and Dry Goods
Department Stores
Cigars, Cigarettes & Tobacco
Christmas Promotions
Financial (Banks & Insurance)
Real Estate & Building

Additional classifications will be ready soon, and there is no charge for single copies of these case histories. The "Results from Radio" studies, comprising complete, up-to-date success stories specifically designed for direct mail or sales purposes, may be had at 10¢ a copy, covering the following fields:

(Please order by number, stating exact quantity desired)

No. 1 Department Store
" 2 Laundry
" 3 Misc. (Retail)
" 4 Furniture
" 5 Misc. (Ice Cream & Confectionery)
No. 6 Garden & Field (Participating Program)
" 7 Light & Power
" 8 Automobiles
" 9 Miscellaneous
" 10 Drug Store (ready Dec. 1st)

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC on Wednesday adopted its final order in the matter of the applications of J. D. Falvey and L. & M. Broadcasting Company, both seeking permission to establish a new standard broadcast station at Ottumwa, Iowa.

The proposed findings as modified, which were made public September 11th, last, were adopted as the final findings of fact and conclusions of the Commission, granting the application of J. D. Falvey for construction permit to operate a station on 1210 kilocycles with power of 100 watts, unlimited time, subject to condition that applicant shall within two months after effective date of order, file with the Commission an application for modification of construction permit, specifying exact transmitter location and antenna system.

The application of L. & M. Broadcasting Company to use the same frequency with power of 250 watts day, 100 watts night, unlimited time, was denied.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are set before the Commission for the week beginning Monday, November 25. They are subject to change.

### Tuesday, November 26

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.,** 1 KW night, 5 KW LS, unlimited.

### Friday, November 29

*Informal Engineering Conference*
*Room 6117, New Post Office Bldg.*
*Chief Engineer E. K. Jett, Presiding*

In re: The adjustment of technical problems in connection with operation of high frequency electro-medical equipment and to facilitate establishing particular frequencies for the exclusive use of this apparatus.

### FUTURE HEARINGS

The Commission during the past week has announced the following future dates for broadcast hearings. They are subject to change.

### December 9

WSAR—Doughty & Welch Electric Co., Inc. (Assignor), Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—Voluntary assignment of license, operating on **1450 kc.,** 1 KW, unlimited—DA.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.,** 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Kokomo Broadcasting Corp., Kokomo, Ind.—Granted construction permit for new broadcast station to operate on **1420 kc.,** 250 watts, unlimited time (Class IV). Exact site of transmitter and antenna system to be determined subject to Commission approval (B4-P-2842).

The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted construction permit for a new high frequency (FM) broadcast station to operate on frequency **45300 kc.,** with a coverage of 6,100 square miles, embracing 1,118,000 population (B1-PH-12).

General Electric Co., Schenectady, N. Y.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency to be specified to serve area of 6,600 square miles, with population of 967,700 (B1-PH-19).

WSBC—WSBC, Inc. (Assignor), Gene T. Dyer, Evelyn M. Dyer, John A. Dyer and Elizabeth M. Hinzman, d/b as Radio Station WSBC (Assignee), Chicago, Ill.—Granted voluntary assignment of license of WSBC, Inc., to Gene T. Dyer, Evelyn M. Dyer, John A. Dyer and Elizabeth M. Hinzman, d/b as Radio Station WSBC; normally licensed **1210 kc.,** 250 watts, specified hours (B4-AL-290).

WALB—The Herald Publishing Co., Inc., Albany, Ga.—Granted modification of construction permit for new station, authorizing changes in equipment and studio site, change frequency from **1230** to **1530 kc.,** install directional antenna for night use, and increase in hours of operation from daytime to unlimited (B3-MP-1088).

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted construction permit to increase power from 100 watts to 250 watts, and make changes in equipment; **1210 kc.,** unlimited time (B3-P-2802).

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted construction permit to install new transmitter, make changes in antenna, change frequency from **1370** to **1350 kc.,** and increase power from 250 watts day and night to 1 KW LS, 500 watts night (B3-P-2933).

W2XI—General Electric Co., New Scotland, N. Y.—Granted modification of relay television broadcast station license to change the channel for television from **156000-162000** (Channel No. 8) to **162000-168000 kc.** (Channel No. 8) (B1-MLVB-25).

WAIM—Wilton E. Hall, Anderson, S. C.—Granted construction permit to install new vertical radiator, new transmitter, and increase power from 100 to 250 watts; **1200 kc.,** unlimited time (B3-P-2935).

WDEL—WDEL, Inc., Wilmington, Del.—Granted construction permit to install directional antenna for day and night use, install new transmitter and increase power from 250 watts night, 1 KW day, to 5 KW; unlimited time, **1120 kc.,** subject to antenna design approval (B1-P-2758).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of construction permit (B3-P-1939) for new transmitter, increase power from 500 watts night (DA), 1 KW day, to 1 KW night, 5 KW local sunset, using directional antenna at night; change directional antenna; move transmitter site from Chattanooga to Pineville, Tenn.; extend commencement date to 90 days after grant and completion date to 180 days thereafter (B3-MP-925).

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted construction permit to increase power from 1 KW to 5 KW, install new equipment and directional antenna for night use, subject to approval of antenna site; **1120 kc.,** unlimited time (B3-P-2766).

KSAL—KSAL, Inc., Salina, Kans.—Granted construction permit to increase night power from 500 watts to 1 KW; make changes in directional antenna; operates unlimited time on **1120 kc.,** 1 KW day (B4-P-2765).

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted construction permit to increase power from 250 watts night, 1 KW local sunset, to 5 KW; install new transmitter; install directional antenna for day and night use, and move to new transmitter site; **1120 kc.,** unlimited time (B4-P-2608). (Stations WDEL, WAPO, WJBO, KSAL and WISN, in connection with Commission engineers, mutually worked out interference problems on the **1120 kc.** frequency.)

Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Granted construction permit for new television station to operate on **60000-66000 kc.** (Channel No. 2), A3, A5 emission, 10 KW aural and visual power (B5-PVB-62).

Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Granted construction permit for new television station to operate on **60000-66000 kc.** (Channel No. 2), A3, A5 emission, 10 KW aural and visual power (B5-PVB-63).

Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted construction permit for new television station to operate on **162000-168000 kc.** (Channel No. 8), 1000 watts aural and visual power (B5-PVB-75).

Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit for new television station to operate on **96000-102000 kc.** (Channel No. 6), 1000 watts aural and visual power, A3, A5 emission (B5-PVB-26).

Leroy's Jewelers, Los Angeles, Calif.—Granted construction permit for new television station to operate on **186000-192000 kc.** (Channel No. 10), 1000 watts aural and visual power, A3, A5 emission (B5-PVB-34).

May Department Stores Co., Los Angeles, Calif.—Granted construction permit for new television station to operate on **210000-216000 kc.** (Channel No. 12), 1000 watts aural and visual power.

Television Productions, Inc., Los Angeles, Calif., area, Portable Relay.—Granted construction permit for new television relay broadcast station to be used in the Los Angeles area to operate on **234000-240000, 240000-246000 kc.** (Channels Nos. 13 and 14), 250 watts visual power only, A5 emission (B5-PVB-73).

Metropolitan Television, Inc., New York City.—Granted construction permit for new television station to operate on **162000-168000 kc.** (Channel No. 8), 1 KW aural and visual power, A3 and A5 emission (B1-PVB-40).

W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of developmental broadcast station license to change frequencies to comply with Section 4.154(a) as amended (B1-MLEX-8).

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of developmental broadcast station license to change frequencies to comply with Section 4.154(a) as amended (B1-MLEX-9).

WRUW—World Wide Broadcasting Corp., Scituate (Boston), Mass.—Granted construction permit to make changes in equipment and increase power of international broadcast station from 20 to 50 KW (B1-PIB-30).

Columbia Broadcasting System, Inc., Chicago, Ill.—Granted construction permit for new television station to operate on **78000-84000 kc.** (Channel No. 4), 1000 watts aural and visual power (B4-PVB-74).

Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Granted construction permit for new television station to operate on **50000-56000 kc.** (Channel No. 1), 100 watts aural and visual power, A3, A5 emission (B4-PVB-25).

## DESIGNATED FOR HEARING

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Construction permit requesting change in frequency from **1310** to **1500 kc.;** increase in power from 100 watts to 250 watts, change in time of operation from sharing with WHAT to unlimited; make changes in equipment and in antenna system (B2-P-2574).

## MISCELLANEOUS

WIP—Penna. Boradcasting Co., Philadelphia, Pa.—Granted construction permit to install old RCA 1-D, transmitter as an auxiliary for emergency use only, with power of 1 KW, at site of present auxiliary transmitter, 35 So. 9th St. Philadelphia (**610 kc.,** 1 KW, emergency use only), (B2-P-2997).

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted modification of construction permit (B5-P-2610) which authorized new transmitter, new antenna, increase in power from 100 watts to 1 KW, change in frequency from **1370** to **1390 kc.,** and move of transmitter to site to be determined) for authority to install new transmitter, approval of antenna and transmitter site at U. S. Highway 410 and Sudbury Road, about 2 miles west of city limits of Walla Walla (B5-MP-1087).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted authority to make changes in automatic frequency control equipment (B3-P-158).

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—Granted license to cover construction permit (B2-P-2770) which authorized a new station to operate on **1120 kc.,** 250 watts, daytime only (B2-L-1254). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-521).

WJW—WJW, Inc., Akron, Ohio.—Granted authority to determine operating power by direct measurement of antenna power.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted authority to determine operating power by direct measurement of antenna power.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted authority to determine operating power by direct measurement of antenna power.

KGCU—Mandan Radio Association, Mandan, N. Dak.—Granted authority to determine operating power by direct measurement of antenna power.

WLOF—Hazlewood, Inc., Orlando, Fla.—Granted license to cover construction permit (B3-P-2394, which authorized a new station to operate on **1200 kc.,** 250 watts, unlimited time). (B3-L-1266). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-541).

WHOM—New Jersey Broadcasting Corp., Jersey City, N. Y.—Granted license to use old RCA 250-watt transmitter as an auxiliary, using 250 watts power, only for emergency purposes (B1-L-1261).

WSAJ—Grove City College, Grove City, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-556).

WMBR—Fla. Broadcasting Co., Jacksonville, Fla.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-545).

WBMG—Middle Georgia Broadcasting Co., Macon, Ga.—Granted license to cover construction permit (B3-P-2858, which authorized new station to operate on **1420 kc.,** 250 watts, unlimited time (B3-L-1258).

WHA—State of Wisc. University of Wisc., Madison, Wisc.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-538).

WHK—United Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-537).

WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-536).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-542).

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-522).

KFUO—Evangelical Luthern Synod of Mo., etc., Clayton, Mo.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-544).

WRBL—Columbus Broadcasting Co., Inc., Columbus, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B9-Z-599).

KIEV—Cannon System, Ltd., Glendale, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-540).

KYAN—The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Granted license to cover construction permit (B5-P-2331) for a new station to operate on **1370 kc.,** 250 watts, unlimited time (B5-L-1264). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-535).

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted license to cover construction permit (B3-P-2572, which authorized increase in night power from 1 to 5 KW on **1390 kc.,** and installation of directional antenna for night use), (B3-L-1257). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-525).

WSUN—City of St. Petersburg, St. Petersburg, Fla.—Granted license to cover construction permit (B3-P-2681, which authorized increase in power from 1 KW night, 5 KW day to 5 KW, specified hours on **620 kc.,** and changes in directional antenna system for night use), (B3-L-1246). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-513).

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted license to cover construction permit (B4-P-1243), which authorized a new station to operate on **1420 kc.,** 100 watts, unlimited time (B4-L-1263). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-533).

WMBC—Mich. Broadcasting Co., Detroit, Mich.—Granted modification of license to change name to John L. Booth Broadcasting, Inc. (B2-ML-1035).

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Granted license to cover construction permit (B4-P-2370), which authorized a new station to operate on **1310 kc.,** 100 watts, unlimited time (B4-L-1256). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-523).

WWNY—The Brockway Company, Watertown, N. Y.—Granted modification of construction permit (B1-P-937, which authorized a new station to operate on **1270 kc.,** 500 watts daytime) for approval of antenna, installation of new transmitter, and approval of studio site at Woodruff Hotel, and transmitter site at Outer Holcomb St., Watertown, N. Y. (B1-MLP-1085).

WHAL—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Granted modification of construction permit (B2-P-936, which authorized a new station to operate on **950 kc.,** 500 watts, daytime), for approval of transmitter and studio sites, vertical antenna, and installation of new transmitter (B2-MP-941).

WLOK—The Fort Industry Co., Lima, Ohio.—Granted license to cover construction permit (B2-P-2506, which authorized increase in power from 100 to 250 watts on **1210 kc.**, and installation of new transmitter), (B2-L-1260).

KGBK—Helen Townsley, Portable-Mobile, area of Great Bend, Kans.—Granted license to cover construction permit for a new relay broadcast station to be used in connection with applicant's standard broadcast station KVGB; frequencies **1622, 2058, 2790 kc.**, 75 watts (B4-LRY-213).

WEDK—The Travelers Broadcasting Service Corp., Portable-Mobile, area of Hartford, Conn.—Granted license to cover construction permit (B1-PRE-362) which authorized a new relay station to be used with applicant's standard broadcast station WTIC; frequencies **31220, 35620, 37020, 39260 kc.**, 0.2 watts (B1-LRE-326).

WEJP—National Broadcasting Co., Inc., Portable-Mobile, area of Cleveland, Ohio.—Granted modification of relay broadcast station license authorizing operation with power of 50 watts on all frequencies (B2-MLRE-72).

Caribbean Broadcasting Association, Inc., San Juan, P. R.—Continued hearing now scheduled for December 4 upon application of Caribbean Broadcasting Association, Inc., to such a date as may be fixed for the hearing upon application of Puerto Rico Advertising Co., Inc., such hearing to be held in San Juan, P. R.

KOVO—Clifton A. Tolboe, tr/as Citizens Voice and Air Show (Assignor), and KOVO Broadcasting Co. (Assignee), Provo, Utah.—Granted petition for leave to amend application for voluntary assignment of license of station KOVO, but referred to the Commission that part of petition which requests reconsideration of application as amended.

The Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass. —Granted petition for order to take depositions in re application for assignment of license of WSAR from Doughty and Welch Electric Co., Inc., to The Fall River Broadcasting Co., Inc.

KFXM—Lee Bros. Broadcasting Co., San Bernardino, Calif.—Withdrew petition to intervene in the hearing on applications of Broadcasting Corp. of America and Mollin Investment Company requesting new stations in Riverside.

Pan American Broadcasting System, Inc., Hollywood, Fla.; Keys Broadcasting Co., Key West, Fla.; Atlantic Broadcasting Corp., Miami, Fla.; Central Broadcasting Corp., Sanford, Fla.; Seaboard Broadcasting Corp., Tampa, Fla.; Atlantic Broadcasting Corp., West Palm Beach, Fla.; Carl Sholtz, Fort Pierce, Fla.—Granted petition of applicants for extension of time within which to comply with Rule 1.382(b) (the filing of Appearance, one additional copy of the application and all papers as a part thereof).

WHEB—H. J. Wilson (Transferor), Portsmouth, N. H.—Granted motion to dismiss without prejudice the application to transfer control of station WHEB, Portsmouth, N. H., from H. J. Wilson to R. G. LeTourneau.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted authority to withdraw appearance and motion for dismissal without prejudice, in application for construction permit to increase power from 250 watts daytime to 1 KW unlimited time, DA-night.

WCAB—WCAU Broadcasting Co., Philadelphia, Pa.—Granted motion to dismiss without prejudice the application for modification of international broadcast station license to add frequency **11830 kc.**

World Peach Foundation, Abraham Binneweg, Jr., Oakland, Calif. —Denied petition to accept modified experimental program and to consider it as part of application for new experimental broadcast station.

WGST—Georgia School of Technology, Atlanta, Ga.—Continued the hearing now scheduled for November 26, 1940, until February 10, 1941, in re application for renewal of license (main and auxiliary).

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (November 4:30 p. m., CST) to 5:30 p. m., CST, November 17, 1940, in order to broadcast concert by the Aurora Civic Orchestra only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 2 a. m. to 3 a. m., CST, November 25, 1940, in order to broadcast DX Club program.

WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to operate from local sunset (November 5:15 p. m., EST), November 16, 1940, to the conclusion of football game, in order to broadcast game only.

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with station KOA from 6:45 p. m., EST, to the conclusion of the University of Florida football game on November 16, 1940, in order to broadcast said game only.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate on frequency of **44.1** instead of **43.4 mc.**, in order to continue experiments in rebroadcasting high frequency broadcast station W2XMN emissions which are to be rebroadcast by W1XOJ, from November 20, 1940, to not later than December 19, 1940.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 p. m. to 6 p. m., EST, November 24 and December 1, 1940, in order to broadcast the "Rosary Hour" only.

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—Granted modification of construction permit which authorized new station, for approval of antenna, approval of transmitter site, and change type of transmitting equipment; **1370 kc.**, 250 watts, unlimited time (B2-MP-1079).

George F. Meyer, Medford, Wis.—Granted petition requesting reconsideration of Commission action of May 28, 1940, designating for hearing the application for construction permit for a new station, and adopted an order granting the application for authority to operate on **1500 kc.**, 100 watts power, unlimited time (B4-P-2501).

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted request for 60-day further extension of temporary license for WWRL authorizing station to operate on time previously utilized by station WMBQ.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Continued oral argument now scheduled for December 12 until January 9, on application for renewal of license of WBAX.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted modification of license to increase power from 500 watts to 1 KW; **920 kc.**, daytime only (B1-ML-1034).

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y. —License to cover construction permit (B1-P-2996) for reinstatement of construction permit (B1-P-2601) to install new transmitter, make changes in directional system, increase power and move transmitter.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y. —Authority to determine operating power by direct measurement of antenna power.

WOSU—Ohio State University, Columbus, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, and make changes in directional antenna for day and night use.

### 610 Kilocycles

NEW—Inter-City Advertising Co., Charlotte, N. C.—Construction permit for a new station to be operated on **610 kc.**, 500 watts night, 1 KW day, directional antenna for night use, Class III-B, transmitter to be located at West side Sugar Creek Road, Charlotte, N. C. Amended: To give transmitter site as near Charlotte, N. C.

### 640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Authority to determine operating power by direct measurement of antenna power.

### 710 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Modification of construction permit (B5-P-2437) for new transmitting equipment, installation of directional antenna for day and night use, and increase power from 1 KW to 10 KW, requesting extension of completion date from 12-16-40 to 6-16-41.

### 780 Kilocycles

WPIC—Sharon Herald Broadcasting Co., Sharon, Penna.—License to cover construction permit (B2-P-2438) as modified, for new equipment, and increase in power.

### 900 Kilocycles

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Modification of construction permit (B1-P-2757) to install directional antenna for night use, increase power, and move transmitter, requesting installation of new transmitter and changes in directional antenna.

WJAX—City of Jacksonville, Jacksonville, Fla.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, make changes in equipment and install directional antenna for night use.

### 930 Kilocycles

WSBT—The South Bend Tribune, South Bend, Ind.—Modification of construction permit (B4-P-900) for changes in equipment, installation of directional antenna for day and night use, change of frequency and hours of operation, and move of transmitter, requesting further change of transmitter site from approximately 4 miles southeast of center of city, South Bend, Ind., to west side of Ironwood Road between Jackson Road and Kern Road, South Bend, Ind., and extend commencement and completion dates from 12-1-40 and 6-1-41 to 60 days after grant and 180 days thereafter respectively.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—License to cover construction permit (B3-P-2541) for move of transmitter.

### 940 Kilocycles

WAVE—WAVE, Incorporated, Louisville, Ky.—License to cover construction permit (B2-P-2531) for increase in power, new transmitter, directional antenna for day and night use, and move of transmitter.

WAVE—WAVE, Incorporated, Louisville, Ky.—Authority to determine operating power by direct measurement of antenna power.

### 950 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Kans.—Construction permit to change frequency from **950 to 690 kc.,** power from 5 KW to 50 KW, install new transmitter, new directional antenna for night use, and move transmitter from 50th St. and Belinder Road, Kansas City, Kansas, to near Wolcott, Kansas. Requests facilities of KGGF, WNAD and KFEQ as proposed by North American Regional Agreement. Amended: To change studio site from Pickwick Hotel, 10th & McGee Sts., Kansas City, Mo., to site to be determined, Kansas City, Kans.

### 970 Kilocycles

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction permit to install new transmitter and directional antenna for day and night use, increase power from 5 KW to 10 KW, and change hours of operation from unlimited time experimentally to unlimited time. Amended: To make changes in directional antenna for day and night use.

### 1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to change frequency from **1010 kc.** to **740 kc.,** Class II station, under North American Regional Agreement; change power from 5 KW to 50 KW; install a new transmitter and make changes in directional antenna for day and night use.

### 1020 Kilocycles

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Modification of construction permit (B2-P-2904) for increase in power and equipment changes, requesting authority to make changes in type of tubes in last radio stage.

### 1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of construction permit (B4-P-2886) for change of hours of operation, power; move of transmitter and installation of directional antenna for day and night use, requesting installation of new transmitter, increase power from 1 KW, directional antenna day and night, to 1 KW night, 5 KW day, using directional antenna at night, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 60 days after grant and 180 days thereafter, respectively.

### 1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Authority to determine operating power by direct measurement of antenna power.

### 1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit to install a new transmitter.

### 1180 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of license to change hours of operation from limited time to unlimited time, and power from 1 KW night, 5 KW day, to 1 KW to sunset KOB, 250 watts after sunset KOB, 5 KW day.

### 1200 Kilocycles

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Authority to determine operating power by direct measurement of antenna power.

KODL—Western Radio Corporation, The Dalles, Ore.—License to cover construction permit (B5-P-2838) as modified for a new station.

KODL—Western Radio Corporation, The Dalles, Ore.—Authority to determine operating power by direct measurement of antenna power.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—License to cover construction permit (B3-P-2775) as modified for a new station, and approval of studio site at 111 S. Pentz St., Dalton, Ga.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Authority to determine operating power by direct measurement of antenna power.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Authority to determine operating power by direct measurement of antenna power.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Authority to determine operating power by direct measurement of antenna power.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Construction permit to install new transmitter, directional antenna for night use; change frequency from **1210** to **1220 kc.;** increase power from 250 watts to 1 KW; move transmitter from north end of 11th St., Charleston, S. C., to .6 mile east of Old Town Road, near Charleston, S. C.; Class III-B. Amended re directional antenna.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Construction permit to increase power from 100 watts to 250 watts, and make changes in transmitting equipment.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Modification of construction permit (B4-P-2329) for change of frequency, increase in power, installation of new transmitter and directional antenna for night use, requesting changes in directional antenna and change type of transmitter.

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Construction permit to install a new transmitter.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Authority to determine operating power by direct measurement of antenna power.

### 1260 Kilocycles

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Construction permit to change frequency from **1260 to 590 kc.,** and install directional antenna for day and night use; Class

III-B. Amended to make changes in directional antenna for day and night use.

### 1290 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to install new transmitter, directional antenna for day and night use; increase power from 1 KW night, 5 KW day, to 50 KW; change frequency from **1290** to **740 kc**; move transmitter from Deepwater, Tex., to west of State Highway No. 146, near Dayton, Tex. Amended to move transmitter from Deepwater, Tex., to Rural 5½ miles south of Dayton, near Dayton, Tex.

### 1310 Kilocycles

KWOS—Tribune Printing Co., Jefferson City, Mo.—Authority to determine operating power by direct measurement of antenna power.

NEW—Parkersburg Sentinel Co., Parkersburg, W. Va.—Construction permit for a new station to be operated on **1310 kc.**, 250 watts, unlimited time. Amended to change type of transmitting equipment.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—License to cover construction permit (B2-P-2552) as modified for a new station.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WFHR—William F. Huffman, Wisconsin Rapids, Wis.—License to cover construction permit (B4-P-1902) as modified for a new station.

WFHR—William F. Huffman, Wisconsin Rapids, Wis.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

KGB—Don Lee Broadcasting System, Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1360 Kilocycles

KLPM—John B. Cooley, Minot, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N, Y.—License to cover construction permit (B1-P-2654) to install directional antenna for night use, and increase power.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N, Y.—Authority to determine operating power by direct measurement of antenna power.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Construction permit to make changes in equipment, and antenna changes.

### 1370 Kilocycles

KENO—Geo. Penn Foster, Maxwell Kelch, Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—License to cover construction permit (B5-P-2355) as modified for a new station.

KENO—Geo. Penn Foster, Maxwell Kelch, Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Authority to determine operating power by direct measurement of antenna power.

WHTL—J. W. Woodruff, trading as Atlanta Broadcasting Co., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Authority to determine operating power by direct measurement of antenna power.

KRMC—Roberts MacNab Company (Arthur L. Roberts, R. B. MacNab, and A. J. Breitbach, General Manager), Jamestown, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—Modification of construction permit (B1-P-1701) to change type of transmitting equipment, and for approval of antenna system and transmitter site at Canal Street, South Hadley, Mass.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit to install new transmitter.

### 1390 Kilocycles

KRLC—H. E. Studebaker, Lewiston, Idaho.—Construction permit to make changes in equipment.

### 1420 Kilocycles

WHMA—Harry M. Ayers, Anniston, Ala.—Authority to determine operating power by direct measurement of antenna power.

NEW—Grenco, Inc., Greenwood, S. C.—Construction permit for a new station to be operated on **1420 kc.**, 250 watts, unlimited time. Class IV. Amended: To specify transmitter site as Greenville Road, Greenwood, S. C.

NEW—Thomas J. Watson, Endicott, N. Y.—Construction permit for a new station to be operated on **1240 kc.**, 1 KW, unlimited time, directional antenna for night use, transmitter to be located at 3½ miles east by northeast of Endicott, adjacent to I. B. M. Gun Club, Union Township, N. Y. Amended: To request installation of vertical antenna, and requesting **1420 kc.**, 250 watts, unlimited, specifying transmitter site as site to be determined, Endicott, N. Y.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Modification of construction permit (B5-P-1339) for a new station, requesting move of transmitter from Plains Hotel, 16th and Central Sts., Cheyenne, Wyo., to 3rd St., between Van Lennan and Evans, Cheyenne, Wyo., and extend commencement and completion dates to 60 days after grant and 180 days thereafter, and changes in antenna system.

### 1430 Kilocycles

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to install new transmitter, move transmitter north of Des Moines, Iowa, to southeast 22nd St., and Park Ave., Des Moines, Iowa, install new directional antenna for night use, and increase power from 1 KW night, 5 KW day to 5 KW day and night. Amended: To make changes in directional antenna for night use.

### 1440 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Texas.—Construction permit to move transmitter from Main and Rusk Sts., Houston, Texas, to Deepwater, Texas (KTRH's site), and use KTRH's present transmitter, install directional antenna for night use, change frequency from **1440** to **1290 kc.**, and increase power from 1 KW to 5 KW, requesting facilities of KTRH, if and when KTRH goes to 50 KW power on new frequency.

### 1480 Kilocycles

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), New York.—Construction permit to change frequency from **1500** to **1480 kc.**, increase power from 250 watts to 500 watts night, 1 KW day, hours of operation from specified hours to unlimited time, and install new transmitter. (Violation of Rule 1.367.)

### 1500 Kilocycles

NEW—Natchez Broadcasting Co., Natchez, Miss.—Construction permit for a new station to be operated on **1500 kc.**, 250 watts, unlimited time. Class IV. Amended: to give transmitter site as Highway "61", Natchez, Miss.

KDB—Santa Barbara Broadcasters, Inc., Santa Barbara, Calif.—Authority to determine operating power by direct measurement of antenna power.

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Construction permit to install new type transmitter.

### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-PSB-13) as modified, for increase in power, new equipment, changes in antenna, and move of transmitter.

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

## FM APPLICATIONS

NEW—WDRC, Inc., Hartford, Conn.—Construction permit for a new high frequency permit for a new high frequency broadcast station to be operated on **43100 kc.;** coverage, 13944 square miles; population, 1,337,805. Amended: Re antenna changes.

NEW—South Bend Tribune, South Bend, Ind.—Construction permit for new high frequency broadcast station to be operated on **47100 kc.;** coverage, 4330 square miles; population, 448,330.

NEW—Piedmont Publishing Co., Winston-Salem, N. C.—Construction permit for a new high frequency broadcast station to be operated on **46700 kc.;** coverage, 4600 square miles; population, 500,684.

NEW—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **46500 kc.;** coverage, 3050 square miles; population, 2,133,811. Amended: To change coverage from 3050 to 2130 square miles, and population from 2,133,811 to 2,196,632.

NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.;** coverage, 16100 square miles; population, 6,431,310.

### MISCELLANEOUS

WCAB—WCAU Broadcasting Co., near Newtown Square, Pa.—Modification of license to add frequencies **9650** and **11830 kc.** to those already licensed, sharing time with Station WCBX.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts. (Sec. 16(b) through 16(g), and new resolution.)

KVIC—Radio Enterprises, Inc., Victoria, Texas.—Authority to transfer control of corporation from Fred W. Bowen and Charles C. Shea to Morris Roberts, 250 shares. (Part I, Form 316, and Sec. 6(g) of Part II.)

KLCN—Fred C. Grimwood, Blytheville, Ark.—Construction permit to install a new transmitter and vertical antenna, increase power from 100 watts to 1 KW, and move transmitter. (Sec. 14, 18, and 19.)

WEXL—Royal Oak Broadcasting Co., Royal Oak, Michigan.—Authority to determine operating power by direct measurement of antenna power (Jurat).

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Authority to determine operating power by direct measurement of antenna power. (Only one copy signed, neither copy verified.)

W3XPY—Bell Telephone Laboratories, Inc., Whippany, N. J.—Modification of license to change frequency from **43200 kc.** to **43100, 43700, 44300 kc.**

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts. **(1370 kc.)**

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Jenks Physicians' Supplies**—A complaint has been issued against Mrs. Anne M. Jenks, of White Bear, Minn., who trades under the names of Jenks Physicians' Supplies and Dependon Products, charging misrepresentation in the sale of medicinal preparations.

The complaint alleges that in advertisements disseminated by the mails and by other means in commerce, the respondent has represented, directly and by implication, that her products "Dependon Vaginal Jelly" and "Dependon Vaginal Creme," provide safe, competent and dependable means of preventing conception; that "Flexible Kone Diaphragms" and "Flexible Kone Pessaries" are devices to prevent conception which can be fitted and worn continuously without danger or injury; that "Dependon Intrauterine Paste" provides a safe method of terminating pregnancy at any stage without instrumentation and eliminates danger of infection and troublesome after effects, and that this preparation is a competent and effective treatment for certain diseases of women.

The complaint further alleges that the respondent's representations are exaggerated and misleading; that "Dependon Vaginal Jelly" and "Dependon Vaginal Creme" do not constitute competent preventives against conception; that while such products may possess antiseptic and germicidal properties, they do not provide a dependable or positive method of preventing pregnancy; that "Flexible Kone Diaphragms" and "Flexible Kone Pessaries" cannot be worn without danger or injury as their prolonged use would be injurious to the tissues and cause infection; that the use of "Dependon Intrauterine Paste" does not provide a safe method for termination of pregnancy, but instead carries considerable danger of infection and is very caustic and might destroy healthy tissue. (4378)

**Trudeau Candies, Inc.**—Alleging the use of lottery methods in the sale of candy, complaints have been issued against Trudeau Candies, Inc., 287 East Sixth St., St. Paul, and Robert V. and Edward G. Bierhaus, trading as E. Bierhaus & Sons, Second & Perry Sts., Vincennes, Ind.

The respondents, according to the complaints, sold to wholesalers, jobbers and retailers certain assortments of candy so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes, when sold to the consuming public. Push card or punch board devices were used, the complaints allege.

Charging that the respondents' practices have been of a sort which are contrary to established public policy of the Federal Government and in violation of the criminal laws and the Federal Trade Commission Act, the complaints grant each respondent 20 days for filing answer. (4376-4377)

**University Press**—J. Herbert Blackhurst, doing business under the name University Press, Des Moines, Iowa, is charged in a complaint with misrepresentation.

The complaint charges that the respondent has used the words "University Press" as the trade name under which he has conducted his business and has featured this trade name on printed matter, stationery and other advertising matter disseminated among prospective customers located in various States. By means of the use of the word "University" in his trade name, the complaint continues. the respondent represents that his business is owned, conducted or supervised by a university or other institution of learning. By means of the use of the word "Press", according to the complaint, the respondent represents that he owns, operates or controls a printing establishment wherein the printed matter he sells is printed.

In truth, the complaint alleges, the respondent's business is not so owned or controlled, and he does not own, operate or control a printing press or printing establishment. These facts and practices, the complaint avers, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce. (4375)

### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Ely & Walker Dry Goods Company,** 1520 Washington Ave., St. Louis, Mo., engaged in the sale and distribution of men's clothing, has been ordered to cease and desist from certain misrepresentations concerning its products.

In connection with the sale and distribution of men's robes made of rayon, the Commission finds, the respondent has advertised the robes in two magazines as "Camel Suede Robe," in which these words were featured in large display type while near the bottom of the page, in comparatively small type, appeared the following:

"Constructed of North American Brushed Rayon. It has that soft velvety touch that is immediately captivating. * * *"

Also, the Commission finds, the respondent had permanently attached to the robes yellow labels reading "CAMEL SUEDE, Tailored by COURTLEIGH," and bearing illustrations of a camel with a background of palm trees and pyramids. Small black-cloth tabs or labels with the single word "Rayon" in white were attached, by means of sewing, to the above described yellow label.

Respondent also attached to the guard of the belt of the robes a paper string ticket bearing the words "Brushed Rayon" on one side and the words "To be dry cleaned" on the reverse side. The robes thus labeled, the Commission finds, were not composed in any part of the hair or wool of the camel, but were made wholly of rayon. By reason of the method of attaching, by sewing the small black-cloth tab or label to the yellow cloth label and of attaching to the guard of the belt of the robes with a string the label and ticket, means of misleading and deceiving purchasers were supplied to dealers and retailers of the robes, as the rayon label and paper string ticket were capable of being easily removed by cutting or tearing, leaving on the garment only the illustrative label "Camel Suede, Tailored by Courtleigh."

The respondent was ordered to cease and desist from representing that its garments are composed of fabrics or materials other than those of which such garments are actually composed; advertising garments composed in whole or in part of rayon without clearly disclosing the fact that such garments are composed of rayon, and, when such garments are composed in part of rayon and in part of other fibers or material, such fibers or material including the rayon shall be named in order of their predominance by weight, beginning with the largest single constituent; using the term "Camel Suede Robe," or the term "Camel Suede," alone or in connection with the picturization of a camel with a background of palm trees and pyramids, or any other term, word or scene indicating or implying that the material from which such garments are made contains the hair or wool of the camel, to designate, describe or refer to robes or other garments composed of rayon and which do not contain the hair or the wool of the camel; and from labeling and tagging garments in such a manner as to enable dealers and retailers easily and readily to remove part of the fiber or material identification matter, leaving matter which would inform or indicate to the purchasing public that such garments are composed of fibers or materials of which they are not in fact composed. (4216)

**Gold Star Novelty House**—Louis Farben, trading as Gold Star Novelty House, 1140 Broadway, New York, and Eastern Premium House, Inc., 487 Broadway, New York, has been ordered to cease and desist from using lottery methods in the sale of merchandise.

The Commission orders direct the respondents to cease supplying to or placing in the hands of others, punch boards, push or pull cards, or other devices, which may be used in selling or distributing merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or transporting to agents, distributors, or the public, such devices which may be used in the sale of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or selling or otherwise disposing of any merchandise by the use of such devices.

The orders further direct Gold Star Novelty House to cease using the term "no cost," and Eastern Premium House, Inc., the terms "free" or "without cost," or similar terms, to describe merchandise offered as compensation for distributing the respondents' merchandise, unless all terms and conditions of such offers are clearly stated in equal conspicuousness and in immediate connection, respectively, with the terms "no cost," "free," or "without cost," or other similar terms, and there is no deception as to price, quality or other features.

Gold Star Novelty House also is directed to desist from representing that its business is registered under United States laws. (3449-3504)

**Joseph Hagn Company,** 217 West Madison St., Chicago, engaged in the sale and distribution of jewelry, clocks and other articles of merchandise, has been ordered to cease and desist from certain unfair methods of competition.

Findings of the Commission are that the respondent sells and distributes various assortments of merchandise throughout the various States of the United States and in the District of Columbia and sells and furnishes various push and pull cards, punch boards and other devices for use in the distribution of such merchandise to the purchasing public and places in the hands of dealers the means of conducting lotteries in the sale and distribution of the merchandise.

The respondent is ordered to cease and desist from selling and distributing any merchandise so packed and assembled that sales of such merchandise to the public are to be made, or may be made by means of a game of chance, gift enterprise or lottery scheme; supplying to or placing in the hands of others assortments of any merchandise, together with push or pull cards, punch boards or other lottery devices, or separately, which said push and pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (3997)

**Junior League Lingerie, Inc.,** 152 Madison Ave., New York City, engaged in the sale and distribution of women's apparel, has been ordered to cease and desist from certain misrepresentations concerning its products.

Since the year 1901, the Commission finds, there have existed in various cities throughout the United States organizations of young women known as Junior Leagues. Such organizations are benevolent, non-profit organizations, devoted to charitable purposes and the improvement of social conditions in their respective communities. They sponsor various benevolent activities, including the financial assistance of hospitals and other charitable enterprises. In order to obtain funds with which to carry on their activities, the Junior Leagues frequently engage in various money-raising activities, such as the operation of gift shops, rummage sales and tea rooms. Also prominent among their activities is the conducting of fashion shows, many of which are conducted in cooperation with local merchants.

The Association of the Junior Leagues of America, Inc., having for its purpose the uniting of all Junior Leagues throughout the United States, Canada, and Mexico, was incorporated in 1921. As a part of its activities, the Association publishes a periodical known as the "Junior League Magazine", which is sold to the public. This magazine contains numerous articles and suggestions with respect to women's apparel and with respect to current fashions and styles in such apparel.

The Commission also finds that the name "Junior League" has for many years been associated in the minds of a substantial portion of the purchasing public with the aforesaid organizations to such an extent that use of the name to designate or describe articles of merchandise, particularly women's apparel, serves as a representation to the public that articles so designated are sponsored or approved by the Junior League.

In the course of the respondent's business, the Commission finds, the respondent has represented that its products are sponsored or approved by the Junior League, such representations being made by means of tags and labels attached to its products, by invoices, by letters, circulars and other advertising material distributed among prospective purchasers.

The Commission finds that these representations are misleading and deceptive. In truth and in fact, none of the respondent's products are sponsored or approved by the Junior League, and the respondent is not connected in any way with the organization and has no authority from the organization to use its name to designate the respondent's products.

The respondent, Junior League Lingerie, Inc., and its officers and representatives are ordered in connection with the offering for sale and distribution of women's apparel in commerce to cease and desist from use of the words "Junior League", or any other word or words of similar import or meaning, in respondent's corporate name, or otherwise representing that the respondent is connected in any way with the organization known as the Junior League, and from using the words "Junior League", or any other word or words of similar import or meaning, to designate, describe or refer to the respondent's products, or otherwise representing that the products are sponsored or approved by the organization known as the Junior League. (4124)

**Robert J. Thompson Company,** 1216 Walnut St., Philadelphia, engaged in the sale and distribution of suits, overcoats and other articles of merchandise, has been ordered to cease and desist from the use of lottery methods in the distribution of its products.

The Commission finds that the respondent has been selling and distributing its merchandise to the purchasing public by means of a sales plan in which purchasers in the State of New Jersey were solicited to purchase by contract men's clothing thereafter to be manufactured by the respondent at its place of business in Philadelphia. Some of the purchasers so contacted did not pay the full contract price, and the sale of the merchandise involved a game of chance, or the sale of a chance to procure an article of merchandise at a price much less than the normal retail price.

The respondent was ordered to cease and desist from supplying or placing in the hands of others any merchandise, together with a sales plan or method involving the use of a game of chance, gift enterprise or lottery scheme by which the merchandise is to be, or may be, sold to the purchasing public, and from selling or otherwise disposing of any merchandise by the use of a game of chance, gift enterprise or lottery scheme. (4027)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Harry J. Baruch Operating Company**—Harry J. Baruch, trading as Harry J. Baruch Operating Company, and Owen Fields, Inc., and Curtis, Owen, Fuller Corporation, 916 Walnut St., Kansas City, Mo., has entered into a stipulation to cease and desist from certain representations in the sale of prepared advertising material consisting of cuts, mats, printed and other matter. Harry J. Baruch is manager and active directing head of the two corporations.

In their stipulations, the respondents agree to cease using samples or other sales promotional presentations which do not accurately and truthfully portray the mats and prepared advertising copy or other products offered for sale; to discontine holding out, stating or representing, by assertion, inference or otherwise, that they have advertising mats of a type which they do not, in fact, possess or produce; and that they are prepared to fill orders for such; and to cease representing, or causing others to represent, their products in any way which tends to convey an erroneous belief that they will and do fill orders with the product for which such orders have been received, when in fact a different and inferior grade of product is substituted in the performance of their contracts. (2984)

**Peter Breidt Brewing Company,** Elizabeth, N. J., has entered into a stipulation in which it agrees to cease using the statement that its beer is brewed "from fine malt, choice hops, crystal pure water and time," or using any other similar representation tending to convey the belief that the product is composed of malt flavored with hops as the only fermentable substance content, when in fact it actually contains such a substance other than malt.

The stipulation provides that if the product contains hops-flavored malt in substantial quantity and also other fermentable substance, and the words "malt and hops" are used to refer to such hops-flavored malt, content, the respondent shall conspicuously disclose that the fermentable substance content of the product is not composed wholly of hops-flavored malt or that the beer contains a fermentable substance other than malt flavored with hops. (2987)

**House of Westmore, Inc.,** 730 Fifth Ave., New York, and Perc H. Westmore, Burbank, Calif., president of the corporation, in a stipulation entered into, agree to cease representing that cosmetics contain undesirable or unflattering colors, or colors which give a harsh or aged appearance; that any color has been filtered out of or removed from House of Westmore cosmetics; and that the selectivity of cosmetics in the reflection or transmission of color is a discovery or a secret. (02667)

**Interstate Ribbon Mills, Inc.,** 354 4th Ave., New York City, distributor of ribbons, has entered into a stipulation in which it agrees to desist from use of the word "Mills" as part of its corporate or trade name, and from use of the word "Mills" or "Manufacturers" or any word of similar meaning, in any way, the effect of which tends to convey the belief that the corporation manufactures the merchandise it sells, or owns, operates, or controls the factory in which the merchandise is made. (2983)

**L. & H. Stern, Inc.**—In the case of L. & H. Stern, Inc., 56-64 Pearl St., Brooklyn, charged with use of lottery methods in the sale of merchandise, the respondent has entered into a stipulation as to the facts and an agreement to cease and desist from certain enumerated practices. (2985)

**Preventa Sales Company**—Carroll Metcalf, trading as Preventa Sales Company, Old Hickory, Tenn., has entered into a stipulation in which he agrees to cease representing that the use of a product he sells as a treatment for silk fabrics will (1) prevent runs, snags and breaks in, or the rotting or fading of, such fabrics; (2) make such fabrics proof against rain spotting or do more than increase the resistance thereof to spotting by rain; (3) improve the texture of such of the fabrics as have already been given treatments of this character; (4) improve the color fastness of all dyes, or (5) reduce the user's hosiery expense by one-half.

The respondent also stipulates that he will desist from marking or in any way representing or advertising his products with what purports to be their selling price, but which price is fictitious or in excess of the customary price. (2986)

**Ramstead Company, Inc.,** Milwaukee, has entered into a supplemental stipulation in which it agrees to cease and desist from representing that a medicinal preparation now designated "Ramstead Treatment" is a competent remedy or effective treatment for stomach ailments generally, or has any therapeutic value in treating such ailments in excess of affording temporary symptomatic relief in cases of gastric hyperacidity.

Other representations which the respondent agrees to discontinue are that the preparation enables one to eat all kinds and types of foods; will overcome or eliminate constipation; eliminates hunger pains or the pains of gastric ulcers; will cause a recovery to health, and is a substitute for surgical treatment of gastric ulcers.

The respondent's stipulation is supplemental to one approved in February, 1932, which is still in effect. The supplemental stipulation does not affect the terms of the original stipulation. (0235)

**Vesta Corset Company**—Frederick A. Purchas and Carl D. Hammond, trading as Vesta Corset Company, McGraw, N. Y., in the sale of garments, including girdles, combinations and corsets, agree to cease and desist from use in advertising matter of the word "reducing," or other words of similar meaning, as descriptive of the garments or the material of which they are made, so as to imply that the wearing of such articles will cause a reduction of local or body tissue or effectively remove fat and thus overcome or lessen a condition of fatness or weight. (2988)

## FTC CLOSES AND DISMISSES CASES

The Federal Trade Commission has closed its cases against Paulmac Textile Company, Inc., 32 West 38th St., and Belle Blouse Corporation, 132 West 36th St., both of New York, without prejudice to the Commission's right to resume proceedings, should future facts so warrant.

Each corporation, now dissolved and not engaged in business, had been charged with violation of the Federal Trade Commission Act in the sale of its products. Paulmac Textile Company, Inc., had been a distributor of ribbons and braids, and Belle Blouse Corporation had sold blouses and other wearing apparel for women.

The Commission has also dismissed a complaint which had charged Alphonso M. Simon, Jr., and Phyllis Schuster, trading as Metropolitan Publishing Co., 110 Wooster Street, New York, with violation of the Federal Trade Commission Act in the sale of greeting cards. After hearings and argument, the Commission decided that the evidence was insufficient to support the allegations of the complaint.

The Commission has closed a case against American Seed Company, Inc., of Lancaster, Pa., and Harry H. Bard, its general manager, without prejudice to the Commission's right to resume proceedings, should future facts so warrant. The respondents had been charged with unfair competition in the sale of garden and flower seed.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 48, November 29, 1940

## THE WEEK IN WASHINGTON

The FCC announced that the oral argument on the committee network inquiry report will begin Monday, December 2, at 10:30 a. m. Each party will be allowed a maximum of one hour of argument on the issues of facts and policy raised in the committee report. (p. 4812.)

Meanwhile IRNA activities of the week were featured by a wire from Fred Weber, general manager of MBS, to all Mutual stations and a letter by Samuel Rosenbaum, chairman, to all IRNA stations. (p. 4813.)

A crowd of 612 men and women gathered at Radio's Twentieth Birthday Party in the Willard Hotel, last Tuesday, with distinguished representatives of public and private life and heard Neville Miller read a letter from President Roosevelt praising radio and stating that "democracy cannot tolerate any attempts at domination or control by the Government at the free and open avenues of public information." Wendell L. Willkie's letter was also read in which he stated, "a free radio, along with a free press constitutes the cornerstone of a system of free men." (p. 4813.)

On a pre-birthday eve broadcast Chairman James Lawrence Fly reviewing radio's role in the last election gave credit to radio for "stimulating the largest vote in our country's history." (p. 4826.)

Meanwhile BMI went merrily on its way and announced the addition of nine member stations bringing the total now to 429 and also announced the acquisition of an additional 20,000 musical compositions and 2,000 recordings for the use of members in freeing themselves from the grasp of monopoly. (p. 4816.)

The Peabody Awards for public service broadcasting are now open to nomination which will close January 15. (p. 4817.)

The Supreme Court sustained the FCC in the KSFO-CBS case. (p. 4817.)

The Senate passed the Walter-Logan bill. (p. 4819.)

The Fourth Ohio State Broadcasting Engineering Conference will be held on the campus of Ohio State University at Columbus, February 10 through 21. (p. 4819.)

The Consumer Protection Division of the National Advisory Defense Commission announces the establishment of a market news broadcast service "as an aid in protecting living standards by helping guide consumer food purchasing and as a measure to help raise the nutritional levels of the country." (p. 4821.)

The American Civil Liberties Union congratulated the industry on its twentieth anniversary and praised the NAB Code in a public statement. (p. 4823.)

Extensive participation in radio birthday activities throughout the country is reported on page 4823.

Neville Miller in this issue of the REPORTS announces the 1940-41 standing NAB committees. (p. 4825.)

## STATEMENT OF NEVILLE MILLER RE: FCC ORAL ARGUMENT ON NETWORK INQUIRY REPORT

Late yesterday, Neville Miller, president of the National Association of Broadcasters, made the following statement in connection with the *scheduled* oral argument on the network inquiry report before the Federal Communications Commission:

"The FCC has just issued a release regarding the oral argument to be held Monday and Tuesday of next week on its subcommittee's network inquiry report, and requests counsel to 'consider the advisability and effect of the promulgation by the Commission of . . . special regulations with respect to chain broadcasting,' several of which are in alternative form.

"The release states 'It is to be understood that the regulations have not received the approval of the Commission and are to be taken as suggestions by the Commission intended to focus the attention of counsel upon the issues raised in the report.'

"Although these suggestions at least show the trend of thinking of some of the Commissioners, nevertheless we are confident there exists in the Commission sufficient good judgment and restraint as to the exercise of powers, to the end that all the implications of any proposed rules will be fully realized and brought to light before final adoption.

"It is my firm conviction that the present Communications Act gives the Commission but limited power. In fact, the decision by the Supreme Court this past year in the *FCC* vs. *Sanders Brothers Radio Stations* case ruled . . . 'The Commission is given no supervisory control of the programs, of business management, or of policy' . . . of radio stations. And the President himself, in a recent letter on the occasion of the celebration of radio's twentieth birthday just last Tuesday stated 'Your government has no wish to interfere or hinder the continued development of the American System of Broadcasting,' further declaring, 'Radio was born and developed in the real American way and its future must continue on that basis.'

"Undoubtedly there exists differences of opinion within the radio industry, as exist in any competitive enterprise, but there are certain fundamentals upon which all agree. We believe the hearings will result constructively if they focus the attention of the industry and the public on the proper regulatory boundaries of the Commission.

"It would be most unfortunate if the high standard of radio entertainment and information now enjoyed by the American public was jeopardized by restrictions sought to be imposed without warrant of law or need."

NAB Reports

NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

## ORAL ARGUMENT ON NETWORK INQUIRY REPORT BEGINS MONDAY, 10:30 A. M.

The FCC announced yesterday that the oral argument on the committee network inquiry report, made public June 12 last, will begin at 10:30 a. m. on Monday, December 2, continuing through Tuesday, December 3.

Hearings will be held in Hearing Room A, Interstate Commerce Commission Building, Washington.

In a press conference held by Chairman Fly earlier in the week, inquiries led the Chairman to say that contrary to rumors, there is no disagreement within the Commission in connection with the monopoly report. He further stated that he had not gotten around to answering Mark Etheridge's letter which was sent to him last week relative to the filing of the IRNA brief. "Mark and I" he said "are not in any argument. I haven't gotten around to answering his letter and you can't have a controversy on one communication".

Meanwhile Fred Weber, General Manager of MBS, wired all Mutual affiliates stating his views on the IRNA brief, which was followed by a letter from Samuel Rosenbaum, Chairman to all IRNA members. The wire and the letter are published below.

The Commission announcement outlining the procedure for the Oral Arguments follows:

Each party will be allowed a maximum of one hour of argument on the issues of fact and policy raised in the committee report. The order of argument will be as follows:

National Broadcasting Company.
Columbia Broadcasting System.
Independent Radio Network Affiliates, Inc.
Don Lee Broadcasting System.
Mutual Broadcasting System.
Roy L. Albertson (WBNY).
Rock Island Broadcasting Company (WHBF).
Voice of Longview (KFRO).
World Broadcasting System, Inc.
Association of Radio Transcription Producers of Hollywood, Inc.
American Federation of Musicians.
Independent Artists' Representatives.
Associated Music Publishers, Inc.

In order to facilitate the oral argument, counsel are requested to consider the advisability and effect of the promulgation by the Commission of the following special regulations with respect to chain broadcasting. In several instances these suggestions are in the alternative, and the Commission desires to hear argument on the advisability and effect of alternative suggestions. It is to be understood that the regulations have not received the approval of the Commission, and are to be taken as suggestions by the Commission intended to focus the attention of counsel upon the issues raised in the report. It should also be understood that counsel are not in any way limited to a discussion of these regulations but may address themselves to any of the issues of fact or policy raised by the report of the chain broadcasting committee.

1-A. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which provides for or has the effect of establishing an exclusive affiliation with the network organization.

OR

1-B. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which provides for or has the effect of establishing an exclusive affiliation with the network organization; *Provided,* that such restriction shall not apply to licensees of stations located in or rendering primary service to cities receiving adequate primary service from five or more full time stations.

2. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with any network organization which gives the network organization an option on the hours of operation of the licensee's station for the broadcasting of commercial programs (a) for more than 30% of the converted hours of operation in any city receiving adequate primary service from three full time stations with comparable facilities; (b) for more than 20% of the converted hours of operation in any city receiving adequate primary service from two full time stations with comparable facilities; (c) for more than 10% of the converted hours of operation in any city receiving adequate primary service from one full time station; (d) for a total number of converted hours exceeding by more than 25% the converted hours during which such licensee has broadcast commercial programs transmitted to the licensee by the network organization during the six months preceding the effective date of the contract.

3-A. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with any network organization, the terms of which exceed in duration the effective period of the license granted by this Commission. For the purposes of this section, an agreement shall be considered as exceeding in duration the effective period of the license if the agreement gives either party an option to extend the contract beyond the termination of the license; *Provided,* that this restriction shall not be construed as preventing a licensee from entering into a contract with a network organization a reasonable period of time, not to exceed 30 days, in advance of the expiration date of the existing contract.

OR

3-B. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which gives the network organization any rights with respect to the renewal or cancellation of such contractual arrangement not given to the licensee.

OR

3-C. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization for a period longer than two years.

4. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which controls, restrains, limits, or in any other way interferes with the establishment of the rates to be charged by the licensee for the sale of available broadcast time to advertisers or other clients.

5. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization which has the effect of or will result in the broadcasting of the programs of one network company by two or more standard broadcast stations rendering adequate primary service to the same city.

6-A. After January 1, 1942, no licensee of a standard broadcast station shall, directly or indirectly, own or be owned by, or be under common control with or have any interests in a chain or network organization; *Provided,* that the Commission will grant reasonable extensions of time in the event that the licensee is unable to meet the requirements of this restriction before its effective date.

OR

6-B. No person engaged in network broadcasting shall be licensed to operate more than two clear channel stations or more than three standard broadcast stations of all classes.

OR

6-C. No person engaged in network broadcasting shall be licensed to operate any standard broadcast station located in a city receiving adequate primary service from less than five full time standard broadcast stations.

7. No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, which prevents the license from rejecting, for reasonable cause, any program offered by the network organization. The contracts between station licensees and network organizations shall expressly guarantee the right of program rejection by the licensee, and the judgment of such licensee shall be *prima facie* evidence of the reasonableness of rejection claims.

### *The Weber Wire and Rosenbaum Letter*

A telegram from Fred Weber, general manager of MBS, to all Mutual affiliates, and a letter from Samuel R. Rosenbaum, Chairman, to all members, featured IRNA developments in the past week.

Mr. Weber's wire follows:

"Assume you have received telegram sent by Rosenbaum to all network affiliates. We urge you read Segal brief carefully in light of your own best interests before placing yourself on record as endorsing it, either with FCC or IRNA. IRNA action at San Francisco was not unanimous and cannot be construed as blanket authorization to IRNA officers and attorney to file brief favoring NBC and CBS on all issues regardless of affiliates' best interests, not to mention intemperate language, and references to Commission's Monopoly Committee.

"In many important respects Segal's brief is contrary to or ignores testimony introduced at hearing by IRNA's own representatives, particularly its chairman, for example, with reference to Blue Network situation and his Network contract arrangements as developed in his second appearance before Committee. Wire from Commission Secretary obviously intended to secure more information than Rosenbaum states. Among other things it asks 'whether brief reflects position your station.'"

Mr. Rosenbaum's letter follows:

November 27, 1940.

To All Affiliates:

I have refrained from adding to the turmoil caused by the telegram sent by the Secretary of the Federal Communications Commission to affiliates, beyond sending out my telegram to all affiliates the next day. In my telegram I said:

> "At the San Francisco Convention the IRNA officers and board were instructed to file a brief taking exception to the report of the Monopoly Committee and Paul Segal was retained to write the brief.
>
> "Segal's brief for IRNA does not attempt to express any view on behalf of any individual affiliate, nor does it preclude an expression of such views. It sets forth only an argument on behalf of IRNA as an organized group containing affiliates of every class and description, and therefore is limited to a spirited defense of the right of stations to contract freely for network affiliation within the present structure of American network broadcasting, and vigorously denies the Monopoly Committee's charge that present affiliation relationships interfere with our ability as affiliates to render satisfactory public service under our licenses.
>
> "Before the brief was filed, advance proof was circulated to the IRNA board, and when it was filed, extra copies were ordered for distribution to every affiliate regardless of IRNA membership. These are being mailed today."

It may be that some station owners do not believe the IRNA brief represents their views. It would be practically impossible to write a brief which would exactly express the views of all owners. There are some 400 network-affiliated stations in the country. Each has his individual problems locally, nationally, and competitively. I think one would find that if statement, argument or brief had to be approved in full by every station, none would ever be filed or made.

It was the effort of the IRNA Board and attorney to dissociate themselves from individual problems and state an argument in defense of the service being rendered by affiliated stations through the very fact of their network affiliation. I think it may fairly be said that the report of the Monopoly Committee attacked the present system of network affiliation from top to bottom as impairing the ability of affiliates to render public service.

I have been informed that most of the objection which has been expressed to the IRNA brief has been stirred up by officers of Mutual, who feel that the Monopoly Report, if adopted by the Commission, will help Mutual competitively in its efforts to achieve full network status alongside National and Columbia. If this is so, I regard it as quite short-sighted. In my opinion the energy and drive reflected in the growth of Mutual will result eventually in increasing strength and status for Mutual, and it is a mistake for Mutual to bring upon the entire industry detailed Government regulation of network operation which would hamper Mutual stations as much as others, and go far beyond the temporary advantage that Mutual seeks to obtain. I think the brief, if fairly read, points out that the Mutual method of operation has many advantages and is entitled to a fair opportunity.

What the brief primarily contends is that IRNA is opposed to Government regulation of our business and contracts. We contend that regulation of our licenses does not involve regulation of our business and contracts. We contend that while network-affiliate relationships can be considerably corrected and improved, we are equally sure that Government intervention is the wrong way to accomplish it.

It is true that Segal's language is colorful and emphatic. However, it is respectful and does not depart from the tone which would be followed in oral argument by many able counsel who have appeared before the highest tribunals. It would be unfortunate if a style of expression were permitted to obscure the substantial merit of the argument, and we refuse to believe that the Commission will be influenced either way by personalities.

The brief is now in your hands and oral argument will be presented before the Commission in such manner as will be most likely to receive fair and proper consideration. In the meantime, we believe the developments reviewed in this letter testify anew to the importance of having an organization which can express the views of affiliates when important crises arise in the industry.

It is no solution for any affiliate to turn his back and say he has nothing to do with it. On the contrary, your own long-range best interest lies in being a member of IRNA and expressing your views and trying to convince others that you are right, so that in the end IRNA will be able fairly and properly to present the views which reflect the best thought of the industry. Otherwise you will get regulation and meet accomplished facts without even having tried to have a hand in shaping them.

Cordially yours,

SAMUEL R. ROSENBAUM  
*Chairman*

On Wednesday next (Dec. 4), IRNA will have a one-day meeting in New York. The morning sessions will be given over to meetings of network affiliated station subcommittees, culminating a full meeting for the luncheon period.

## RADIO'S TWENTIETH BIRTHDAY ELICITS PRESIDENTIAL PRAISE

### 612 Attend Washington Dinner
### Willkie Commends Industry, Too

Felicitated by letters from President Franklin D. Roosevelt and Wendell L. Willkie, representatives of the broadcasting industry Tuesday evening celebrated the twentieth anniversary of American radio in a dinner in the Hotel Willard attended by distinguished men and women in all walks of public and private life.

In praising the industry, the President, in his letter to Neville Miller, president of the National Association of Broadcasters said, "The growth of broadcasting as we know it in America has been one of the most outstanding achievements of this generation. . . . I reaffirm to you my belief that democracy will not tolerate any attempts at domination or control by the Government at the free and open avenues of public information."

In his letter to Mr. Miller, Mr. Willkie declared, "As one who has just come through a national political campaign, I can bear testimony to the fairness and high sense of responsibility of those in control of our radio facilities. . . . A free radio, along with a free press, constitutes the cornerstone of a system of free men."

Among the 500 gathered at the dinner, were the following:

The Honorable Jesse Jones, Secretary of Commerce, U. S. Department of Commerce.
The Honorable Sherman Minton, United States Senate.
The Honorable H. H. Schwartz, United States Senate.
The Honorable Elbert D. Thomas, United States Senate.
The Honorable C. Wayland Brooks, United States Senate.
General George C. Marshall, Chief of Staff, U. S. Army.
Major General J. O. Mauborgne, Chief Signal Officer, U. S. Army.
The Honorable Breckenridge Long, Assistant Secretary of State, U. S. Department of State.
The Honorable Norman S. Case, Commissioner, Federal Communications Commission.
The Honorable T. A. M. Craven, Commissioner, Federal Communications Commission.
The Honorable James Lawrence Fly, Chairman, Federal Communications Commission.
The Honorable George Henry Payne, Commissioner, Federal Communications Commission.
The Honorable Paul A. Walker, Commissioner, Federal Communications Commission.
The Honorable Harry B. Mitchell, Commissioner, U. S. Civil Service Commission.
Mr. Thomas Burke, Chief, Division of International Communications, Department of State.
The Reverend Samuel McCrea Cavert, General Secretary, Federal Council of Churches of Christ in America.
Rabbi Edward Israel, President, Synagogue Council of America.
The Reverend Maurice S. Sheehy, Catholic University.
Mr. Walter W. Van Kirk, Secretary, Department of International Justice and Goodwill, Federal Council of Churches of Christ in America.
Mr. John Benson, President, American Association of Advertising Agencies.
Mr. Albert Warner, Chairman, Radio Correspondents Association.
Mr. Joseph D. Jamieson, President, White House News Photographers Association.
Mr. Ward Stringham, President, The Electric Institute of Washington.
Mr. Paul B. West, President, Association of National Advertisers.

Among the station operators present were the following:

Mr. Richard Haywood Mason—WPTF, Raleigh, N. C.
Mr. Ray R. Jordan—WDBJ, Roanoke, Va.
Mr. and Mrs. Frank V. Becker—WTBO, Cumberland, Md.
H. Kenneth Carpenter—WHK, Cleveland, Ohio.
Mr. and Mrs. John Kennedy—Clarksburg, W. Va.
Dr. Leon Levy—WCAU, Philadelphia, Pa.
Mr. Edward Y. Flanigan—WSPD, Toledo, Ohio.
George W. Smith—WWVA, Wheeling, W. Va.
Mr. John Shepard III—Yankee Network, Boston, Mass.
Mr. and Mrs. Leonard J. Kapner—WCAE, Pittsburgh, Pa.
Mr. and Mrs. Clair R. McCollough—Mason-Dixon Network, Lancaster, Pa.
Mr. L. Waters Milbourne—WCAO, Baltimore, Md.
Mr. John V. Lyons—WCAO, Baltimore, Md.
Mr. Don Riley—WCAO, Baltimore, Md.
Mr. Edward L. Anzman—WCAO, Baltimore, Md.
Mr. Edward F. Voelcker—WCAO, Baltimore, Md.
Mr. Arthur Church—KMBC, Kansas City, Mo.
Mr. Lee B. Wailes—Westinghouse Stations.
Mr. John Holman—KDKA, Pittsburgh, Pa.
Mr. Samuel H. Cook—WFBL, Syracuse, N. Y.
Miss Nancy Wilder, Syracuse, representing WSYR.
Mr. Morris S. Novik—WNYC.

Those representing the networks were from CBS, MBS, NBC:

*From CBS*

Mr. Edward Klauber, Executive Vice President.
Mr. Harry C. Butcher, Vice President.
Mr. Mefford R. Runyon, Vice President.
Mr. Joseph H. Ream, Secretary and General Attorney.
Mr. Edwin K. Cohan, Director of General Engineering.
Mr. A. B. Chamberlain, Chief Engineer.
Mr. Louis Ruppe, Director of Publicity.
Mr. Davidson Taylor, Asst. to Vice President in Charge of Broadcasts.

*From MBS*

Mr. Theodore C. Streibert, Vice President.
Mr. William Dolph, WOL, Mutual.
Mr. Fred Weber, General Manager.
Miss Madelene Ensign, WOL, Mutual.

*From NBC*

Mr. Clay Morgan, Institutional Promotion.
Mr. Frank Mullen, Executive Vice President.
Mr. William S. Hedges, Vice President.
Mr. John F. Royal, Vice President.
Mr. Frank M. Russell, Vice President.
Mr. Sidney N. Strotz, Vice President.
Mr. A. L. Ashby, Vice President.
Mr. Frank E. Mason, Vice President.
Mr. A. A. Schechter, Director of News and Special Events.

### 20-Year Veterans Light Cake

The center of attraction during the dinner was a huge birthday cake which was brought into the room in the middle of the banquet, as the lights were lowered, led by a procession of waiters carrying illuminated desserts while the orchestra played Auld Lang Syne. Atop the cake were twenty unlighted candles. Addressing the audience of 612 people present, Neville Miller called for all those who had been in radio for twenty years to rise and come forward to light the candles. As they arose, a burst of applause welcomed these radio veterans who participated in the candlelight ceremony. Among those identified were the following:

Meade Brunet, RCA Washington official.
S. D. Gregory, NBC manager of managed and programmed stations.
A. L. Ashby, NBC vice-president and general counsel.
Arthur B. Church, president of KMBC, Kansas City.
E. M. Webster, FCC assistant chief engineer.
Commissioner T. A. M. Craven, of the FCC.
John W. Guider, Washington attorney.
E. C. Page, Washington consulting engineer.
A. B. Chamberlain, CBS chief engineer.
Mrs. LeRoy Mark, owner of WOL, Washington.
C. M. Jansky, Jr., Washington consulting engineer.
Louis Windmuller, Washington representative of Fairchild Aviation Corp.
E. K. Cohan, CBS technical director.

G. W. (Johnny) Johnstone, radio director, Democratic National Committee.
H. G. Dorsey, U. S. Coast & Geodetic Survey.
Ralph Perry, WPRA, Mayaguez, P. R.
Major General J. O. Mauborgne, Chief Signal Officer, U. S. Army.
George O. Sutton, Washington radio attorney and former engineer.

During the course of the evening a special broadcast was given wherein commentators of the Columbia Broadcasting System, Mutual Broadcasting System, and National Broadcasting Company, broadcast special greetings and gave those present a last-minute roundup of the news from scattered points throughout the globe. A. A. Schechter, Director of Special Events of N. B. C., directed the broadcast. Bringing the audience the words of Edward Morrow, CBS, John Steck, MBS, and Fred Bates, NBC.

John Charles Thomas, the distinguished tenor, headed the roster of radio performers who entertained, including:

J. C. Flippen, Master of Ceremonies.
Ramona.
Howard and Shelton.
Bobby Mae.
The Pitchmen.
Music by Johnny Messner's Orchestra.

In connection with the Birthday Dinner, the American Forum of the Air, presided over by Theodore Grannik, originated a special program over the Mutual Broadcasting System on which the following reviewed the record of radio in the past twenty years and speculated as to its future during the next twenty:

Senator Elbert D. Thomas of Utah; Chairman James Lawrence Fly; Dr. Samuel McCrae Cavert, General Secretary of the Federal Council of the Churches of Christ; Rabbi Edward Israel, President, the Synagogue Council of America; Edward J. Heffron, Executive Secretary, National Council of Catholic Men; Paul Weston, President, Association of National Advertisers; Neville Miller, and Martin Codel, Publisher of *Broadcasting Magazine*.

## Letter from the President Felicitating Radio on Its Twentieth Birthday

The White House

November 25, 1940.

My dear Mr. Miller:

On the occasion of the twentieth birthday of broadcasting, I wish to extend through you my congratulations and best wishes to the industry. The growth of broadcasting as we know it in America has been one of the outstanding achievements of this generation. Since the days of twenty years ago when attic experimenters tinkered with crystal sets and the reception of a distant signal was a mere novelty, the modern receiver has become a necessity in the American household.

With this fine record of technical achievement, the radio industry also has rendered excellent public service. It has brought information and entertainment of quality to the millions of American homes which otherwise could not have enjoyed such benefits. In fact, it might be said that radio has erased the old boundaries of time and space. As millions of American families gather each day about their receivers, we become neighbors in a new and true sense.

Today the need is greater than ever that broadcasting should perform its function as a medium of public information. Factual and accurate news made available to all of our people is a basic essential of democracy. Radio has done its job well in this field. Elsewhere radio and the press are instruments of the state, used by dictators without regard for truth or justice. I reaffirm to you my belief that democracy will not tolerate any attempts at domination or control by government at the free and open avenues of public information. The best assurance that this will continue to be so is the proper discharge of the public responsibilities by those who operate these media.

The nations of this hemisphere are engaged in a cooperative undertaking to keep war and aggression from our shores. It is my hope that radio will increase and continue its efforts to create a broader understanding among the people of this hemisphere. The exchange of programs among the broadcasting stations of the Americas and the origination of special broadcasts from and to our neighbors serve to strengthen the common purpose which unites us at home.

Again, I felicitate the radio industry on its twentieth birthday. You have reached an amazing maturity for one so young. Your government has no wish to interfere or hinder the continued development of the American system of broadcasting. Radio was born and developed in the real American way and its future must continue on that basis.

Sincerely,
Franklin D. Roosevelt.

## Letter from Wendell L. Willkie Felicitating Radio

November 25, 1940.

Dear Mr. Miller:

Through you, I would like to congratulate American Radio Broadcasting on its Twentieth Birthday, and all those men and women who have achieved such a splendid and outstanding performance in bringing this medium of communication and entertainment to its present level of perfection.

Those closely associated with radio broadcasting in this country can take pride in this achievement, as well as in the fact that they have kept the ether waves clear for free expressions of all shades of thought. As one who has just come through a national political campaign as a major participant, I can bear testimony to the fairness and high sense of responsibility of those in control of our radio facilities. May it ever be so. A free radio, along with a free press, constitutes the cornerstone of a system of free men.

With very best wishes for the future of American Radio, I am,

Sincerely yours,
Wendell L. Willkie.

## CLUB WOMEN SUPPORT FREE RADIO

Mrs. Lucy R. Milligan, President of the National Council of Women of the United States, and Chairman on the Radio Council on Children's Programs, wired the support of the organized club women of the country, the continuation of free radio in the United States. Her wire follows:

On behalf of the National Council of Women of the United States, I want to congratulate the radio industry on this important occasion. Coincidentally with its rise to one of our major industries has come an awareness on the part of women of the vast debt they owe radio. The higher level of our national culture is due largely to the contribution radio has made to the American people through its many educational broadcasts of every description. We want to take educational broadcasts of every description. We want to take this occasion, too, to express our gratitude to the NAB for its adoption of the Code which insures to all Americans the dissemination of the truth, without prejudice, and in a spirit of fair play. We believe that a free radio is the very essence of true democracy and pledge our continued support to the end that free radio shall continue in the United States.

Lucy R. Milligan, *President,*
National Council of Women of the United States.

## BMI FEATURE TUNES

### December 2-9

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON

*PORTRAIT OF A PROTECTOR* IS THE NAME OF A MOST EFFECTIVE BOOKLET PRESENTING THE CASE OF BROADCASTING IN THE PRESENT MUSIC CONTROVERSY. IT HAS BEEN GIVEN A GENERAL CIRCULATION. MANY STATIONS HAVE REQUESTED AN ADDITIONAL SUPPLY FOR USE IN THEIR OWN AREA. NAB IS PREPARED TO FILL ANY REASONABLE REQUEST FOR ADDITIONAL COPIES. FOR ADDITIONAL COPIES OF *PORTRAIT OF A PROTECTOR* PLEASE WRITE NAB, 1626 K STREET, N. W., WASHINGTON, D. C.

Ten BMI numbers show up on the various lists of music most played on the air this week. *There I Go* heads the lists followed by *So You're The One, I Give You My Word, Practice Makes Perfect, Same Old Story, You Walk By, I Hear A Rhapsody, May I Never Love Again, We Could Make Such Beautiful Music,* and *Let's Dream This One Out*. It is interesting to note also two numbers of the Southern Music Company which have appeared well up on the lists both last week and this, *Frenesi* and *Tonight* (*Perfidia*). These two numbers will be covered by the BMI license beginning the first of the year. That makes an even dozen of the leaders on the air which are or will be in the BMI catalogue.

What the public thinks of BMI music is clearly shown when people walk up to coin machines and drop nickels into the slot to hear it or walk into stores to buy copies of the records or sheet music. Bob Chester's recording of *Practice Makes Perfect* stood fourth last week, this week third, in the list of biggest money makers on the coin machines, with *There I Go* as recorded by Tommy Tucker and also as recorded by Will Bradley on the "coming up" list. *There I Go* and *Practice Makes Perfect* are on the national list of best sellers and *I Give You My Word* also appears on the regional list for the east.

Last week *There I Go* was number four and *Practice Makes Perfect* number five on the Hit Parade.

ASCAP was quoted in VARIETY for November 20th to the effect that "Broadcast Music has about reached its maximum subscribers, namely, 420". The ASCAP management will certainly be glad to learn that they underestimated the strength of BMI's appeal to radio stations. With the new subscribers listed below, the BMI membership reaches 429. We warmly welcome the following:

KFKA—Greeley, Colorado
KSOO—Sioux Falls, South Dakota
KTSW—Emporia, Kansas
KUTA—Salt Lake City, Utah
WIND—Gary, Indiana
WKBB—Dubuque, Iowa
WKNE—Keene, New Hampshire
WLAW—Lawrence, Massachusetts
WLOG—Logan, West Virginia
WMFF—Plattsburg, New York
WRDW—Augusta, Georgia
WTRY—Troy, New York
KFDM—Beaumont, Texas
KAST—Astoria, Oregon

* * *

Conclusion of its first deal with a performing rights society, The Society of Authors, Composers and Editors of Music, Mexico City, has been announced by Broadcast Music, Inc. Under the terms of the contract which was signed by Alfonso Esparza Oteo on behalf of the Mexican Society, BMI receives from the composers on January 1, 1941, broadcasting rights and television rights to more than 20,000 musical compositions, including 2,000 records. Performance rights in these compositions are available through ASCAP up to the close of 1940 through the Southern Music Company.

More than 150 of the song writers of Mexico are included in the grant. The compositions cover those which have achieved popularity through performance by leading band leaders and vocalists, and a large repertoire of serious music. Carlos Chavez, the conductor, is a member of the Society, as are Lorenzo Barcelata, Alfonso Esparza Oteo, Tata Nacho, Jose Guizar, Manuel M. Ponce, Agustin Lara, Miguel Lerda de Tejada and others.

In addition to *Frenesi* and *Perfidia,* the list of compositions contains songs by Barcelata and Cortazar in Mexican motion pictures, *Vereda Tropical,* the music of which was featured in the second edition of *Hellazpoppin',* and such well known songs as *Mi Viejo Amor* by Esparza Oteo, *Guadalajara* by Pepe Guizar, *Morena* by Moral, *Flores Negras* by Karlo.

With the cooperation of the members of the music committee of the Pan-American Union, BMI is planning a series of good will programs to popularize Latin-American music in the United States. Mexican, Cuban and South American music will also be performed over short wave broadcasts.

* * *

In pursuit of the policy of creating a catalogue to meet all music needs of radio stations, BMI has for some time had in preparation a hymnal. It is expected that the volume will be ready for distribution to BMI member stations some time after December 20th and certainly before the first of the year. As a special consultant in preparation of this collection, BMI has had the services of Richard Maxwell, who has for a number of years conducted the program known as *Songs of Comfort and Cheer* over the CBS network. Mr. Maxwell has collaborated with M. E. Tompkins, BMI's General Manager, and Dana Merriman of the Editorial Staff.

The volume will contain between four hundred and five hundred numbers. The greater part of these will be the standard hymns that have stood the test of time and well known gospel songs of all religious denominations. There are to be included also, patriotic hymns and some of the best known negro spirituals. A most important characteristic of the collection is the fact that it includes music representative of every religious faith which has any considerable following in this country. The book will be published in such form as to be suitable for use in congregational or community singing.

## Nominations Now Open For Peabody Radio Awards

A University of Georgia bulletin describing in detail the George Foster Peabody Radio Awards for distinguished and meritorious public service will be mailed soon to every station in the country, according to Dean John E. Drewry of the Henry W. Grady School of Journalism, through whose office the entries and awards will be handled.

Since January 15 is the closing date for this year's entries, Dean Drewry suggests that station managers might well begin immediately getting their entries ready. The procedure, as set forth in the Peabody plan, as adopted by the Regents of the University System of Georgia, follows:

> "Nominations of candidates for these awards shall be made in writing to the Dean of the Henry W. Grady School of Journalism, The University of Georgia, Athens, Georgia. Each nomination must be accompanied by complete and self-evident data setting forth clearly the claim to consideration of one of these awards. Program subjects, program outlines, program transcripts, recordings, letters, and other pertinent data should be so presented as to comprise an exhibit which will be a faithful record of the station's particular contribution to public service offered for consideration in this connection.
>
> "Competition for one of these awards will be limited to work done during the calendar year ending December 31 next preceding. The first award will be made in 1941, based on public service programs of 1940.
>
> "The closing date for entries will be January 15."

*There are to be separate awards for small, medium-sized, and large stations, and for chain broadcasts.*

Awards will be made at a date and place to be announced later, upon the recommendations of the Advisory Board, membership of which consists of:

Dr. S. V. Sanford, Chancellor, University System of Georgia.
Bruce Barton, President, Batten, Barton, Durstine, and Osborne, Advertising, New York City.
John H. Benson, President, American Association of Advertising Agencies, New York City.
Virginius Dabney, Editor, Richmond (Va.) Times Dispatch.
Norman H. Davis, Chairman, American Red Cross, Washington, D. C.
Jonathan Daniels, Editor, Raleigh (N. C.) News and Observer.
Mark F. Ethridge, Vice President and General Manager, Louisville (Ky.) Courier-Journal and Times.
Waldemar Kaempffert, Science Editor, The New York Times.
Alfred A. Knopf, Publisher, New York City.
Miss Grace Moore, Metropolitan Opera, New York City.
Dr. John W. Studebaker, United States Commissioner of Education and Chairman, Federal Radio Education Committee, Washington, D. C.
Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody and President of "Yaddo," Saratoga Springs, New York.
Edward Weeks, Editor, The Atlantic Monthly, Boston, Massachusetts.

## Legislative

### SUPREME COURT SUSTAINS FCC IN KSFO-CBS CASE

In *FCC* v. *Columbia Broadcasting System* and *FCC* v. *The Associated Broadcasters, Inc.*, the Supreme Court on Monday held that appeal from an order of the Commission denying consent to an assignment of a radio station license does not lie to the Court of Appeals of the District of Columbia. Speaking through Mr. Justice Frankfurter, the Court ruled that an order denying consent to an application for a transfer is not an order "refusing an application . . . for a radio station license" within the meaning of Section 402 (a) and (b) of the Communications Act. Jurisdiction to review such an order rests exclusively with the appropriate district court, specially constituted, with direct appeal to the Supreme Court.

We print the opinion in full:

OCTOBER TERM, 1940

Nos. 39-40

39
FEDERAL COMMUNICATIONS COMMISSION, *Petitioner,*
vs.
COLUMBIA BROADCASTING SYSTEM OF CALIFORNIA, INC.

40
FEDERAL COMMUNICATIONS COMMISSION, *Petitioner,*
vs.
THE ASSOCIATED BROADCASTERS, INC.

(November 25, 1940)

On Writs of Certiorari to the Court of Appeals for the District of Columbia

Mr. Justice FRANKFURTER delivered the opinion of the Court.

We brought these two cases here, 310 U. S. 617, because they raise questions of importance touching the distribution of judicial authority under the Communications Act of 1934. (Act of June 19, 1934, 48 Stat. 1064, as amended by the Act of June 5, 1936, 49 Stat. 1475, and by the Act of May 20, 1937, 50 Stat. 189, 47 U. S. C. §151 *et seq.*)

Insofar as action of the Federal Communications Commission is subject to judicial review, the Act bifurcates access to the lower federal courts according to the nature of the subject matter before the Commission. Barring the exceptions immediately to be noted, §402(a) assimilates "suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act" to the scheme of the Act of October 22, 1913 (38 Stat. 219), pertaining to judicial review of orders of the Interstate Commerce Commission. Therefore as to the general class of orders dealt with by §402(a) jurisdiction rests exclusively in the appropriate district court, specially constituted, with direct appeal to this Court. Excepted from this scheme of jurisdiction is "any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, or suspending a radio operator's license." These five types of orders, thus placed beyond the jurisdiction of the district courts, are then affirmatively dealt with by §402(b). As to them, that provision gives an appeal "from decisions of the Commission to the Court of Appeals of the District of Columbia," with ultimate resort to this Court only upon writ of certiorari.

Our problem, then, is to apply this scheme of jurisdiction to the situation before us. Acting under §310(b) of the Communications Act, the Commission refused consent to an assignment to the Columbia Broadcasting System of California of a radio station license held by the Associated Broadcasters. Columbia and Associated thereupon sought in the Court of Appeals for the District review of the Commission's denial of consent. The Commission moved to dismiss the appeals for want of jurisdiction. The court below, with one justice dissenting, denied the motions and entertained jurisdiction. 108 F. (2d) 737.

The crux of the controversy is whether an order of the Commission, in the exercise of its authority under §310(b), denying consent to an assignment of a radio station license is an order "refusing an application . . . for a radio station license," within the meaning of §§402(a) and (b). If it is, the court below was seized of jurisdiction. If it is not, that court was without it. In the language quoted in the margin, Congress has made the choice and it is for us to ascertain it.

Primarily, our task is to read what Congress has written. As a matter of common speech, the excepted types of orders which alone can come before the Court of Appeals for the District of Columbia do not include an order refusing the consent required by §310(b). Refusing "an application . . . for a radio station license" is hardly an apt way to characterize refusal to assent to the transfer of such a license from an existing holder. Nor is there anything to indicate that the peculiar idiom of the industry or of administrative practice has modified the meaning that ordinary speech assigns to the language. Instead of assimilating the requirements for transfers to applications for new licenses or renewals, the Act as a whole sharply differentiates between them. Different considerations of policy may govern the granting or withholding of licenses from those which pertain to assent to transfers. And Congress saw fit to fashion different provisions for them. Compare §§307, 308, 309, and 319 with §310(b). There are also differences in the formulated administrative practice for disposing of applications for station licenses and requests for consents to transfer. Nor do some similarities in treatment make irrelevant the differences.

A sensible reading of the jurisdictional provisions in the context of the substantive provisions to which they relate gives no warrant for denying significance to the classifications made by Congress between those orders for which review can only come before the local district courts, and those five types of orders, explicitly characterized, which alone can come before the Court of Appeals for the District. And an order denying consent to an application for a transfer is one of those five, for it is not an application for "a radio station license" in any fair intendment of that category.

What thus appears clear from a reading of the Communications Act itself is not modified by the collateral materials which have been pressed upon us. That both sides invoke the same extrinsic aids, one to fortify and the other to nullify the conclusion we have reached, in itself proves what dubious light they shed. What was said in Committee Reports and some remarks by the proponent of the measure in the Senate are sufficiently ambiguous, insofar as this narrow issue is concerned to invite mutually destructive dialetic but not strong enough either to strengthen or weaken the force of what Congress has enacted. See Sen. Rep. No. 781, 73d Cong., 2d Sess., pp. 9-10; House Rep. No. 1918, 73d Cong., 2d Sess., pp. 49-50; 78 Cong. Rec. 8825-26. This leaves for consideration only the bearing of an earlier decision by the Court of Appeals for the District on this very question, arising under the predecessor of the Communications Act, the Radio Act of 1927, 44 Stat. 1162, as amended, 46 Stat. 844. In that Act §16 covered, for present purposes, the provisions of §402(b) of the Communications Act. *Inter alia,* it provided for appeals to the court below by "any applicant for a station license." Construing that provision, the court below in *Pote* v. *Federal Radio Commission,* 67 F. (2d) 509, held that it was without jurisdiction over an appeal by a transferee to whom consent to a transfer had been denied. The present §402 was adopted after this decision and another decision by the same court within this field of jurisdiction (*Goss* v. *Federal Radio Commission,* 67 F. (2d) 507) had been presumably brought to the attention of Congress. Hearings on S. 2910, 73d Cong. 2d Sess., pp. 44-45. On the one hand it is insisted that, in the light of these circumstances, the construction in the *Pote* decision was impliedly enacted by Congress, while respondents urge that differences in the provisions regarding the Commission's power over consent to transfers destroy the significance of the *Pote* case. But these changes in §310(b), which stiffened the control of the Commission over transfers, are wholly unrelated to the technical question of jurisdiction with which we are now concerned. We are not, however, willing to rest decision on any doctrine concerning the implied enactment of a judicial construction upon reenactment of a statute. The persuasion that lies behind that doctrine is merely one factor in the total effort to give fair meaning to language. And so, at the lowest, the *Pote* case certainly does not detract from, but if anything reenforces, the construction required by a clear-eyed reading of the statute.

*Reversed.*

Telford Taylor, General Counsel, Federal Communications Commission (Francis Biddle, Solicitor General, Edwin E. Huddleson, Jr., Joseph L. Rauh, Jr., Assistant General Counsel, Federal Communications Commission, Benedict P. Cottone, and Harry M. Plotkin with him on the brief) for petitioner; Duke M. Patrick for respondent in No. 39; no appearance for respondent in No. 40.

### SENATE PASSES WALTER-LOGAN BILL

The Senate on Tuesday passed the Walter-Logan Bill to provide judicial review of administrative decisions and make uniform administrative procedure in most of the government agencies; the vote was 27 to 25. The House Judiciary Committee on Wednesday voted unanimously to approve the Senate amendments, which were those reported out of the Senate Judiciary Committee. The House is expected to consider the amendments next Monday and passage seems assured; the House passed the measure by a vote of about 3 to 1 last spring. The best opinion is that the President will veto the bill if passed, that the House will pass it over his veto, but that the Senate will not override the veto. In that event the bill will die with this session of Congress.

The NAB Legislative Committee at its meeting last May voted to take no action relative to the Walter-Logan Bill.

Motions of AFM and NAPA to file briefs as amicus curiae in *Whiteman* v. *RCA Mfg. Co.* were denied by the Supreme Court of the United States on Monday, November 25.

## Engineering

### ENGINEERING CONFERENCE FEB. 10-21

One of the outstanding engineering events each year is the Ohio State Broadcast Engineering Conference held on the campus of Ohio State University at Columbus. W. L. Everitt, Director of the Conference has announced the dates of February 10 through 21, 1941, for the Fourth Conference.

The last Conference was attended by 248 engineers from 35 states showing a healthy increase over the previous year. The Conference sessions are conducted under regular classroom conditions in which one and one-half hours of each period are devoted to a formal presentation and one-half hour to an informal discussion. The subjects of the Conference bridge the gap between academic and practical application of new developments and are a definite aid to engineers in keeping up with their profession.

NAB cooperated in this year's Conference and will cooperate in the Fourth next February.

A capable group of men has been assembled to conduct the various sessions.

One of the outstanding talks will be given in an address by E. K. Jett, Chief Engineer of the FCC, on the timely subject of "Communication in National Defense". Some of the matters in connection with this subject are secret, however, those that Mr. Jett can talk on will be interesting.

One of the most popular sessions last year was the "General Discussion and Question Box," conducted by A. D. Ring, Assistant Chief Engineer of the FCC in charge of broadcasting. Mr. Ring discusses broadcast engineering regulation problems in an interesting manner and new problems that have arisen since last year, such as the North American Agreement Reallocation, promise to make this a high-light session again.

Harvey Fletcher of Bell Telephone Laboratories will present a paper entitled "Hearing determines the fundamental requirements of high fidelity". There has been a great deal of discussion recently about "high fidelity" in connection with claims made for frequency modulation and therefore Mr. Fletcher's paper is timely.

The commercialization of Frequency Modulation on January 1 will continue the interest on this subject. Seven sessions on the various phases of FM are on the agenda and Major Armstrong will conduct the opening period.

Late this summer the National Television Standards Committee was formed for the purpose of evolving standards agreeable to the whole industry. W. R. G. Baker, Director of Engineering for the Radio Manufacturers Association is Chairman of the Committee. It is anticipated that the Committee's work will be completed by February and Dr. Baker has agreed to discuss the standardization at the Fourth Conference.

Another prominent television matter at this time is color television, brought to the attention of the industry by Peter Goldmark of The Columbia Broadcasting System. Dr. Goldmark will present a paper on the color television system evolved by him for CBS.

New to the Conference this year will be laboratory periods during which the members will have an opportunity to make actual broadcast station measurements with the latest type of test equipment. RCA and General Radio have already promised to participate in this project by furnishing equipment and instructors. Others have signified their intention to do so.

Many other subjects of current interest will be covered at the Conference and the full program and list of speakers will be ready for distribution the last of December.

Dr. Everitt, Director of the Conference, is widely known as the author of "Communication Engineering" a book used in some 60 schools and he is a ranking communications engineering educator. He recognized some four years ago the need for something to aid engineers in keeping up with an art developing at a difficult pace. He therefore inaugurated the Broadcast Engineering Conferences and the enthusiasm on the part of those who have attended attests to the capable manner in which he has met the problem.

## BROADCAST MEASUREMENTS

FCC experts in October measured 694 broadcast stations leaving 166 stations not measured.

Of these 639 stations showed a maximum deviation within 0-10 cycles; 47 stations a maximum deviation within 11-25 cycles; 7 stations a maximum deviation within 26-50 cycles; and 1 station a maximum deviation over 20 cycles.

## NOTICE TO MANUFACTURERS OF HIGH FREQUENCY EQUIPMENT

An informal engineering conference will be held at the offices of the Federal Communications Commission on Monday, December 9, at 10:30 a. m. (in Room 7416), to discuss transmitting equipment for high frequency broadcast stations. Two subjects will be discussed, namely: (1) Maximum power rating and operating power range of standard high frequency (FM) transmitters. (2) Performance characteristics of audio amplifying equipment when obtained separately and as a complete unit.

The Commission has been informed that it would facilitate the manufacture of standard high frequency (FM) broadcast transmitting equipment if maximum power ratings could be standardized. Also, the operating power range of the transmitters of different maximum power ratings should be standardized for the equipment made by different manufacturers. As the Commission regulates only the external performance characteristics, it ordinarily would not be particularly concerned with power rating except in so far as it must be considered in obtaining the necessary performance. It has been agreed, however, to discuss these matters with the several manufacturers so as to standardize the power ratings in order to expedite manufacture at this time when most of the engineering facilities of the manufacturers are devoted to defense engineering.

The following power ratings are offered as a basis of discussion:

| *Maximum Power Rating* | *Operating Power Range* |
|---|---|
| 250 watts | 50 to 250 watts |
| 1,250 " | 250 " 1,250 " |
| 5,000 " | 1,250 " 5,000 " |
| 25,000 " | 5,000 " 25,000 " |
| 100,000 " | 25,000 " 100,000 " |

High frequency broadcast stations are *not* rated on the basis of power output. They *are* rated on the basis of service area. The service area is established from economic data and certain technical considerations. Since all stations serving the same city must have substantially the same service area and as the antenna height and antenna gain vary in all cases, the operating power will, in most cases, be odd values (such as 1190 watts, 19.2 kw, etc.).' While stations are not to be rated on the basis of operating power, consideration should also be given the determination of the operating power for the authorized coverage.

Even though standard maximum ratings as given above are adopted, it may be desirable to make provision for immediate steps by reducing the number of tubes or using tubes of different power ratings in the last radio stage when the operating power is considerably below the maximum power rating. This is suggested for economy only.

It has come to the attention of the Commission that the performance characteristics of the speech input equipment is dependent upon the input and output circuits employed. Unless each unit is designed for the impedance characteristics of the load, the performance (frequency and amplitude) may be different from the published data. The claims for overall performance of high frequency broadcast equipment are, in many cases, based upon the performance of individual units which may not, in some cases when not matched, give performance meeting the requirements, unless all units are equalized as a whole. It is desired to discuss these problems with the view of standardizing a method of specifying characteristics and load conditions. High frequency broadcast stations are required to submit proof of audio performance during tests as a complete station before a license will be issued by the Commission.

# National Defense

## URGENT

The next mailing of Man Power announcements going to stations will contain a special announcement concerning Procurement Inspectors, badly needed in the aircraft industry.

If time is available it will be appreciated if station managers will do something EXTRA over the air to secure these men.

At the present moment, the Civil Service people are not getting the required number of applications for these jobs. A large number of men are required. They will be assigned to work in private aircraft plants.

Previous aircraft experience is not required in all instances. For example, a man who knows how to inspect steel will know how to inspect steel in the aircraft plants. Likewise, a man who knows instruments, in a broad sense, will be able to qualify to inspect instruments used by airplanes.

Let's see what RADIO can do to comb this nation for Procurement Inspectors—Quick!

## NATIONAL DEFENSE CONSUMER BROADCASTS

A program for strengthening the Nation's human defenses by making food market information available to household buyers through market news broadcasts in the local community is outlined in a bulletin, entitled "Local Market News Broadcasts for Consumers," issued by Miss Harriet Elliott, Commissioner in charge of the Consumer Protection Division of the National Defense Advisory Commission. The bulletin is being distributed to State and Local Defense Councils and to civic and service organizations to assist them in community defense efforts. The use of market news broadcasts is urged as an aid in protecting living standards by helping guide consumer food purchasing, and as a measure to help raise the nutritional levels of the country.

"Radio stations can cooperate with local organizations in the promotion and protection of human welfare in the communities they serve," said Commissioner Elliott. "Particularly needed are broadcasts concerning foods which protect health, food-preparation methods which conserve vital nutritive values, and information on the availability of essential foods. Such services should be provided by government agencies concerned with food products and their distribution."

Commissioner Elliott has been assured of the cooperation of the radio industry in this program by Mr. Neville Miller, president of the National Association of Broadcasters. In a recent letter to Miss Elliott, Mr. Miller said: "Please be assured of the desire of the National Association of Broadcasters to cooperate with your office in every way possible in the furtherance of your program to safeguard our American way of life in the broadcasting of constructive consumer information, in directing attention to the ever needed efforts to eliminate malnutrition, and with the Advisory Commission's farseeing effort to strengthen our human defenses, as well as military. I feel confident that radio stations throughout the country will find a constructive opportunity to be of further public service in carrying on this important work."

Miss Elliott's recommendation on market news broadcasts is one step in a nationwide program to safeguard civilian needs and raise nutrition levels for defense. Other measures recommended by Miss Elliott include extension of school lunch programs, low-cost methods of distributing milk and essential fruits and vegetables to needy families, diet clinics to which families can bring their food-buying and nutrition problems, wider use of the Food Stamp Plan, and more extensive utilization of the diet and health services of governmental and private organizations.

## PROGRESS REPORTED IN FORMS REVISE

Meeting in Washington on Monday last to act on the FCC Rules Committee's recommendations in respect of requests for revision of application forms 301 and 319, the NAB-FCC Conference Committee and the FM Broadcasters Committee on Application Forms concluded their work by drafting a letter to the Rules Committee and instructing a sub-committee to confer with the Rules Committee on certain questions. The Committees stated that their efforts have been directed only to simplification and clarification of the forms and not to consideration of substantive matters in the Commission's Rules on which the questions are based. The members present expressed their appreciation of the cooperation of members of the Commission staff in tackling a tedious and intricate task.

Present at the meeting were: W. C. Alcorn, WBNX; H. W. Batchelder, WFBR; P. J. Hennessey, Jr., P. J. Loucks, C. M. Jansky, Jr., Kenneth E. Raine, Judge Frank Roberson, Reed T. Rollo, and Russell P. Place and Lynne Smeby of the NAB staff.

Mr. Alcorn, Vice-Chairman, appointed Messrs. Rollo, Loucks, Bennett and Place to confer on non-engineering questions, and Messrs. Jansky and Smeby to confer on engineering questions.

On Wednesday, November 27, the sub-committee met at the FCC with Messrs. Rauh, Bauer, Bartlett and Sutton of the Commission staff. Agreement was reached on virtually all non-engineering questions under discussion. Assurance was given that the Rules Committee would give every consideration to the NAB-FM Committees' requests concerning the few questions not settled.

## RESEARCH COMMITTEE REPORTS ON UNIT MEASUREMENT

The NAB Research Committee met in New York Monday, November 25. Chairman William J. Scripps presided at the meeting with the following in attendance: H. M. Beville, Jr.; Arthur B. Church; Frank N. Stanton; Lee B. Wailes; James W. Woodruff, Jr., and Robert E. Dunville, representing James D. Shouse. Paul F. Peter, NAB director of research, attended as an ex officio member of the Committee.

The Committee heard a report by Mr. Peter on progress of the Advertising Volume Unit Measurement Service. The Committee reviewed the tabulation of 206 reporting stations for the month of September. The Committee also reviewed the progress of the work involved in publication of an urban radio survey on radio ownership and listening habits.

At the invitation of the Committee, Mr. C. E. Hooper, President, Dr. Matthew N. Chappell and Mr. Hugh Boyd of the C. E. Hooper, Inc., research organization presented their findings on the causes of inconsistencies between coincidental and unaided recall ratings on radio programs. The Research Committee is studying the operation of various program measurement methods as a preliminary step to the preparation of a manual for station use on the subject. The Committee has set its next meeting date tentatively for January 10, 1941.

## NAB-AAAA CONFERENCE COMMITTEE MEETS, N. Y., DEC. 4

The NAB-AAAA Conference Committee will hold a meeting at the Ritz Tower, New York, at 10 a. m. Wednesday, December 4. The sub-committee on consideration of the AAAA standard order blank will meet the day previous at 10 a. m. in the office of Edward M. Petry & Co. The report of the full committee will be made to the NAB Executive Committee at its meeting at the Roosevelt Hotel Thursday, December 5, at 8:30 a. m. It has been found impossible to schedule a meeting with the 4 A's committee for this week because of the conflict with their Regional Meeting in Chicago; however, an early meeting will be arranged.

## LEGISLATIVE COMMITTEE MEETING

There will be a meeting of the Legislative Committee at the Ritz-Tower Hotel, New York City, at 4:30 p. m. Wednesday, December 4. The makeup of the new Legislative Committee is quoted elsewhere in this issue of the Report.

## INSURANCE COMMITTEE BEGINS TABULATION—YOUR QUESTIONNAIRE NEEDED

The Insurance Committee, under the direction of Chairman Roger Clipp, has begun tabulation of the data contained in approximately 160 Insurance Questionnaires returned so far. The multiplicity of risks involved in operating a broadcasting station make it desirable to have as many of the questionnaires returned as possible, therefore, members are urged to fill in the questionnaire and return it as soon as possible.

## "FOOTPRINTS OF THE TROJAN HORSE" TO BE OFFERED RADIO LISTENERS

Members will recall the ovation at the San Francisco NAB Convention, bestowed upon Dr. Frank Kingdon, Executive Director of Citizenship Educational Service, following his address "Broadcasters Defend America."

Continuing its Americanization work, his organization, supported by labor, business, fraternal, and religious organizations, this fall published an expose of so-called Fifth Column activities at work in this country, under the title, "Footprints of the Trojan Horse." This booklet was unanimously endorsed by the press, clergy and men and women, in all parties and walks of life, resulting in a demand for its mass distribution.

Arrangements for this mass distribution have just been completed, and in cooperation with the NAB Public Relations Department on December 2, radio stations will receive information direct from the Citizenship Educational Service. The revised edition may be secured at the price of ten cents per copy. Stations are being asked to give occasional announcements to this effect. Letters enclosing a coin may be addressed direct to the Citizenship Educational Service, 122 East 42nd Street, New York City. For the information of members we print here a list of the organizations sponsoring this Americanization work:

American Federation of Labor
American Friends Service Committee
American Jewish Committee
Benevolent and Protective Order of Elks
Boys' Clubs of America
Boy Scouts of America
Camp Fire Girls
Catholic Charities
Catholic Youth Organization
Daughters of the American Revolution
Federal Council of Churches of Christ in America
General Federation of Women's Clubs
International Society Christian Endeavor
Jewish Welfare Board
Knights of Columbus
National Conference of Christians and Jews
National Association for the Advancement of Colored People
Roosevelt Memorial Association
Workers' Educational Bureau of America
Young Men's Christian Association
Young Women's Christian Association

## "MR. B. E. CARROLL"

Station WFPG has notified Headquarters it is entering criminal action against one B. E. Carroll, for check forgery. Mr. Carroll may be offering other stations services similar to those offered WFBG, namely the conducting of "Buy Now" campaigns. His description follows: weight 200 pounds, ruddy complexion, around 45 years of age. He has a scar across his forehead.

## CIVIL LIBERTIES UNION PRAISES RADIO ON BIRTHDAY

On the occasion of the celebration of the twentieth anniversary of the beginning of radio broadcasting, the Radio Committee of the American Civil Liberties Union forwarded a message of congratulation to Mr. Neville Miller of the National Association of Broadcasters. Speaking as the Washington representative of the Committee, Mr. H. Thomas Austern, Washington, D. C., said:

"We can quite unreservedly commend the broadcasting industry for the efforts it is making to put radio in a position where it fairly reflects all the currents of public opinion. As representatives of the general public, we are in a position to speak without bias and solely in the interest of according to all listeners throughout the country the maximum service that radio is capable of rendering in the full and free discussion of public issues by representatives of all groups without distinction.

"We are in entire agreement with the underlying principle of the radio code which forbids the sale of time for the discussion of public controversial issues. This has to a high degree effectively put an end to the ability of monied interests to get their case before the public to the exclusion of opponents too poor to buy time. While from a practical standpoint the problem is difficult and the effect has not been all that could be desired, it looks as if satisfactory solutions can be achieved for these problems which yet remain to be solved.

"The exception in the code for the sale of time for political speeches apparently works with entire satisfaction and we believe it is an exception which probably should be made.

"We deem the existing statutory power of the President to take over the operation of all radio stations in time of national emergency or war as potentially dangerous—so dangerous, indeed, that we have advocated Congressional action to deprive the President of this power. There seems to be no argument for such a blanket control of radio in time of emergency that would not apply equally to the press. The radio code apparently ensures a degree of self-regulation sufficient to make unnecessary the exercise of any such sweeping and drastic power by the Federal Government. In these circumstances we think that legislative action to limit the existing statutory grant of power is warranted.

"The possibility of liability of radio stations for slander or libel remains, we believe, a deterrent to free speech on the air in that it forces the use of pre-examined scripts for all speeches except discussion in an open forum. While the deterrent action has to some extent been minimized, we believe that legislation would be desirable to free stations of such liability except on the part of their own agents.

"We are likewise in full agreement with the code provision which bars from the air programs which contain attacks upon any race or religion. While here again the precept as practiced necessitates delicate judgments, and deserves continual scrutiny, we believe that freedom of speech does not require affording license to attack the race or faith of others over the air."

## OTHER RADIO BIRTHDAY ACTIVITIES

WHEC, Rochester, is hereby and herewith presented a mythical loving cup in recognition of the most thorough and complete exploitation of Radio's 20th Birthday that has been reported.

Ross Woodbridge, WHEC publicity director, has supplied the details. He sent the clippings; the car and bus card and the chain key ring. Here is the plan which WHEC put into practice:

### 1—STREET CAR CARDS

Three hundred street cars and busses in Rochester carry this promotional material. All WHEC programs receive plugs—one program to a card; several cards for each program. In addition, sponsors were given cards for window use and general display.

### 2—SOUVENIRS

Ten thousand (10,000) key-holder souvenirs like the one enclosed are being distributed to visitors to our studios. Main distribution will occur during our "Open House" week beginning November 25. No comment is necessary concerning the make-up and design of the souvenirs. I might say, however, they are numbered and a record kept of the name of each souvenir recipient. The perfectly obvious reason is that should the key-holder become lost, WHEC can be of quick and easy help in getting keys returned to rightful owner.

### 3—BIRTHDAY CAKE

The picture of Clarence Wheeler, vice president of WHEC, and Gunnar Wiig, general manager, gives a fair idea of the cake which greets our visitors in our main reception room. With a bottom layer 36 inches in diameter, the cake itself is 20 inches high, topped by an inscribed loving cup. With a decorated surface of over 19 square feet, the cake has a ring of twenty electric lights around the top outside edge.

### 4—NEWSPAPER HIGHLIGHT COLUMNS

Enclosed also are tear sheets showing our Highlight Columns which appeared in both Rochester newspapers on November 9 and November 16. Same column for November 23, will also deal exclusively with this 20th anniversary celebration. WHEC has this Highlight Column on the radio pages of the newspapers every day and in addition to the full columns already mentioned, we are using top heading every other day calling attention to the special birthday party broadcasts we are presenting.

## OTHER WHEC RADIO BIRTHDAY PARTY PLANS

### 5—BIRTHDAY PARTY REGISTRATION BOOK TRANSCRIPTION OF VOICES

Visitors of WHEC studios register in book. Every fiftieth guest has a recording of his or her voice made and is presented with the disc. Some discs to be used on special broadcasts.

### 6—CONDUCTED TOURS OF STATION

Explanation of most interesting phases of radio to visitors.

### 7—DEMONSTRATION OF SOUND EFFECTS

Tied in with tours of studios.

### 8—SPONSORS' NIGHT

On Monday night, November 18, approximately 100 local WHEC sponsors were entertained at the station. General idea being a good friendly get-together. Buffet supper served. A few very short talks.

### 9—WHEC GENERAL DISPLAY

Because of its size, the WHEC general display of pictures of many program stars, has heretofore been used as publicity in large stores, halls and windows outside of the station. However, for this birthday party, special room has been made and all visitors have a chance to see pictures of CBS and local WHEC program headliners.

### 10—FLOWERS

Studios, reception room, etc., appropriately decorated.

## SPECIAL WHEC PROGRAMS FOR ANNIVERSARY CELEBRATION

Beginning November 11, all WHEC local sustaining and many commercial programs have paid tribute to Radio's Twentieth Birthday and have called attention to the many advantages of the American system of broadcasting.

### 11—EVERY STAFF ORCHESTRA PROGRAM

With BMI tunes getting the spotlight musically, these programs for the entire twenty days have been devoted to the birthday idea. Many guest soloists have been and will be presented, some of them regular stars on former WHEC series.

### 12—GUEST SPEAKERS

Religious groups one night (Protestant, Catholic and Jewish faiths represented by speakers who paid tribute to free radio and the many benefits religious bodies have been given through the American system). The hundred-plus voiced Rochester Community Choir sang. Political Parties. Guest speakers included the Republican and Democratic Monroe County Chairmen. Educational Institutions. Guest speaker, Paul Reed, Director of Radio and Visual Education of the Rochester Public Schools.

### 13—SPONSORS' PROGRAM

Tribute from local sponsors.

### 14—RADIO BIRTHDAY PARTY ON CHILDREN'S WEEKLY AMATEUR SHOW

Sponsor releasing gas-filled balloons with rewards for those who return them.

### 15—RADIO THROUGH THE YEARS

Maurice Clarke, WHEC's chief engineer, tracing radio's general technical growth with dramatized episodes.

### 16—POLICE AND RADIO

Program devoted to use of radio by police. Police officials present and taking part.

### 17—MUSICAL CLOCK DOUGHNUT AND COFFEE PARTY

Jack Barry, WHEC's Musical Clock maestro, presenting program from Hotel Seneca ball room. Free coffee and doughnuts for all who attend. Dunkers club formed.

### 18—STUDIO CONCERTS

Organ, harp and two piano concerts (not broadcast but presented for enjoyment of visitors).

### 19—WOMAN'S CORNER PROGRAM

Charlotte Edwards is devoting her five-a-week programs to the cause. For example, one broadcast used original script for an early WHEC serial story (over ten years old) for which most of the original cast members returned from out of town to participate.

Another day, WHEC's first woman commentator presented one of her original scripts. Other programs included interviews with WHEC staff members who told of life at WHEC in the old days and made comparisons with radio as we have it today.

### 20—RECORDINGS THROUGH THE YEARS

Program devoted to progress made in the field of recording and electrical transcriptions. Comparisons made with actual broadcast of earliest and latest recordings and transcriptions. Tribute paid to science and research.

### 21—RADIO IN SPORTS

Gunna Wiig and Lowell MacMillan, head of WHEC's sports department, cover the role radio has played in sports coverage. Local sports personalities present as guests. Incidentally, Gunnar Wiig was one of the very first play-by-play baseball men in the country and was the first to describe an out-of-town game by use of wire.

In San Antonio radio distributors and leading dealers were lined by Charlie Balthrope, commercial manager, KTSA, for an extended period of 20th Birthday promotion which is to end November 30. Special programs and ten daily spots are contributed by KTSA. The radio trade responded by sponsoring additional special shows. Window cards were used profusely.

William L. Wallace, promotion manager, has Radio's 20th Birthday under his charge at KFBB, Great Falls, Mont. Because of special conditions the event will be extended beyond November 30.

Ray Jordan, general manager, WDBJ, one of the guests at the Washington, D. C., Radio Birthday Party, reported between courses that the promotion was being well received in Roanoke.

Details haven't been received yet, but Aberdeen, South Dakota, is having a Radio Birthday Party. Toward the middle of the month, R. Thompson Mabie, production manager, wrote:

> "Regarding your bulletin of November 6, may we add our voice of approval, as the Voice of Mutual for South Dakota, to the idea of celebrating Radio's 20th Birthday.
>
> "At the present time we have very definite plans under way. We are making every effort to include outstanding local personalities plus local entertainment talent available in Aberdeen. You may be sure that the plans will do justice to the basic idea which NAB has in mind."

"Radio's Effects on Home Life" is the subject of the final Radio's 20th Birthday broadcast over WJZ and NBC-Blue. It was handled by Dr. O. H. Caldwell, editor, *Radio Today.*

Ten days ago, the boys in NBC's Central Division cooked up a special Radio Birthday broadcast over WENR. Three radio veterans, each with nineteen years of service recalled the early days of radio while the youngest announcer "stooged." The three were Jules Herbuveaux, Maurice Wetzel and Gene Rouse, all of NBC.

Radio's 20th Birthday was fittingly observed in Baltimore by WCAO. In addition to broadcasting, paid newspaper space was used. One 300-line ad in the Baltimore *Sun* of November 21 read:

> MARYLAND'S OLDEST
> BROADCASTING STATION
> WCAO
> "The Voice of Baltimore"
>
> Licensed by the Federal Radio Commission May 8, 1922
>
> is proud of the fact that it is less than two years younger than RADIO BROADCASTING itself, and that a continued record of conscientious service to the listening public has resulted in the most successful year in the station's history.
>
> Many thanks to you, our friends, on this, the occasion of Radio's 20th Anniversary.

# 1940-41 Standing Committees Completed

With a few exceptions noted in the following list, the committee appointments for 1940-41 have been completed. In making up the personnel of these committees, every effort, consistent with qualification for the particular service involved, has been made to secure as wide a station representation and geographic distribution as is possible.

A general analysis of the committee situation shows that the 144 committee members and Directors are distributed among 103 stations. Some of the committees and the Board provide for network representation and 16 different network officials appear as members on one or another of the 13 standing committees.

In addition to these standing committees there arises from time to time during the year, the occasion for special committees to deal with some particular problem. In making up these committees attempt will be made to call to the service of the industry, men in other stations affiliated with the Association.

Following is the completed list of standing committees:

### *ACCOUNTING COMMITTEE*

*Chairman*—H. K. Carpenter, WCLE, Cleveland, Ohio; S. R. Dean, CBS, New York, N. Y.; E. J. Gluck, WSOC, Charlotte, North Carolina; Harry F. McKeon, NBC, New York, N. Y.; Glenn Snyder, WLS, Chicago, Illinois; Harold Wheelahan, WSMB, New Orleans, Louisiana.

### *AAAA CONFERENCE COMMITTEE*

*Chairman*—Harry C. Wilder, WSYR, Syracuse, New York; Roy L. Harlow, WAAB, Boston, Massachusetts; Richard H. Mason, WPTF, Raleigh, North Carolina; Edward Petry, Edward Petry & Co., Inc., New York, N. Y.; Frank A. Seitz, WFAS, White Plains, New York; Dale Taylor, WENY, Elmira, New York; Lee B. Wailes, KYW, Philadelphia, Pennsylvania.

### *CODE COMMITTEE*

*Chairman*—Edgar L. Bill, WMBD, Peoria, Illinois; Earl J. Glade, KSL, Salt Lake City, Utah; Gilson Gray, CBS, New York, N. Y.; Hugh A. L. Halff, WOAI, San Antonio, Texas; Henry P. Johnston, WSGN, Birmingham, Alabama; J. O. Maland, WHO, Des Moines, Iowa; Frank Mullen, NBC, New York, N. Y.; Calvin J. Smith, KFAC, Los Angeles, California; Theodore C. Streibert, MBS, New York, N. Y.

*Secretary*—Ed. Kirby, NAB, Washington, D. C.

### *ENGINEERING COMMITTEE*

*District 1*—F. M. Doolittle, WDRC, Hartford, Conn.
*District 2*—Maurice Clark, WHEC, Rochester, N. Y.
*District 3*—J. C. Leitch, WCAU, Philadelphia, Pa.
*District 4*—(not yet appointed by District Director)
*District 5*—James R. Donovan, WTOC, Savannah, Ga.
*District 6*—J. H. DeWitt, WSM, Nashville, Tenn.
*District 7*—(not yet appointed by District Director)
*District 8*—Walter Hoffman, WWJ, Detroit, Mich.
*District 9*—Carl Meyers, WGN, Chicago, Ill.
*District 10*—Paul Loyet, WHO, Des Moines. Iowa
*District 11*—Julius Hetland, WDAY, Fargo, N. D.
*District 12*—K. W. Pyle, KFBI, Wichita, Kans.
*District 13*—William G. Edgerton, KTSA, San Antonio, Tex.
*District 14*—(not yet appointed by District Director)
*District 15*—R. V. Howard, KSFO, San Francisco, Calif.
*District 16*—Jay Tapp, KGER, Long Beach, Calif.
*District 17*—(not yet appointed by District Director)

### *FCC CONFERENCE COMMITTEE*

*Chairman*—Eugene C. Pulliam, WIRE, Indianapolis, Ind.; *Vice Chairman*—W. C. Alcorn, WBNX, New York, N. Y.; H. W. Batchelder, WFBR, Baltimore, Md.; P. J. Hennessy, NBC, Washington, D. C.; Harold Lafount, WCOP, New York, N. Y.; Kenneth Raine, CBS, New York, N. Y.; Reed Rollo, MBS, Washington, D. C.

### *INSURANCE COMMITTEE*

*Chairman*—Roger W. Clipp, WFIL, Philadelphia, Pa.; S. R. Dean, CBS, New York, N. Y.; William I. Moore, WBNX, New York, N. Y.; J. R. Poppele, MBS, New York, N. Y.; Charles A Wall, NBC, New York, N. Y.

### *LABOR COMMITTEE*

*District 1*—J. J. Boyle, WJAR, Providence, R. I.
*District 2*—I. R. Lounsberry, WGR, Buffalo, N. Y.
*District 3*—Samuel R. Rosenbaum, WFIL, Philadelphia, Pa.
*District 4*—(not yet appointed by District Director)
*District 5*—Fred Borton, WQAM, Miami, Fla.
*District 6*—H. W. Slavick, WMC, Memphis, Tenn.
*District 7*—(not yet appointed by District Director)
*District 8*—Leo J. Fitzpatrick, WJR, Detroit, Mich.
*District 9*—W. E. Hutchinson, WAAF, Chicago, Ill.
*District 10*—Lloyd C. Thomas, KGFW, Kearney, Nebr.
*District 11*—Clarence T. Hagman, WTCN, Minneapolis, Minn.
*District 12*—William B. Way, KVOO, Tulsa, Okla.
*District 13*—Kern Tips, KPRC, Houston, Tex.
*District 14*—(not yet appointed by District Director)
*District 15*—Ralph R. Brunton, KJBS, San Francisco, Calif.
*District 16*—Lewis Allen Weiss, KHJ, Los Angeles, Calif.
*District 17*—(not yet appointed by District Director)

### *LEGISLATIVE COMMITTEE*

*Chairman*—John A. Kennedy, WBLK, Clarksburg, W. Va.; Campbell Arnoux, WTAR, Norfolk, Va.; Walter J. Brown, WSPA-WORD, Spartanburg, S. C.; Harry C. Butcher, WJSV, Washington, D. C.; Edwin W. Craig, WSM, Nashville, Tenn.; William B. Dolph, WOL, Washington, D. C.; John Elmer, WCBM, Baltimore, Md.; Mark Ethridge, WHAS, Louisville, Ky.; Frank M. Russell, WRC, Washington, D. C.; Theodore C. Streibert, WOR, New York, N. Y.

### *NAB COMMITTEE OF COOPERATION BETWEEN PRESS, RADIO AND BAR*

*Chairman*—Neville Miller, NAB, Washington, D. C.; Harry C. Butcher, WJSV, Washington, D. C.; Louis G. Caldwell, Washington, D. C.; Philip G. Loucks, Washington, D. C.; Frank M. Russell, WRC, Washington, D. C.

### *RESEARCH COMMITTEE*

*Chairman*—W. J. Scripps, WWJ, Detroit, Mich.; Hugh M. Beville, Jr., NBC, New York, N. Y.; Arthur B. Church, KMBC, Kansas City, Mo.; James D. Shouse, WLW, Cincinnati, Ohio; Dr. Frank N. Stanton, CBS, New York, N. Y.; Theodore C. Streibert, MBS, New York, N. Y.; Lee B. Wailes, KYW, Philadelphia, Penna.; J. W. Woodruff, Jr., WRBL, Columbus, Ga.

*Ex-Officio*—Neville Miller, NAB, Washington, D. C.; Paul F. Peter, NAB, Washington, D. C.

### *SALES MANAGERS DIVISION*

*District 1*—William Malo, WDRC, Hartford, Conn.
*District 2*—Charles Phillips, WFBL, Syracuse, N. Y.
*District 3*—Griffith Thompson, KYW, Philadelphia, Pa.
*District 4*—(not yet appointed by District Director)
*District 5*—Norman MacKay, WQAM, Miami, Fla.
*District 6*—Vernon Anderson, WJBO, Baton Rouge, La.
*District 7*—D. A. Brown, WHIO, Dayton, Ohio
*District 8*—W. W. Behrman, WBOW, Terre Haute, Ind.
*District 9*—(not yet appointed by District Director)
*District 10*—Karl Koerper, KMBC, Kansas City, Mo.
*District 11*—Barney Lavin, WDAY, Fargo, N. D.

*District 12*—Ellis Atteberry, KCKN, Kansas City, Kans.
*District 13*—Jack Keasler, KGNC, Amarillo, Tex.
*District 14*—W. E. Wagstaff, KDYL, Salt Lake City, Utah
*District 15*—Wilt Gunzendorfer, KSRO, Santa Rosa, Calif.
*District 16*—Harry W. Witt, KNX, Los Angeles, Calif.
*District 17*—Arthur Bright, KFPY, Spokane, Wash.

### *SALES MANAGERS STEERING COMMITTEE*

*Chairman*—E. Y. Flannigan, WSPD, Toledo, Ohio; Ellis Atteberry, KCKN, Kansas City, Kans.; Charles Caley, WMBD, Peoria, Ill.; Eugene Carr, WGAR, Cleveland, Ohio; Willard Egolf, KVOO, Tulsa, Okla.; Craig Lawrence, KRNT, Des Moines, Iowa.

### *WAGE AND HOUR COMMITTEE*

*Chairman*—Joseph L. Miller, NAB, Washington, D. C.; William Dolph, WOL, Washington, D. C.; C. T. Lucy, WRVA, Richmond, Va.; Clair R. McCollough, WGAL, Lancaster, Penna.; (one additional member to be appointed).

The following letter was sent to all committee members by President Miller this week:

"The complete list of the personnel of Committees for the year 1940-41 will be published shortly. The NAB is proud of the talent contained within its membership and we believe we have secured the services of members who will render a real service to the industry during the coming year.

"In selecting these Committees, we have tried to have as many stations represented as possible; to secure proper geographical representation; to hold over a few former members to help guide the new members; and to bring in as much new blood as possible.

"To all those who served on the Committees last year, I want to express my sincere appreciation for the time which you so liberally gave to the work of the NAB. I believe you accomplished much and pass on to the personnel of the new committees a firm foundation upon which they can build this year. We hope that you found the work both pleasant and interesting and that you will be willing to serve again at some future date in another NAB activity.

"To those who have agreed to continue to serve for another year, we wish to thank you for your past services and to express our appreciation for your willingness to continue serving the industry.

"To the new members, we extend a most cordial welcome and express the belief that you will find the work very interesting and at the end of the year have the satisfaction of knowing that you have rendered a real service, not only to the NAB, but to the entire radio industry."

## FLY PRAISES RADIO'S ELECTION ROLE IN NBC TALK

Stating that "Radio has indeed a cornerstone of the democratic system" and praising radio for stimulating the largest vote in the history of the country, Chairman James Lawrence Fly delivered an address over the NBC network last Monday night, on the eve of the birthday celebration held here the following evening. Mr. Fly was introduced by Neville Miller, NAB President who cited the growing cooperation between government and the industry "in this and in all other radio matters". The text of Mr. Fly's address titled "Radio and What It Did In The Last Election" follows:

It is a particular pleasure to me to talk with you tonight because I feel that before we allow the details of the recent political campaigns to fade from memory, radio's part in it should be appraised. Radio is not given to boastful conduct in its own behalf. But you and I have observed its operations from hour to hour during these months. Now that the campaigns have closed, I want to suggest that we flash to this great industry the signal "well done."

Last August 3, on the occasion of the celebration of Radio Day at the San Francisco World's Fair, I said: "Those in the broadcasting industry know that so far as public issues are concerned you want an opportunity to learn all the facts. They realize that other sources are open to those who want, or will tolerate, partisan presentation of information, with all of its unbalance, and with the insinuation of prejudice into factual reporting. They are well aware of their great opportunity to establish radio as the completely reliable, impartial medium." Tonight I venture to report to you that so far as the recent campaign is concerned, in my opinion radio has accomplished much toward carving that niche for itself.

In past years we have been wont to assume that democracy and its great principles are eternal. Now we know that for a basic philosophy to be preserved as a vital force it must be implemented by a practical system. Democracy rests upon the capacity of a people to govern themselves. That capacity for self government in turn depends upon the existence of an intelligent well-informed electorate. It is therefore vital in a democracy that there be at least one great source of information; a source of facts fairly presented; fair comment on those facts; and intelligent two-sided debates on great controversial issues. In this regard, the American system of radio broadcasting has become a cornerstone of our democratic institutions.

As radio has gained this important ground other media of information have hardly held their own. This contrast we have all noted with disappointment. We all know that for self-government to thrive, our basic instruments for the dissemination of information must be vigilantly guarded and fostered. No special financial or political interest should control their policies. Their primary function must be service to the public. If in purporting to bring facts to the people, truth is distorted for selfish ends, that is not democracy—it is something else. We should be grateful that radio has not chosen such a path for itself.

The right of the people to have radio used for the communication of information and exchange of ideas, fairly and objectively presented, has been recognized by the broadcasting industry not only in theory but in practice. I can tell you that by far the greater part of the industry is becoming scrupulous in its attempts to carry that idea forward. It is true that differences of opinion may arise as to just how far that approach should be taken. Should commentators be permitted to peddle their sponsors' views under the guise of news commentary? Should news reporters be permitted to inject their own or their sponsor's views into ostensible factual reporting? But those are at present subsidiary matters. The important thing is that the basic principle of objectivity has been accepted and placed into practice. Today the adoption of an editorial policy by a licensee of a broadcast station is virtually unknown.

Let me make it clear that what I am talking about is not mere idealism; the facts I have in mind represent the actual functioning of a great practical machine. Through the practical application of idealism in the administration of this country's broadcasting system we now can see important, practical, concrete results. Radio has, indeed, become a cornerstone of the democratic system. In the past few months we have seen its achievements grow in reporting news daily and from hour to hour, in carrying frequent debates on controversial issues and more especially, in its conduct of the political campaigns.

Whatever any one of us may have thought of the various individuals competing for public office, whatever our agreement or disagreement with what any one of them may have said or stood for, none of us, I think, can say that his candidates were not afforded ample and repeated opportunity to explain their views to the electorate. And, most significant, the opportunities were equal for all.

Of course, radio has certain advantages in reaching the people. It has warmth; it has intimacy, it can be present everywhere at the same time. By radio the candidate's personality is projected to your fireside. You are able to judge for yourself his sincerity and the depth of his feeling. In this last campaign in which radio was used more intensively than ever, all of these advantages of radio stood out clearly. They were abetted by the policy of equality adopted by the broadcasters.

This policy of impartial use of radio facilities consists of more than well-sounding phrases; it has produced direct tangible results. As all candidates and parties are permitted equal opportunity to present their different views, issues become important. The convictions of the electorate become firm; a convinced electorate goes to the polls. Moreover, I, for one, take the view that to radio must be given much credit for its part in stimulating the largest vote in our country's history. That is the democratic system at its best.

In pleasant contrast to the acrimony and bitterness which prevailed among newspaper commentators and editorial writers, radio commentators on national networks and local stations generally preferred dispassionate, analytical discussions. It was to be expected that those individuals who spoke under the auspices of a political party would deliver partisan discussions, most of which were reasoned arguments on one side or the other of particular campaign issues. Occasionally a party-sponsored commentator would indulge in name-calling and prejudice-stirring tactics, inconsistent with the good taste displayed by other partisan radio speakers. But the radio-listening audience is an acute audience. It seeks arguments and facts and not name-calling. In one of the outstanding instances of bad taste, when a speaker attempted to incite religious antagonisms, an aroused public demanded and received an apology from the speaker.

The issues with which a large and nationally scattered audience can be reached by radio has made it possible for political parties to break through sectional differences which have heretofore existed. A speech delivered in Boston embraced a discussion of farm problems. A commentator in New York discussed power problems in the States of Tennessee and Washington. The necessity of making public addresses in different sections of the country, each devoted to sectional and regional problems, became unnecessary. No candidate may successfully assume attitudes which vary from section to section. As the various sections of the country through radio become more aware of the relationship of their regional interests to the problems of the nation as a whole, extreme sectionalism should begin quickly to fade from the national scene. Such mutual understanding would be a real stride toward true national unity.

Perhaps the outstanding, unique service which the radio industry performed to climax its service to the electorate was its complete and timely broadcast of election returns. Before some voting units in the western States had been closed, the radio had announced the partially complete election returns of some eastern States. You heard instantly that the Cleveland Plain Dealer had conceded Ohio. You kept your own score and discovered trends for yourself. You were aided by competent vote analysts who kept the radio-listening public informed of their views on the trends, minute by minute. Before midnight—a few short hours after most polls closed—station after station throughout the country carried the news of the election outcome.

Now the campaigns are over. Radio has done its job in the elective process. It must continue its day to day role of assisting self-government to function effectively. In these days the road of self-government is not an easy one. And, as the country prepares to face any threatening danger, we can expect that radio will continue to do its part to help us do ours.

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has adopted its final order granting the application of the Worcester Broadcasting Corporation to establish a new station in **San Diego, California,** to operate on the frequency **1420 kilocycles,** with power of 250 watts, unlimited time, upon condition that applicant shall within a period of 30 days furnish the Commission satisfactory proof of authority to issue its capital stock, and within two months shall file application for modification of construction permit specifying the exact transmitter location and antenna system.

The proposed findings which were made public September 5th last, were adopted as the final Findings of Fact and Conclusions of the Commission in this case.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing and oral argument are scheduled before the Commission for the week beginning Monday, December 2. They are subject to change.

### Monday and Tuesday, December 2 and 3

Oral Argument Before the Commission

In the Matter of the Investigation of Chain Broadcasting.—Limited to issues of fact and policy raised by the report of the Chain Broadcasting Committee.

### Friday, December 6

WLAK—J. P. Marchant, D. J. Carey, and Melvin Meyer (Transferors), and Florida West Coast Broadcasting Co., Inc. (Transferee), Lakeland, Fla.—Transfer of control of station WLAK; operating on **1310 kc.,** 250 watts, unlimited.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

### January 6

WCSC—The Liberty Life Insurance Co. (Transferor), and John M. Rivers (Transferee), Charleston, S. C.—Transfer of control of South Carolina Broadcasting Co., Inc.; **1360 kc.,** 500 watts night, 1 KW day, unlimited.

### January 8

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.,** 250 watts night, 250 watts day, unlimited.

### January 9

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts night, 100 watts LS, unlimited time.

### January 10

KRMC—Roberts McNab Company (Assignor) (Arthur L. Roberts, R. B. MacNab, and A. J. Breitbach, Gen'l Mgr.), and Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. Dak.—Voluntary assignment of license, **1370 kc.,** 250 watts night, 250 watts day, unlimited time.

### February 10

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.,** 1 KW night, 5 KW LS, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Tropical Broadcasting Co., DeLand, Fla.—Granted construction permit for a new station to operate on **1310 kc.,** 250 watts power, unlimited time (B3-P-2991).

Community Broadcasting, Inc., Wheeling, W. Va.—Granted construction permit for a new station to operate on **1370 kc.,** with 100 watts, unlimited time (B2-P-2967).

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted construction permit to increase night power from 1 to 5 KW and make changes in directional antenna; **600 kc.,** 5 KW day (B4-P-2825).

WAIR—C. G. Hill, George D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Granted modification of license to change frequency from **1250** to **1310 kc.,** and increase hours of operation from daytime to unlimited; 250 watts power (B3-ML-981).

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted construction permit to change frequency from **1310** to **600 kc.,** increase power from 250 watts to 1 KW, install new equipment and directional antenna for night use (B3-P-2814).

KROD—Dorrance D. Roderick, El Paso, Tex.—Granted construction permit to change frequency from **1500** to **600 kc.,** increase power from 250 watts to 500 watts night, 1 KW LS, and install new transmitter (B3-P-2725).

WREC—WREC Broadcasting Service, Memphis, Tenn.—Granted construction permit to make changes in directional antenna and increase night power from 1 to 5 KW; **600 kc.,** 5 KW day, unlimited time.

WCLS—Robert W. Thomas, Administrator of the Estate of L. W. Wood, Deceased (Transferor), Walter Ashe (Transferee), Joliet, Ill.—Granted authority to transfer control of corporation (WCLS, Inc.), licensee of station WCLS, from Robert W. Thomas, Administrator of Estate of L. W. Wood, deceased, to Walter Ashe; station operates on **1310 kc.,** 100 watts, specified hours (B4-TC-249).

KGFW—Kenneth Dryden, Edith McKean, Dora Brown (Transferor), Lloyd C. Thomas (Transferee), Kearney, Nebr.—Granted consent to transfer control of Central Nebraska Broadcasting Corp. (280 shares of common stock 51.1%, for a total consideration of $6,500) from Kenneth Dryden, Edith McKean and Dora Brown, to Lloyd C. Thomas; **1310 kc.,** 250 watts, unlimited time (B4-TC-237).

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted construction permit to install directional antenna for night use, and increase time of operation from daytime to unlimited, using 500 watts power on **1120 kc.,** subject to certain engineering considerations (B1-P-2710).

WCAU Broadcasting Company, Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to operate on **46700 kc.;** 9,300 square miles; population, 3,846,651; hours of operation, 6 hours night, 6 hours day (B2-PH-43).

WMPS—Memphis Press-Scimitar Co. (Transferor), Memphis Commercial Appeal Co. (Transferee), Memphis, Tenn.—Granted authority to transfer control of the Memphis Broadcasting Company, licensee of station WMPS, from Memphis Press-Scimitar Co. to Memphis Commercial Appeal Co., representing 200 shares of common stock and 100% of the voting stock ownership in the Memphis Broadcasting Co.; station operates on **1430 kc.,** 500 watts night, 1 KW day, unlimited time (B2-TC-228).

WMC—Memphis Commercial Appeal Co. (Assignor), Memphis Publishing Co. (Assignee), Memphis, Tenn.—Granted consent to voluntary assignment of license for broadcast station WMC and relay stations WABG and WEIX, from the Memphis Commercial Appeal Co. to Memphis Publishing Company; station WMC operates on **780 kc.,** 1 KW night, 5 KW day, unlimited time, DA night (B3-AL-294).

## DESIGNATED FOR HEARING

Symons Broadcasting Co., Ellensburg, Wash.; J. C. Kaynor, Ellensburg, Wash.; Mosby's Incorporated, Anaconda, Mont. —Application of Symons Broadcasting Co. for construction permit for new broadcast station to operate on **1110 kc.,** 1 KW night and day, unlimited time, exact transmitter site to be determined at Ellensburg, Wash.; application of J. C. Kaynor for construction permit for new broadcast station to operate on **1310 kc.,** 250 watts, unlimited time, exact transmitter site to be determined at Ellensburg, Wash., and antenna system; application of Mosby's Incorporated for construction permit for new broadcast station to operate on **1110 kc.,** 500 watts night, 1 KW day, exact transmitter site to be determined at Anaconda, Mont., unlimited time; above three applications to be heard at same time.

Park Cities Broadcasting Corp., Dallas, Tex.; KRBC—Reporter Broadcasting Co., Abilene, Tex.—Application for construction permit for new broadcast station to operate on **940 kc.,** 500 watts, unlimited time; to be heard with application of Reporter Broadcasting Co., Abilene, Tex., for construction permit to change frequency from **1420 kc.** to **940 kc.,** increase power from 250 watts to 1 KW, move transmitter, install new transmitter and directional antenna for day and night use.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Application for construction permit to change frequency from **950 kc.** to **690 kc.,** increase power from 5 KW to 50 KW day and night, install new directional antenna for night use, move transmitter, and move main studio to Kansas City, Kans., under terms of the North American Regional Broadcasting Agreement (requests facilities of KGGF, KFEQ and WNAD as tentatively assigned under the North American Regional Broadcasting Agreement) (B4-P-2984).

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Application for construction permit to install new transmitter, new antenna; change frequency from **1210 kc.** to **600 kc.;** increase power from 100 watts, unlimited time, to 500 watts, 1 KW LS; and move transmitter site to approximately 3 miles northwest of city (B5-P-2877).

WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Application for consent to assignment of license of station WOOD from King-Trendle Broadcasting Corp. to WOOD Broadcasting Corp. Station operates on **1270 kc.,** 500 watts, sharing time with WASH. (B2-AL-285).

## RENEWAL OF LICENSES

The following relay broadcast station licenses were renewed for the period December 1, 1940, to December 1, 1941:

WEIT, WEIU, New Orleans, La.; WEOF, Nashville, Tenn.

Licenses for the following relay broadcast stations were further extended upon a temporary basis only for the period ending January 1, 1941, pending determination upon applications for renewal:

KIJG, Brownsville, Texas, and KEMA, Shenandoah, Iowa.

WRCA—National Broadcasting Co., Inc., New York City.—Special experimental authorization to operate an additional 35 KW power amplifier, using **9670 kc.,** was further extended upon a temporary basis only, to January 1, 1941, pending determination upon application for extension of special experimental authorization.

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Special experimental authorization to operate a 1-KW transmitter on the frequency **6080 kc.,** using A0 and A1 emission for identification only, sharing with international station WLWO, was further extended upon a temporary basis only, for the period ending January 1, 1941, pending determination upon application for extension of special experimental authorization.

WJHP—The Metropolis Co., Jacksonville, Fla.—Present license for standard broadcast station WJHP was extended for the period ending March 29, 1941, pending further consideration of renewal application.

Licenses for the following relay broadcast stations were extended upon a temporary basis only, for the period ending January 1, 1941, pending receipt and determination upon application for renewal:

KAOU, Tucson, Ariz.; WEGQ, Boston; WEGS, Muncie, Ind.; WEGV, WENW, Champaign, Ill.; WEGX, WEGW, Charleston, W. Va.; WEGZ, New Haven; WAUJ, WALN, WALM, Louisville, Ky.; WEIC, Schenectady; KEIA, Honolulu; KDAS, Fresno, Cal.; KEIM, Phoenix, Ariz.; KEIN, Walla Walla, Wash.; KEIP, Siloam Springs, Ark.; KEGN, San Francisco; WEIX, Memphis, Tenn.; WEKA, Lansing, Mich.; KAOH, Kansas City, Mo.; KFAS, Fairbanks, Alaska; WEKB, E. St. Louis, Ill.; KEIU, area of Missoula, Mont.; WEOM, Aurora, Ill.; KEJM, Sioux City, Iowa; KEJN, Tacoma, Wash.; KEJO, St. Louis, Mo.; WEHY, Bristol, Tenn.; WEOH, Richmond, Va.; WEOC, Charleston, S. C.; KEGZ, Spokane. Wash.; WEKW, Hartford, Conn.; KEHR, Kalispell, Mont.; WEHB, WEHD, WEHF, Cleveland, Ohio; WELK, Springfield, Ill.; WEOE, Fargo, N. Dak.; WELN, Hartford, Conn.; WELS, Tuscola, Ill.; WENJ, Akron, Ohio; WENK, Erie, Pa.; KEHO, Salt Lake City; WEOD, Boston, Mass.

## MISCELLANEOUS

WABI—Community Broadcasting Service, Bangor, Maine.—Granted motion to accept amendment to application for construction permit, so as to request frequency **970** instead of **560 kc.**, and power from 1 KW to 5 KW; unlimited time, using directional antenna at night.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Denied special temporary authority to operate from 4:30 p. m. to 5 p. m. EST, November 24, 1940, in order to broadcast program entitled "Big Town."

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of eight hours daily for the period December 19, 1940, to not later than January 4, 1941, in order to observe the Christmas vacation period at the University.

WJHT—United Air Lines Transport Corp., c/o Aeronautical Radio, Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft station transmitter, aboard plane owned by United Air Lines Transport Corp., call letters KHAZT as a relay broadcast station on the frequency **2790 kc.**, to relay broadcast "Flight of Santa Claus into Chicago" program from 8 a. m. to noon CST, on November 22, 1940, to Station WLS.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted request for special temporary authority only insofar as it requests authority to operate from 7 to 8 p. m. EST, November 15, 1940, in order to broadcast National Defense program as described in letter dated November 13, 1940.

Robert Nielson, Detroit, Mich.—Granted special temporary authority to transmit program consisting of a Christian Science lecture from 8 p. m. to 9 p. m. EST, December 2, 1940, from Third Church of Christ Scientists of Detroit to Radio Station CKLW, Windsor, Canada, for broadcast by that station.

WATN—Watertown Broadcasting Corp., Watertown, N. Y.—Granted modification of construction permit (B1-P-809), which authorized a new station, for installation of new antenna, change in location of transmitter, approval of studio site, and extension of commencement date to 30 days after grant and completion date to 180 days thereafter; **1210 kc.**, 250 watts, unlimited time (B1-MP-1080).

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted license to cover construction permit (B2-P-2411, which authorized a new station) to operate on **1310 kc.**, 100 watts, unlimited time (B2-L-1274). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-562).

KPHO—M. C. Reese, Phoenix, Ariz.—Granted license to cover construction (B5-P-2182, which authorized a new station) to operate on **1200 kc.**, 250 watts, unlimited time (B5-L-1269). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-553).

WGNY—WGNY Broadcasting Co., Inc., Newburg, N. Y.—Granted license to cover construction permit (B1-P-2968, which authorized installation of new transmitter); **1220 kc.**, 250 watts, daytime (B1-L-1267).

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to make changes in automatic frequency control equipment (B3-P-162).

WDSN—WDSN, Inc., Superior, Wisc.—Granted authority to install automatic frequency control equipment (B4-F-161).

KIUN—Jack W. Hawkins & Barney N. Hubbs, Pecos, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-564).

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-495).

WNYC—City of New York Municipal Broadcasting System, New York City.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-471).

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-562).

WEMV—The WGAR Broadcasting Co., Portable-Mobile, area of Cleveland).—Granted modification of relay broadcast station license to change frequencies from **132260, 134080, 135480, 135760** to **156075, 157575, 159975, 161925 kc.** (B2-MLRE-73).

W2XBB—Bamberger Broadcasting Service, Inc., New York City.—Granted modification of construction permit (B1-PVB-42, which authorized a new television station) for approval of transmitter site and antenna, and approval of aural transmitter (B1-MPVB-28).

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover construction permit (B4-P-2321) as modified, authorizing change of frequency from **630** to **1250 kc.**, increase in power from 500 watts night, 1 KW LS, to 1 KW night, 5 KW LS, change in hours of operation from simultaneous day, sharing KFRU night, to unlimited, installation of new transmitter and directional antenna for night use and move of transmitter (B4-L-1268).

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted license to cover construction permit (B4-P-2323), which authorized installation of new transmitter, changes in directional antenna for day and night use, change in frequency from **1250** to **630 kc.**, increase in power from 1 to 5 KW, and move of transmitter (B4-L-1270). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-534).

WAKR—Summit Radio Corp., Akron, Ohio.—Granted license to cover construction permit (B2-PSB-14, which authorized a new station) to operate on **1530 kc.**, 1 KW, unlimited time, using directional antenna at night (B2-L-1259). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-528).

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Granted modification of construction permit (B3-P-2646) for move of studio from Gillionville Road, near Albany, to 125½ North Jackson St., Albany (B3-MP-1097). Also granted license covering changes in equipment and antenna system, increase in power to 250 watts, and move of transmitter; **1420 kc.** (B3-L-1249). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-534).

United Air Lines Transport Corp., c/o Aeronautical Radio Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter, aboard plane owned by United Air Lines Transport Corp., call letters KHAZT as a relay broadcast station on the frequency **2790 kc.**, to relay broadcast material to the public address system Palmer House from 9 a. m. to 3 p. m. CST, November 27, 1940, in connection with lecture "Twentieth Anniversary United Air Lines."

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted special temporary authority to operate from sign-off (Nov. 4 p. m., CST) to 4:30 p. m., CST, November 23 and 30, 1940, in order to broadcast football game only.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent November 28, 1940, in order to observe Thanksgiving Day.

WEJA—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate relay broadcast station WEJA as a contact means for communicating with developmental station W10XR in the conduct of field tests of frequency modulated emission for a period not to exceed 30 days, subject to the condition that no interference results to the regular service of any relay broadcast station operating on the same frequency.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7 p. m. to 10:30 p. m., EST, November 26, 1940, in order to broadcast rally staged by the New York Committee for Federal Union only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 8 p. m. to 9 p. m., CST, November 25, December 2, 9, 16, and 23, 1940, in order to broadcast an amateur show from the Paramount Theater only.

WPIT—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted extension of special temporary authority to operate the equipment of international broadcast station WPIT authorized in construction permit (B1-PIB-23) with a power of 35 KW, using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit, for the period November 28, 1940, to not later than December 27, 1940.

WKEU—Radio Station WKEU, Griffin, Ga.—Denied special temporary authority to operate from local sunset (Nov. and Dec. 4:30 p. m., CST) to 5:30 p. m., CST, on November 17, 24, December 1, 8, and 15, 1940, in order to broadcast Old Fashioned Revival Hour program only.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:15 p. m. to 10 p. m., CST, November 21, 1940, in order to broadcast the Annual Eminent Farmer & Homemaker Banquet only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of a Northern California Christian Church Conference program November 22, and from 7:45 p. m., PST, to the conclusion of said program November 23, 1940, in order to broadcast said program only.

WOI—Iowa State College of Agriculture and Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7 p. m. to 9 p. m., December 4, and from 7:15 p. m. to 9:15 p. m., CST, December 7, 31, 1940, in order to broadcast basketball games only.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago; Link Transmitter Type No. 50-UTX with 100 watts power for visual, and Link Transmitter Type No. 25-UBX, 25 watts power, to be used for aural; temporary steel tower to be used on roof of said building, in order to conduct tests as set forth in letter dated November 7, 1940, for a period not to exceed 30 days, in accordance with construction permit (No. B4-PVB-50).

The Yankee Network, Inc., Boston, Mass.—Denied special temporary authority to operate already installed transmitter, Mt. Washington, N. H., with power of 1 KW, on a regular commercial basis for a period not to exceed 30 days, pending completion of station and licensing of construction permit.

KGIR—KGIR, Inc., Butte, Mont.—Dismissed petition for rehearing directed against the action of the Commission of September 4 granting the application for modification of construction permit of KDTH, Dubuque, Iowa.

Lou Poller, Jessup, Pa.—Denied petition to intervene in the hearing on the application for license to cover construction permit of Union Broadcasting Co. (WARM) for a new station at Scranton, Pa.

WLAK—J. P. Marchant, D. J. Carey, and Melvin Meyer (Transferors), and Florida West Coast Broadcasting Co., Inc. (Transferee), Lakeland, Fla.—Granted motion as to withdrawal without prejudice of application for transfer of control of station WLAK, and hearing set for December 6, 1940, cancelled.

WAPI—Alabama Polytechnic Institute, University of Alabama (Etc.), Birmingham, Ala.—Referred to the Commission petition for continuance of proceedings on application for renewal of license during pendency of litigation concerning transfer application.

WAPI—Alabama Polytechnic Institute, and intervenor, Voice of Alabama, Inc., Birmingham, Ala.—Granted in part motions of applicants that notice of hearing in re application for renewal of license, dated August 23 and supplemented on October 10, be clarified and made more definite and implemented by the following issues: (1) to determine the sources of funds for construction, maintenance and operation of the station since August 1, 1932, and for proposed construction, maintenance and operation; (2) to determine whether applicant is financially qualified to operate the station.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.; WSSJ—San Juan, P. R., Puerto Rico Advertising Co., Inc., Arecibo, P. R.—Denied petition requesting the Commission to reconsider its order designating for hearing the applications for renewal of license for WPRA, construction permits for WSSJ and for new station at Arecibo, and to submit to the petitioner a questionnaire for the purpose of eliciting additional facts necessary to a determination of said matters without formal hearing

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Designated for hearing application for construction permit to change frequency from **1210** to **900 kc.**, increase power from 250 watts to 1 KW, install new transmitter and directional antenna for night use (B2-P-2752).

WJLS—Joe L. Smith, Jr., Beckley, W. Va.; WTAD—Illinois Broadcasting Co., Quincy, Ill.—The Commission (Commissioner Case dissenting), adopted decision and order denying petition for rehearing filed by WJLS directed to the order of the Commission of September 4 granting the application of WSAZ, Inc., Huntington, W. Va., for change in frequency from **1190** to **900 kc.**, and change in hours of operation from limited to unlimited, with power of 1 KW, using directional antenna at night; designated the application of Joe L. Smith, Jr., for construction permit (B2-P-2752) for hearing; granted petition for reconsideration filed by WTAD, Quincy, Ill., and modified the Commission's decision of Sept. 4, granting the WSAZ application for construction permit so as to make said grant conditional upon applicant obtaining from the Commission specific approval of directional antenna which will enable WSAZ to serve the Huntington, W. Va., area, and at the same time not cause limitation from station WSAZ to Station WTAD greater than 2.8 mv/m.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KFYR—Meyer Broadcasting Co., Bismarck, North Dakota—Construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day to 5 KW day and night. Amended: Re directional antenna changes.

### 590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii —License to cover construction permit (B-P-2220) as modified, for change of frequency, increase in power, installation of new transmitter and vertical antenna and move of transmitter and studio.

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii —Authority to determine operating power by direct measurement of antenna power.

### 600 Kilocycles

WCAO—Monumental Radio Co., Baltimore, Md.—Construction permit to change power from 500 watts night, 1 KW day to 5 KW day and night, install new transmitter, install directional antenna for day and night use, and move transmitter from 811 W. Lanvale St., Baltimore, Md., to east side of Park Heights Ave., 1.2 miles N. W. from city boundaries near Baltimore, Md.

### 630 Kilocycles

KGFX—Ida A. McNeil, Administratrix of Estate of Dana McNeil, deceased, Pierre, S. D.—Authority to determine operating power by direct measurement of antenna power.

### 640 Kilocycles

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-P-2319) for changes in antenna system, requesting extension of commencement and completion dates from 6-16-40 and 12-16-40 to 1-1-41 and 7-1-41 respectively.

### 880 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—Modification of construction permit (B2-P-2451) for new transmitter, installation of directional antenna for day and night use, increase in power, change of frequency, and move of transmitter, requesting change of type of transmitting equipment.

### 900 Kilocycles

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Modification of construction permit (B1-P-2624) for a new station, requesting approval of antenna system, changes in equipment, and approval of studio site at 115 Ellison St., Paterson, N. J., and transmitter site at Broad and Hepburn Sts., Clifton, N. J.

KSEI—Radio Service Corporation, Pocatello, Idaho—Authority to determine operating power by direct measurement of antenna power.

### 1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas—Authority to determine operating power by direct measurement of antenna power.

### 1180 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Construction permit to install new transmitter and directional antenna for day and night use, change frequency from **1180 kc.** to **1000 kc.**, under North American Regional Agreement, increase power from 1 KW to 50 KW, and change hours of operation from limited time to unlimited time.

### 1200 Kilocycles

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Construction permit for a new station to be operated on **1200 kc.**, 250 watts, unlimited time. Class IV, and to operate three amplifier stations at sites to be determined, Auburn, Whitinsville, and Marlboro, Mass., using 100 watts power. Amended: to give definite sites for amplifiers at Auburn, Marlboro, and Whitinsville, Mass.

WABI—Community Broadcasting Service, Bangor, Me.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1200 kc.** to **560 kc.**, increase power from 100 watts night, 250 watts day to 1 KW. Amended: to change requested frequency from **560 kc.** to **970 kc.**, under North American Regional Agreement, power from 1 KW to 5 KW, using directional antenna after sunset at WCFL, Chicago, Ill., change type of transmitting equipment and make changes in directional antenna for use after sunset at WCFL, Chicago, Ill.

### 1210 Kilocycles

KOVO—Clifton A. Tolboe, trading as Citizens Voice & Air Show, Provo, Utah—Voluntary assignment of license from Clifton A. Tolboe, trading as Citizens Voice and Air Show to KOVO Broadcasting Co. Amended: Re agreement of sale and to add exhibit 14, wherein it is stated that no new stock will be sold and/or issued.

### 1270 Kilocycles

KOL—Seattle Broadcasting Co., Seattle, Wash.—Construction permit to install directional antenna for day and night use, increase power from 1 KW night, 5 KW day to 5 KW day and night.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, and install directional antenna for night use.

### 1300 Kilocycles

WBBR—Watchtower Bible & Tract Society, Inc., Brooklyn, N. Y. —Authority to determine operating power by direct measurement of antenna power.

### 1310 Kilocycles

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Construction permit to change frequency from **1310 kc.** to **1290 kc., 1320 kc.** under North American Regional Agreement), increase power from 250 watts to 1 KW night, 5 KW day using directional antenna night, make changes in equipment, install directional antenna for night use, and move transmitter from 1891 N. Oakland Ave., Decatur, Ill., to 1 6/10 miles SE of Decatur on N. side of Route U. S. 36, SE of Decatur, Ill.

NEW—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Construction permit for a new station to be operated on **1310 kc.**, 250 watts, unlimited time, Class IV.

WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Voluntary assignment of license from J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brannen, d/b as J. K. Patrick & Co. to J. K. Patrick, Earl B. Braswell, Tate Wright & C. A. Rowland, d/b as J. K. Patrick & Co.

KRBA—Red Lands Broadcasting Association, (Ben T. Wilson, President), Lufkin, Texas—Authority to make changes in automatic frequency control equipment.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Modification of construction permit (B1-P-2543) as modified, for new transmitter and antenna, increase in power and move of transmitter, requesting extension of completion date from 12-17-40 to 1-17-41.

### 1350 Kilocycles

KTSM—Tri State Broadcasting Co., Inc., El Paso, Texas—Modification of license to increase power from 500 watts to 1 KW.

### 1370 Kilocycles

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to change frequency from **1370 kc.** to **1020 kc. (1060 kc.** under North American Regional Agreement), increase power from 250 watts to 10 KW, install a new transmitter, install directional antenna for day and night use, and move transmitter from Vines & Massachusetts Sts., Jacksonville, Fla., to Garden St. and Imerson Road, Jacksonville, Fla.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Authority to transfer control of corporation from C. J. Malmsten, S. S. Sidner, A. C. Sidner, H. A. Gunderson, E. J. Lee to John F. Palmquist and Paul Boyer, co-partners, d/b as Fremont Broadcasting Co., 139 shares common stock.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Authority to transfer control of corporation from Clark Standiford to C. J. Malmsten, Arthur Baldwin, A. C. Sidner, S. S. Sidner and Earl J. Lee, 69 shares stock. Amended: to omit name of Earl J. Lee.

### 1420 Kilocycles

NEW—Arthur Lucas & Wm. K. Jenkins, d/b as Chattahoochee Broadcasting Co., Columbus, Ga.—Construction permit for a new station to be operated on **1420 kc.**, 250 watts, unlimited time, Class IV.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new station to be operated on **1420 kc.**, 250 watts, unlimited time, Class IV. Amended: transmitter location and antenna (same address).

### 1450 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to change frequency from **1450 kc.** to **1020 kc. (1060 kc.** under North American Regional Agreement), change power from 1 KW to 50 KW, move transmitter (site not given) and install new antenna (specifications not stated). Amended: to install a new transmitter, install directional antenna for night use and give transmitter site as 2.5 miles East of Curtis, La.

### 1500 Kilocycles

NEW—Oscar C. Hirsch, Cairo, Ill.—Construction permit for a new station to be operated on **1500 kc.**, 250 watts, unlimited time, Class IV.

### 1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., Long Island City, N. Y. —Construction permit to move old composite transmitter from 3104 Northern Blvd., Long Island City, N. Y., to south of Grand Ave., near 50th St., Maspeth, Long Island City, N. Y. (site of main transmitter), to be used as an auxiliary transmitter with power of 1 KW, for emergency purposes only.

## FM APPLICATION

NEW—Wodaam Corporation, New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **45300 kc.**, coverage 8500 square miles, population 11,417,000.

## TELEVISION APPLICATION

NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for a new television broadcast station to be operated on **50000-56000 kc.**, 1000 watts visual and 500 watts aural, emission A5 and A3, Class I. Amended: re aural transmitter.

## MISCELLANEOUS

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to change frequencies from **9670,**

**21630 kc.** to **9670, 17780, 21630 kc.,** sharing time with WPIT on **17780 kc.,** change equipment and operate on additional 35 KW amplifier in parallel with the regular 35 KW power amplifier to feed a separate directive antenna, making an effective operating power of 70 KW, using **9670 kc.**

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to change frequencies from **6100, 17780 kc.** to **6100, 11890, 15150 kc.** and change in equipment.

WCBX—Columbia Broadcasting System, Inc., Near Wayne, N. J.—Modification of construction permit (B1-PIB-27) which authorized move of transmitter to Brentwood, N. Y., increase of power to 50 KW and new transmitter, requesting approval of directional antenna system and change time of operation from sharing time on **15270 kc. with** Stations WLWO and WCAB to sharing time on **15270 kc.** with Station WCAB. Amended: Re antenna.

KEJM—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile—Construction permit to decrease power from 2.7 watts to 1.2 watts and change equipment.

WEIX—Memphis Commercial Appeal Co., Portable-Mobile—License to cover construction permit (B3-PRE-352) for increase in power and installation of new equipment. Amended: re type of transmitter.

WAFK—A. Frank Katzentine, Portable-Mobile—License to cover construction permit (B3-PRY-207) as modified, for a new relay broadcast station. Amended: re frequency monitor.

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Modification of construction permit (B1-PIB-26) which authorized a new station, requesting approval of directional antenna system, add **9650 kc.** and operate unlimited time on **21520 kc.,** share time on **9650 kc.** with station WCBX. Amended: Re antenna.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Modification of construction permit (B4-PVB-50) which authorized a new television station, for approval of antenna system and transmitter location at 190 North State St., Chicago, Ill.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Harry Berman, Inc.**—Alleging misleading representations in the sale of fountain pens, a complaint has been issued against Harry Berman, Inc., 1337 G St., N. W., Washington, D. C., operator of a luggage shop, and Morris Goldring, itinerant peddler, who, according to the complaint, rented floor space last September from the respondent Harry Berman, Inc., for conducting a sale of fountain pens.

An agreement between the respondents Goldring and Harry Berman, Inc., according to the complaint, provided that the corporation was to share in the proceeds of the sale in return for the use of the floor space and the name of the store in the advertising matter.

The respondents are alleged to have advertised, among other things, that they were conducting the manufacturers' advertising sale of "Genuine Packard Fountain Pens"; that no customer could purchase more than four pens; that the price of the pens after the sale would be $3.50; that every pen was guaranteed and that the barrels were unbreakable; that never before had a pen like theirs been offered for 69 cents; that such pens were equal in value to nationally known pens selling for $5 and $7.50 each; that the sale price merely helped to pay for local advertising and other incidental expenses, and that the pens could be purchased at the stated sale price only on certain specified days.

The complaint further alleges, however, that the respondents' sale was not the manufacturer's advertising sale; that the price charged was the regular and customary price; that the pens sold were neither "Genuine Packard Fountain Pens," not guaranteed, and were not expensive pens but were pens which regularly sold for about 65 cents, and that there was no limit to the number that could be purchased by customers. (4380)

**Candyland Company**—See Pioneer Specialty Company.

**Erie Laboratories, Inc.**—A complaint has been issued alleging misrepresentation in the sale of medicinal preparations, against Erie Laboratories, Inc., also trading as Mack Pharmacal Company; Allied Pharmacal Company, also trading as Erie Laboratories, Inc., and Melvin Rose, David F. Berland, and Rose Kotenberg, individually and as officers and directors of Allied Pharmacal Company, all of 2108 Payne Ave., Cleveland.

The complaint alleges that the respondents disseminate advertisements through the mails and by other means in commerce in which advertisements they represent directly and by implication that their preparation designated as "Mrs. Bee Femo Caps," "Femo Caps" and "Bee Caps," constitute a safe, competent and effective treatment for delayed menstruation.

According to the complaint, the products sold by the respondents are not competent or effective treatments for delayed menstruation and are not safe or harmless in that they contain certain drugs in quantities sufficient to cause serious and irreparable injury to health, if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaint further charges that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of their preparations under such conditions may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in case of pregnancy, may cause uterine infection and blood poisoning. (4382)

**Husco Manufacturing Company**—Ivan D. Hussey, 85 Broad St., S. W., Atlanta, Ga., trading as Husco Manufacturing Company, The Hussey Manufacturing and Distributing Company, The Hussey Distributing Company, Hussey Company, Hussey Manufacturing Company, and Terry Products Company, engaged in the sale and distribution of hosiery, knives, fountain pens and other articles of merchandise, is charged in the complaint with selling to wholesale dealers, jobbers and retail dealers assortments of merchandise so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when sold and distributed to ultimate consumers.

The respondent also is charged, in soliciting the sale of and selling his merchandise, with representing, through use of the word "Manufacturing" in his trade names Husco Manufacturing Company, The Hussey Manufacturing and Distributing Company, and Hussey Manufacturing Company, and by other means, that he owns or operates a factory where his products are manufactured, and that he is the manufacturer of all the products sold by him. While the respondent manufactures one of the products sold under the trade name Terry Products Company, the complaint continues, all of the remaining products are not manufactured in a plant owned or controlled by the respondent but are purchased from other parties. (4386)

**Pioneer Specialty Company**—Harry A. Greenberg, trading as Pioneer Specialty Company and The Candyland Company, 38 Crosby Ave., Brooklyn, has been served with a complaint alleging the sale to wholesalers, jobbers and retailers of candy and other merchandise so packed and assembled as to involve the operation of lottery schemes when sold and distributed to the consuming public.

Use of the respondent's sales methods, the complaint charges, is a practice contrary to an established public policy of the Federal Government and in violation of criminal laws, and is an unfair method of competition and an unfair or deceptive act or practice under the Federal Trade Commission Act.

The complaint further alleges that through use of the word "Factory" on letterheads and by other means, the respondent, who purchases all of his products from other parties, has misrepresented that he owns or operates a factory where his products are made. (4381)

**Plomb Tool Company,** 2209 Santa Fe Ave., Los Angeles, engaged in the sale and distribution of tools and other articles of merchandise, is charged in a complaint with the use of lottery methods.

The complaint charges that the respondent sells and has sold its merchandise to wholesale dealers, jobbers and retail dealers along with a sales plan or method by which the merchandise is to be resold to the purchasing public, the plan involving use of a game of chance or lottery scheme.

The sales plan or method is described as the "Tool Club," each club having a fixed number of members, usually 100. Each member of a club, the complaint alleges, pays a fixed amount each week for a period not to exceed a given number of weeks. Every week a drawing is held and the member whose name or number is drawn receives from the retail dealer his choice of $25 worth of the respondent's tools, and such winner or member then is dropped from the club. At the end of the fixed period, all remaining members receive $25 worth of tools, but such members, according to the complaint, have paid the full contract price therefor. Also, it is alleged, at the end of the fixed period, a drawing is held for a grand prize, to which all members of the club are eligible. Thus, the complaint alleges, the amount which an ultimate purchaser pays for the tools and the identity of the member receiving the final award, are determined wholly by lot or chance.

The complaint alleges that the respondent thus supplies to and places in the hands of others the means of conducting a lottery in the sale of its merchandise. Use of these methods, according to the complaint, is a practice of the sort which is contrary to established public policy of the Federal Government; is in violation of criminal laws, and constitutes unfair methods of competition and unfair and deceptive practices in violation of the Federal Trade Commission Act. (4384)

**W. Hillyer Ragsdale, Inc.,** 307 North Walnut St., East Orange, N. J., has been served with a complaint alleging misleading representation in the sale of a course of instruction intended to teach students the business of manufacturing candy in the home, and in the sale of certain supplies required in the manufacture of candy.

In advertising matter circulated in various States, the respondent, according to the complaint, represents or implies that large profits may be earned regularly by men and women engaged in making candy at home, either in full or spare time; that students without previous experience may earn a good, steady income quickly; that the equipment and supplies furnished with the course are sufficient to enable the purchaser to manufacture substantial amounts of candy without the necessity of obtaining additional supplies and utensils; that with the supplies furnished candy may be manufactured of an estimated retail value of approximately $42, for which amount of candy only a few additional materials will have to be purchased.

However, the complaint alleges, no large profits can be made and no steady incomes obtained by manufacturing candy in the home under the circumstances and conditions represented by the respondent and, generally speaking, the manufacture of candy in quantities sufficient to establish a retail business and sell such candy at the profits indicated by the respondent, requires technical training and experience. (4283)

**Schuler Chocolates, Inc.,** doing business as Schuler Candy Company, Winona, Minn., is charged with selling to wholesale dealers, jobbers and retail dealers certain assortments of candy so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when sold and distributed to ultimate consumers. (4385)

**United Factories, Inc.,** 13th and McGee Streets, Kansas City, Mo., engaged in the sale and distribution of oil burners for installation and use in stoves and furnaces, is charged in a complaint with misrepresentation.

In advertisements in magazines and newspapers and by other means, the complaint charges, the respondent has represented that it has invented a new-type oil burner; that the burner furnishes more heat at a smaller cost than other burners on the market; that the burner burns cheap oil in a new way, and performs perfectly, without pre-generating the oil and without clogging up, and that the burner furnishes a quick heat at the turn of a value. Through use of the word "guaranteed," the complaint continues, the respondent represents that if the performance of its burners is not as indicated through representations made by the respondent, defective parts will be replaced, or purchase money refunded without cost and unconditionally. These representations, the complaint continues, are exaggerated and misleading and in truth the respondent's burner is not a new type invention; does not furnish more heat at a smaller cost than other burners on the market; does not burn cheap oil in a new way, nor does it perform perfectly and without clogging up, and is not automatic, but must be relighted each time it is used.

The complaint also alleges that the burner is not unconditionally "guaranteed," as the respondent requires purchasers to conduct experimental tests over a definite period of time after it has received notice from such purchasers that the burner is not operating in a satisfactory manner, and the respondent places a time limit within which the burner must be returned to it before any refund will be made. The period of time used to make the required tests before refunding the purchase price and the time consumed in exchange of correspondence between the purchasers and the respondent are usually so great, the complaint continues, that the period of time fixed by the respondent within which the burner must be returned to secure a refund has expired and the purchaser is not entitled to a refund under the terms and conditions of the respondent's so-called "guarantee." (4379)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Avery Salt Company**—An order has been issued modifying a cease and desist order entered in October 1939, against Avery Salt Company, Scranton, Pa. The order was modified so as to conform to a decree of the United States Circuit Court of Appeals, Fourth Circuit, Richmond, Va., entered by agreement between the parties, directing certain modifications and affirming the order as modified.

Paragraph One of the order issued in October, 1939, directed the respondent to cease using any words signifying smoke, or implying use of smoke, to describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described has been directly subjected to the action and effect of the smoke from burning wood during the course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

To that paragraph the modified order adds the proviso "That nothing in this order shall prohibit the respondent from using the terms 'condensed smoke' or 'liquid smoke' in enumerating or stating the ingredients of such salt when there has been added thereto a refined concentrate resulting from the destructive distillation of wood, and where the application of such product is in sufficient quantity to impart to such salt the flavor of smoke." (2248)

**W. R. Case & Sons Cutlery Company,** Bradford, Pa., has been ordered to cease and desist from certain representations in the sale of knives.

Commission findings are that The Boy Scouts of America has maintained a policy of planning many articles of equipment for its members, and has supervised the manufacture and distribution of such articles through licensing and otherwise authorizing those with whom it would enter into arrangements for such manufacture and distribution.

The Commission finds that the respondent formerly sold a knife marked or labeled "Case Scout," although this knife had not been manufactured or distributed under supervision of The Boy Scouts of America, nor had it been approved or endorsed by that organization. The respondent's knife, according to findings, has not been designated "Case Scout" since about January 1, 1940.

The Commission order requires the respondent to cease and desist from using the words "Case Scout" or "Scout" or any other words of similar meaning, to designate, describe, or refer to its knives, or otherwise representing that such knives are sponsored, endorsed or approved by The Boy Scouts of America, or that such knives form a part of the equipment of that organization's members. (4119)

**Drucquer & Sons**—John Drucquer, trading as Drucquer & Sons,, Berkeley, Calif., engaged in selling and distributing blended tobaccos and other tobacco products, has been ordered to cease and desist from certain misrepresentations of his products.

The Commission finds that the respondent has caused statements and representations relative to the source and origin of his products and the place of manufacture or blending of his tobaccos to be printed on labels placed on the wrappers or covering of packages in which his products are shipped, and has otherwise published and circulated such statements and representations among purchasers in the various States.

Among such representations are:

> "Tobacco manufacturers * * * manufactured by Drucquer & Sons of London, England."
>
> "Drucquer & Sons, late of the Strand and Regent Street, London, England."

In this manner, the Commission finds, the respondent has represented that his products are manufactured or blended in London, England, and imported into the United States, whereas these representations are false, misleading and deceptive, as the tobaccos and tobacco products sold by him are manufactured or blended by him in his place of business in Berkeley, Calif.

The respondent is ordered to cease and desist from using the statement "Drucquer & Sons of London, England" or any other statement indicating that the respondent owns or operates a place of business in London, England, and from representing, through use of the statement "Manufactured by Drucquer & Sons of London, England," or any other statement indicating English origin, that tobaccos and tobacco products made, manufactured or blended in the United States are imported from England. (4125)

**Home Diathermy Company, Inc.**, New York, N. Y., is directed by the Commission to cease disseminating advertisements through the mails, or by other means in commerce, which represent, directly or through inference, that the respondent's "Home Diathermy" device may be easily and safely used in the home; that its use constitutes a cure or remedy for arthritis, neuritis, bursitis, sciatica, neuralgia, lumbago, hay fever, asthma, high or low blood pressure, or rheumatism; or that the device has any therapeutic value in treating such diseases and conditions or in treating any other ailment, unless the advertisement is specifically limited to those cases where acute inflammation, infection, pus formations, arteriosclerosis or conditions in which there is a tendency to hemorrhage, are not present.

The order also prohibits the dissemination of advertisements which fail to reveal that the unsupervised use of the respondent's device by persons not skilled in the diagnosis, analysis and methods of treatment of disease, may result in serious and irreparable injury to health. (3653)

**Primfit Textile Company**, 128-130 West Fourth St., Cincinnati, has been ordered to cease and desist from the use of misleading representations in the sale of hosiery.

The Commission order directs the respondent to cease representing, directly or indirectly, that its hosiery designated as "Jerks," or the same or similar hosiery designated by any other name, is the original garterless sock, and that the respondent manufactures the hosiery it sells unless it actually owns and operates or directly controls a manufacturing plant wherein such hosiery is made.

Commission findings are that the respondent's hosiery advertised as "The original garterless sock" is not the original garterless sock and that the respondent is not a manufacturer, although it does have a contract with a factory or mill under which certain machines are utilized by such factory exclusively for manufacturing the respondent's "Jerks" hose. The respondent is a jobber and distributor, according to findings.

Commission findings are further that the respondent did not make the representations as prohibited in the Commission order, from April, 1940, to September 11, 1940, the date of a stipulation concerning the facts which was accepted by the Commission. (4199)

**Thyrole Products Company**—I. Ralph Weinstock, trading as Thyrole Products Company, Philadelphia, Pa., is ordered to cease disseminating advertisements representing, directly or through inference, that "O. B. C. Reducing Capsules," otherwise known as "O. B. C. Capsules," are a cure or remedy or competent or effective treatment for obesity and are safe. The order also prohibits the dissemination of advertisements failing to reveal that use of the preparation may cause permanent injury to the heart, thyroid gland and other vital organs.

According to Commission findings, use of the preparation will not accomplish the results as advertised, and the drugs strychnine alkaloid, extract belladonna, aloin, phenolphthalein and thyroid are present in the preparation in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the advertisements or under customary or usual conditions.

Upon petition of the Commission, the respondent recently was restrained by the United States District Court for the Eastern District of Pennsylvania from disseminating certain advertisements relative to his preparation, pending final disposition of the Commission's case. (4160)

**Wauwatosa Fuel & Supply Company**—Eleven Wisconsin building supplies dealers and companies, whose total business averaged approximately $5,000,000 annually and who had approximately 90 to 100 per cent of the building supplies business in Milwaukee County, have been ordered to cease and desist from certain unfair methods of competition including a combination for the maintenance of uniform and minimum prices, and the use of boycott and coercion to prevent competing dealers from attaining building supplies.

The respondents are Wauwatosa Fuel & Supply Company, Tews Lime & Cement Company, W. H. Pipkorn Company, Berthelet Fuel & Supply Company, Henry Cook Company, The Froemming Corporation, Schneider Fuel & Supply Company, Heider & Bott Company, Otto Ladwig & Sons, Inc., J. Druecker Sons' Company, and Walter J. Manhardt, trading as Capitol Building Supply Company, all of Milwaukee, and their officers and representatives. The order is dismissed as to one respondent, Phil J. Bliffert, who had been engaged in Milwaukee as a so-called building supply dealers' consultant and adviser, and who died last year.

The Commission finds that the respondents have engaged in buying and selling building supplies, including cement, laths, plaster, clay products, pipe, sand and gravel. In 1936, the Commission finds, there was a meeting in Milwaukee of some 18 building supplies dealers, who later entered into individual contracts with the late Phil J. Bliffert. During the life of the contracts, the findings continue, building materials were sold by the respondents to various governmental, State, county and city purchasing agencies and the general trade, excepting certain supplies which were specifically exempted. Approximately 25 dealers in the Milwaukee area originally entered into the contracts with Bliffert, several of whom subsequently withdrew.

The Commission finds that the evidence is uncontradicted that the purpose of the contract was to fix prices, discounts and conditions of sale of building supplies in Milwaukee County, including sales of such supplies made under city, county and State bids. According to findings, each respondent dealer under contract with the respondent Bliffert filed his prices on various items of building material with Bliffert, who later mailed prices back to each respondent dealer, together with discounts and conditions of sale, and each respondent dealer agreed to adhere to the prices, discounts and terms mailed by Bliffert. The respondent Bliffert, the findings continue, claimed to be the adviser of the various dealers and received as compensation one-half of one per cent of each dealer's monthly gross sales of numerous items of building supplies.

As a result of the contract and agreement entered into between the respondent Bliffert and the respondent dealers, the Commission finds, prices, discounts and conditions of sale of building material in Milwaukee County, Wisconsin, from 1936 to a recent date, have been generally uniform and bids of the respondent dealers submitted to procurement officers of the Federal Government, and to purchasing agents for the city of Milwaukee, were generally uniform.

The Commission orders that the respondent dealers cease and desist from doing and performing, by understanding, agreement or combination between themselves or with others, the following acts and things: establishing and maintaining uniform and minimum prices at which the respondent dealers should sell building supplies, and uniform terms and conditions attaching to the sale by the respondent dealers of building supplies; interfering with competitors of the respondent dealers in the competitors' efforts to purchase and obtain building supplies; preventing such competitors from purchasing or obtaining building supplies, and boycotting and threatening to boycott manufacturers and sellers of building supplies who sell or ship building supplies to competitors of the respondent dealers.

The order also directs the respondents to cease and desist, through combination, agreement or understanding, from causing, inducing and procuring, by promises, threats, coercion, intimidation, and otherwise, manufacturers and sellers of building supplies: (1) not to sell or ship building supplies to competitors of the respondent dealers or directly to consumers of building supplies; (2) to boycott competitors of the respondent dealers and consumers of building supplies, and (3) to confine to the respondent dealers such manufacturers' and sellers' sales and shipments of building supplies intended for use, consumption, or resale in Milwaukee County and other Wisconsin counties. (3631)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Howard E. Bagnall,** Martin City, Mo., engaged in selling rat and mice killers designated "Calico Seed" and "Calico Bait," has agreed to cease and desist from representing that either of his products is guaranteed for complete satisfactory pest control or to destroy or exterminate all rats or mice in 4 or 5 days, or at all, or that he guarantees any results claimed by the use thereof, unless the nature and extent of such guarantee are clearly and adequately disclosed in immediate connection or conjunction with such guarantee and with equal prominence and emphasis; or that either of his products will kill all rats or all mice in 4 or 5 days or any other specified period of time, or at all; or that the product designated Calico Bait will kill any rodents other than rats and house mice. (02669)

**Lane Bryant, Inc.,** and Newman Cloak & Suit Company, 16 West 40th St., New York, engaged in the operation of a chain of retail apparel shops, have entered into a stipulation in which they agree to cease and desist from the use in advertisements or advertising matter employed by them, of the words "reduce" or "reducing" or any words of similar meaning as descriptive of garments or the fabric of which they are made, so as to imply that the wearing of such garments will cause a reduction of local or bodily tissue or will effectively remove fat and thus overcome or lessen a condition of fatness or weight. (2996)

**Darmela Laboratory**—Joseph H. Miller, trading as Darmela Laboratory, and Darmela Lab., 1446 North Western Avenue, Chicago, engaged in selling medicinal preparations designated "Darmela Salve," and "Darmela Liquid" has stipulated to cease and desist from representing that either of the products is a competent treatment or an effective remedy for open or running wounds or sores (skin ulcers), unless it is explained in direct connection therewith that they will be of no benefit for the condition when due to varicose veins, tuberculosis or syphillis; that either of the products is a competent treatment or an effective remedy for shingles, unless limited to the temporary relief of the pain and itching associated therewith; that Darmela Liquid is a competent treatment or an effective remedy for stiffness, numbness, paralytic stress, toothache, rheumatism, backache, chills, and other ailments, unless limited to the temporary relief of the pain, discomfort and soreness associated therewith, or that it is a competent treatment or an effective remedy for colds or coughs.

Joseph H. Miller further agrees to cease and desist from using the terms or words "Laboratory" or "Lab" as a part of his trade name, or from otherwise representing or implying that he owns, controls, maintains or operates a laboratory. (02688)

**Gooch Feed Mill Company,** Lincoln, Nebr., engaged in selling chicken feeds designated as "Gooch's Best Starting Feed," "Gooch's Best Laying Mash," and "Gooch's Best Growing Mash," agrees to cease representing that favorable results in egg production or chick raising depend solely on using Gooch's chicken feeds; that a low feeding cost or a balanced egg making ration is insured by using Gooch's Best Laying Mash; that Gooch's Best Laying Mash will enable hens to lay more eggs, or have better body weight or condition, or be more vigorous or resistant to disease than any other product; that its chicken feeds insure egg production; or that the use of Gooch's Best Starting Feed insures healthy chicks or insures a given weight within a specified period of time. (02670)

**Hinton Pharmaceutical Company,** London, Ky., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from certain representations in connection with the sale of "Danzola," a hair preparation.

Among the representations which the respondent agrees to discontinue are that experts have learned the secrets of dandruff, or, by statement or inference, that the product "Danzola" is the result of such alleged knowledge, or that because thereof dandruff is "now unnecessary"; that "Danzola" or any similar product is a competent treatment or effective remedy for dandruff, or that its use may be relied upon to accomplish more than a temporary removal of loose dandruff scales or a physical hiding thereof; that "Danzola" is a "fine tonic" for dandruff or for "other scalp ailments," or instantly relieves itching scalp, or has any remedial or tonic effect in scalp conditions, and that the results from the use of "Danzola" are guaranteed. (2992)

**Lit Brothers,** 8th and Market Sts., Philadelphia, in the sale of girdles and corsets, agrees to cease using the word "reducing" or any word of similar meaning as descriptive of its garments so as to imply that the wearing of such articles will cause a reduction of local or body tissue or effectively remove fat and thus overcome or lessen a condition of fatness or weight. (2993)

**MacGregor Instrument Company,** Needham, Mass., engaged in the business of selling and distributing medical instruments, has stipulated to cease and desist from use in connection with the advertisement, sale or distribution of its medical instruments in commerce, of the words "MacGregor Made" or of any other words of similar import as descriptive of those of its instruments not made by the corporation, and from use of the words either alone or in connection with a domestic address or in any other way the effect of which tends to convey the belief that the instruments are made in their entirety by the corporation, or that all of the parts of which the instruments are composed are made in the U. S. A.

If, according to the stipulation, the instruments are composed in part of parts made domestically by the corporation, and the words "MacGregor Made" or other words of similar import are used to indicate this fact, the words shall be so qualified as to indicate clearly and unequivocally that the instruments are not composed wholly of parts made by the corporation or in the United States of America, and so as to indicate also in clearly discernible manner the part or parts of the instruments which are not domestically made by the corporation. (2997)

**Mikolite Company,** Gloyd Building, Kansas City, Mo., engaged in selling a mineral soil conditioner designated "Mikolite Mineral Soil Conditioner," or "Mikolite," agrees to discontinue representing that Mikolite provides a continuous supply of air and water to plant roots, or that it makes plant roots breathe; that it destroys anaerobic bacteria or that fungus or plant diseases cannot live in Mikolite; that plants grown in Mikolite are sturdier or more resistant to plant pests than those raised in gravel, cinders or pumice; or that Mikolite provides the factors essential to a vigorous healthy plant growth, except to the extent that it may provide a means of conditioning the soil so that air and water are made available to plant roots. (02671)

**D. R. Parsons,** Huntington, W. Va., engaged in the sale and distribution of a medicinal preparation designated "Psori-Oil," has stiplated to cease and desist from statements or representations which convey the belief that "Psori-Oil" or any other medicinal preparation composed of substantially similar ingredients, is a competent remedy or a "real" or effective treatment for, or will "cure" or "rid" one of psoriasis, scaly skin diseases or any other skin or scalp affliction. The respondent also agrees to desist from use of the trade name "Dr. D. R. Parsons" or of any statements or representations which imply that he is a physician or doctor of medicine or that he is engaged in the practice of medicine; or any use of the word "Doctor" or the term "Dr." in his advertising matter, unless, whenever so used, it clearly appears that he is a doctor of dentistry and not of medicine; from representing that "Psori-Oil" has been recommended or endorsed by "many physicians," or otherwise implying that the preparation has received the recommendation or endorsement of any number of physicians in excess of the number actually recommending or endorsing it, and from statements which imply that any testimonial letters not recently received were "just received," or disseminating or publishing testimonials without indicating the dates when they were written, or which contain any claims, assertions or implications contrary to the terms and spirit of the respondent's agreement. (2995)

**Progressive Publishing Company**—Charles B. Higgins, trading as Progressive Publishing Company, 1524 Chestnut Street, Philadelphia, engaged in the sale of sets of subscription books entitled "The New Outline of Knowledge," has entered into a stipulation in which he agrees to cease and desist from representing that the publications are a complete library of human knowledge, or that each subject dealt with therein is covered by the world's foremost writers, so as to assure the reader thereof of the world's culture; that as a special introductory offer, a selected number of persons or only the outstanding citizens in a given community would be sold, for advertising purposes, sets of the books at a price much lower than that which is later to be charged therefor, or after the lapse of the advertising period, or that the price of the sets of books would be advanced later.

Charles B. Higgins also agreed to cease and desist from use on his stationery, printed or advertising matter of the word "Publishing" as part of his trade name, or from the use of the word "Publishing" in any way, so as to imply that the business conducted by him is that of a publisher or printer, or that he actually owns and operates or directly and absolutely controls the plant or factory in which the publications offered for sale and sold by him are published and printed. (2990)

**Rubinoff Cosmetic Company, Inc.,** 1720 Euclid Ave., Cleveland, has stipulated with the Commission that it will cease certain representations in connection with the sale of a general line of cosmetics designated "Mme. Rubinoff's Cosmetics." The respondent agrees, among other things, to cease representing any cosmetic preparation as a "tissue cream," a "tissue builder," a "food for the skin," a "rejuvenating cream," or a "nourishing cream or oil," or otherwise representing that any of its preparations externally applied affects the texture or cell structure of the skin, or imparts renewed vitality, or provides sustenance therefor. The respondent corporation also stipulates that it will cease using the term "Vitamin F" in connection with the name of any cosmetic product or as descriptive of linoleic or linolenic acids and will cease representing that an external application of chemicals or ingredients will restore a healthy and youthful skin. The respondent also agrees to desist from various representations concerning, respectively, its "Neck Cream," "Wrinkle Remover," "Acne Cream," "Russian Herb Pack" and other products and to discontinue representing by statement or inference that it owns, operates or controls a laboratory or plant in which its preparations are compounded or manufactured. (2994)

**Rubsam & Horrmann Brewing Company,** Stapleton, Staten Island, New York, engaged in the brewing and sale of beer, has entered into a stipulation in which it agrees, in connection with the advertisement and sale of its beer product designated "R & H Premium Beer," to cease and desist from use of the statement "Brewed from special premium malt and hops" or of any other statement or representation of similar implication, as descriptive of its product, the effect of which tends to convey the belief that its product is composed of malt flavored with hops as the only fermentable substance content thereof, when in fact, it actually contains such a substance other than malt. The stipulation provides that if the product contains hops-flavored malt, in substantial quantity, and also other fermentable substance, and the words "malt and hops" are used to refer to such hops-flavored malt content, then in that case, it shall be conspicuously and unequivocally disclosed that the fermentable substance content of the product is not composed wholly of hops-flavored malt, or that the product contains a fermentable substance other than malt flavored with hops. (2991)

**A. B. Shubert Fur Company,** 25 West Hubbard Street, Chicago, engaged in the purchase and subsequent sale of raw pelts or furs, has entered into a stipulation in which it agrees to cease and desist from quoting or otherwise holding forth any fictitious or exorbitant price which trappers or fur dealers may expect to receive for their furs; quoting prices which it has not paid in the usual course of business, or prices which might be applicable to furs of grade and quality not produced or which are exceptions in the section circularized, and from representing, directly or inferentially, that it pays a higher price for furs than do any other fur buyers, or that trappers or dealers in furs can or will realize a greater return by selling their furs to it than would be obtainable by selling such furs through brokers or to any other fur buyers. (2989)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 49, December 6, 1940

## THE WEEK IN WASHINGTON

*Variety* handed one of its palms this week to the National Association of Broadcasters for its "fair play" work during the past year. (p. 4837.)

The first report on unit measurement of broadcast advertising appears with this week's NAB REPORTS. (p. 4857.)

The FCC heard oral arguments on the network inquiry report Monday and Tuesday. (p. 4839.)

Senator Gurney (R.-S. D.) assailed the REPORTS in a Senate speech. (p. 4843.)

Drug store advertising is the subject of the newest "Results From Radio" study being mailed to all members. (p. 4843.)

Make this a "Radio Christmas" says the broadcasting industry. (p. 4843.)

The AAAA Conference Committee adopted a standard order form and contract at a meeting in New York this week. The Committee's proposal will be placed before the NAB Executive Committee. (p. 4845.)

FCC held a conference on the problem of interference caused by operation of high frequency electrical medical equipment. (p. 4845.)

The Defense Communications Board appointed an Industry Advisory Committee. (p. 4846.)

## NAB GETS VARIETY AWARD

*Variety* gave the National Association of Broadcasters a special award this week for its "fair play" work during the past year.

". . . Citation is made of the fair play work of the National Association of Broadcasters," said the trade paper in handing out its annual palms.

"Through its code and by its persistent holding aloft of the torch of tolerance the NAB has done much to clear the American air of bigotry. Neville Miller as president and Edward Kirby as director of public relations have led this campaign which required much tact and courage."

### BMI FEATURE TUNES

**December 9-16**

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON
8. AN OLD-FASHIONED CHRISTMAS

Last week's Hit Parade showed three BMI numbers among the ten top tunes of the country—*There I Go, Practice Makes Perfect,* and a newcomer, *So You're the One.*

On the list of songs most played on the air, there are eight other BMI numbers: *Same Old Story, I Give You My Word, You Walk By, We Could Make Such Beautiful Music, Let's Dream This One Out, Accident'ly On Purpose, I Can't Remember to Forget,* and *I Hear a Rhapsody,* in addition to two numbers of the Southern Music Company which will be covered by the BMI license at the beginning of next month, *Frenesi* and *Tonight (Perfidia).*

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BMI has become America's greatest producer of hit songs no matter how you figure it.

There is no list of "most-played" tunes in *Variety* this week. It is dropped "until the music situation is settled one way or the other, as between ASCAP and BMI," on the ground that "under existing conditions the news value to the trade seems to be lost." In the usual place for the "most played" list there appears instead a list of the ten Best Sellers on Coin Machines, the tunes earning the most nickels for the past week in the automatic phonographs. Under the title of "Tunes Gaining Favor" are listed the next eight tunes in order of their money-making ability on the phonographs.

*BMI has more tunes and more records on the list than any other publisher.*

*(Continued on page 4838)*

NAB Reports
The National Association of Broadcasters
1626 K St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

## BMI FEATURE TUNES

*(Continued from page 4837)*

Among the first ten, BMI's *Practice Makes Perfect* stands at number three with Bob Chester's recording, and *There I Go* is number ten with recordings by Tommy Tucker, Will Bradley and Woody Herman. Among the "Tunes Gaining Favor," *I Give You My Word* is number five with recordings by Al Kavelin, Eddy Duchin, and Jack Leonard. That gives BMI a total of three songs and seven records. The nearest competitor is represented by two songs and five records.

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The success of BMI music in the automatic phonographs demonstrates the mutual advantage of the support which BMI has won from the phonograph operators.

The 1909 Copyright Law specifically exempts coin-operated phonographs from payment of a performance fee (unless admission is charged) and ASCAP has been seeking the repeal of this provision with the announced intention of imposing a fee of $60 a year for these machines. The copyright bill before the present Congress would subject the phonographs to the ASCAP tax.

When the operators learned what BMI is doing to end the monopolistic control of music, thousands of them wrote to BMI indicating their support. They have welcomed records of BMI music for use in their machines in order to give BMI every chance to build up a healthy competition.

But records in a machine do no good unless customers drop in nickels to hear those records. The fact that BMI music is earning more money for the phonograph operators than the music of any other publisher means that their support of BMI is profitable to them from every point of view while at the same time it opens to BMI one of the most important ways of popularizing the BMI music.

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We welcome to the list of BMI subscribers the following stations:

KORN—Fremont, Nebr.
WAGA—Atlanta, Ga.
WORD—Spartanburg, S. C.
KWFC—Hot Springs, Ark.
WAYX—Waycross, Ga.
WTOL—Toledo, Ohio
WCOV—Montgomery, Ala.

## IMPORTANT NOTICE

It has come to our attention that several stations are under the impression that the catalogues of Associated Music Publishers, Inc. (AMP), are now or will later become available to them as a by-product of BMI membership. This assumption is erroneous. AMP is an independent performance rights organization. It has been cooperating with us not only in spirit but also in practice, as evidenced by its policy of making licenses available to member stations at 25 per cent less than the current schedule of fees calls for. (See our general letter of September 6, 1940.) A majority of our members have AMP licensing agreements. Authorization to perform AMP copyrights can be obtained only through direct arrangement with AMP.

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BMI subscribers are receiving a new Christmas song which is just off the presses. *An Old-Fashioned Christmas* is a seasonal number in popular style with a strong sentimental appeal and should be of great value to the stations in the next few weeks.

> "When you hung up your Christmas stocking you wondered
> if you'd been good,
> When you spent An Old-Fashioned Christmas back home."

Betty Best, who wrote both words and music, has tried to recapture in this song what Christmas once meant to nearly everyone and still means to a majority of Americans under the age of eight. "I really believed in Santa Claus," she says. "I hung my stocking up every Christmas until I was eighteen because my sister still believed in Santa Claus, and besides my father liked to fill our stockings."

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BMI subscribers will be interested in the story of the way in which *Frenesi* became a nation-wide hit inasmuch as it will be one of the numbers covered by the BMI license beginning January 1, 1941. It was "discovered" by Artie Shaw last spring when the jazz maestro was recuperating from a serious illness in Acapulco, Mexico. Shaw, looking around for distinctive native music, was impressed by the melody of *Frenesi,* and brought it back with him to California when he recorded the number for Victor. As Shaw's record of *Frenesi* grew more and more popular in nickelodeons throughout the country, Xavier Cugat began featuring the tune in an authentic Mexican arrangement, and Jack Mason, who scores many of the Tin Pan Alley hits, made a dance arrangement of it. The number was written by Dominguez, who also composed another popular selection, *Perfidia,* which will likewise be licensed by BMI.

ASCAP, apparently deciding that its publicity lacked color, has invested in some paper with a bright red and blue border on which to print publicity releases. Down the left margin and across the bottom of the page are red-white-and-blue sketches of the covers of twenty-two songs controlled by ASCAP, and over the bottom row is the legend:

> **BLACKLISTED AND BOYCOTTED!**
>
> Defying public opinion, the Broadcasting Barons who control CBS, NBC and MBS have jointly decreed that these songs and thousands of other American favorites are to be barred from the air starting New Year's Day.

The colors are very patriotic and the notice at the bottom makes the "Broadcasting Barons" sound very sinister.

The twenty-two songs chosen by ASCAP as its most attractive window-dressing have all been very popular numbers. The composers and authors of these songs deserved generous payment for the performance of their music, and of course, ASCAP has been collecting sizeable fees for the use of the songs.

With astonishing honesty and frankness, ASCAP shows the names of the writers on each song so that they may be readily checked against the list of ASCAP members who share in the fees that ASCAP collects.

Such a check reveals that six of these writers who have contributed the most-prized songs in the ASCAP catalogue are not members of ASCAP. They, of course, have received none of the fees collected by ASCAP. It is ASCAP's theory that outsiders get adequate payment merely from the prestige of seeing their work on an ASCAP list. ASCAP sees no reason why a writer who is not an ASCAP member should be paid—not, at least, so long as he can have the pleasure of finding his name in the ASCAP catalogue and the comfort of knowing that ASCAP members are getting paid for the use of the music he wrote. Surely, as Omar Khayam said, "That were paradise enow."

ASCAP is really generous, even toward non-ASCAP writers—even toward BMI writers. Conspicuous among the names of the writers of these most valuable ASCAP songs is that of Robert Sour, co-author of *Body and Soul.* Having lived in a rather itchy non-ASCAP bliss for some years in the knowledge that ASCAP members were getting adequately paid for the work that he did, Mr. Sour is now a lyric-writer for BMI, author of *Practice Makes Perfect* and others of BMI's top hits—and getting paid for his own work.

## FCC Network Investigation: Final Argument

Oral argument on the network inquiry report was opened before the entire Federal Communications Commission Monday, December 2.

Chief counsel for the Commission, Telford Taylor briefly outlined the history of the network inquiry and stated that public notice No. 45189 entitled "Procedure For Oral Argument On Network Inquiry Report" (See NAB REPORTS, November 29) was in the form of questions to be discussed at the hearing and that this notice did not necessarily constitute the views of the Commission. Mr. Taylor stated that the Law Department of the FCC was of the opinion that the Commission has the power to deal with programs and contracts. He said that it was recognized that chain broadcasting is necessary and that there should be competition in networks.

Mr. Joseph Rauh, Commission attorney, followed Mr. Taylor in giving testimony. He discussed the legality of the Commission regulating the contractual relationship between networks and affiliates and to deal with programs and transcriptions. It was Mr. Rauh's opinion that the Commission has the right to deal with contractual relationship insofar as it deals with a stations ability to operate in public interest. He continued that the Commission has no power to set rates.

The first company to present argument was The National Broadcasting Company, represented by Phil Hennessey. He made one preliminary assumption—that the American System of Broadcasting was not at issue. Mr. Hennessey pointed out what he called inaccuracies in the report. In reply to the question by Chairman Fly, he said that there are two possibilities for organizing an additional network within the present allocation structure. The first way would require a capital of about $25,000,000 and a period of about 15 years. The second would call for Commission action to take all clear channels and make them regional with several 5 KW stations on each channel and placing these stations in various cities and turning them over to the operator of the network. Mr. Fly then ask Mr. Hennessey if NBC advocates this. He replied that quite the contrary; the present allocation structure represents the best balance between small stations and national coverage.

Mr. Hennessey stated that in 1937 NBC affiliates rejected 1,850 station hours of network programs in order to broadcast local programs of unusual interest and that the individual stations were allowed to cancel network programs under such conditions. In reply to Chairman Fly's question as to what regulation of network operation was advisable, Mr. Hennessey replied that none was necessary and that service under the American System is so superior to anything else in the world that we should be careful not to upset it. Mr. Hennessey gave the opinion that the Commission lacks authority to promulgate any of the proposed rules and that the function of the FCC is to license certain electrical facilities and to see that these facilities are operated in the public interest. He said that it was the business of the broadcaster as to how he should carry this out and that if the broadcaster did not operate in the public interest, then the Commission had the power to cancel the license. As a closing remark, Mr. Hennessey said that if the proposed rules are adopted the American System of Broadcasting would be destroyed.

The Columbia Broadcasting System was the second to be called to give argument and was represented by John J. Burns. Mr. Burns asked permission for all interested parties to file briefs on the FCC Law Department interpretation of the Commission's scope of authority and Chairman Fly gave the parties to the oral argument one week in which to file such briefs. Mr. Burns discussed the jurisdiction of the Commission and gave the opinion that the Commission does not have the authority to regulate contracts or programs. Mr. Burns pointed out that RCA pioneered in radio and that NBC came first as a network. He continued that CBS was organized after NBC and that it was built through its ingenuity and enterprise and that there is no monopoly as attested by competition between NBC and CBS. He continued by pointing out what he said were several errors in the report and he recommended that, because of these and other errors, the report should be rejected. Mr. Burns stated that as a major over-all comment on the report, he was struck with the absence of any mention of the important contribution networks have made to broadcasting. Mr. Burns said that if the report is adopted, we would have a revolution in broadcasting, and then he asked why CBS should build up a station if any time broker could have the station. He said that optional time and exclusive contracts were necessary to the proper operation of the networks.

Mr. Burns gave the opinion that none of the proposed regulations were within the power of the Commission to promulgate. He said that if an advertiser could not be sure of outlets, he would turn to other media than radio for his advertising. He continued by stating that the ownership of a certain number of stations in certain cities was vital to good operation of a network.

IRNA was the next party to the oral argument represented by Paul Segal. Mr. Segal said that IRNA was not in favor of regulations which would make networks less effective as a whole, in order that one network might be given a temporary gain. He continued that they opposed the text of the report in its entirety.

Mr. Samuel Rosenbaum continued the argument for IRNA. He said that he did not subscribe to the views expressed that network contracts take away the station control of programs. He pointed out that it was normal good business to place the sale of national business on a station in the hands of an exclusive agent, and that no one thought anything about that. Mr. Rosenbaum expressed a view that giving a network exclusive contracts for certain periods on the station, would not any more take away a station's control of programs than it would if an exclusive salesman were given the right to sell the national business of the station on an exclusive business. Mr. Rosenbaum said that the very existence of networks has immeasurably increased the service broadcasting has rendered the American public.

Chairman Fly opened the Tuesday session by asking the various parties to give attention in their briefs to competition and how best the public could get the most out of the industry in terms of healthy competition. He said that the wave lengths were limited and therefore there could not be utterly free competition for public attention and that there was naturally only a restricted form of competition possible. He continued that it was dubious whether or not there could be four networks and it probably would be difficult to have more.

Mr. Fly requested the parties to the oral argument to give consideration to the answer of the question as to what is the best form of chain competition we can have under the conditions. He stated that the Commission wanted the best answer possible and therefore would accept additional material. He set the date of December 16 for filing the briefs.

The Mutual Broadcasting System presented its oral argument through Louis Caldwell. Mr. Caldwell outlined the method of financing Mutual and how it is operated on a Mutual plan. He said that at the time of the hearing Mutual was owned by WOR and WGN, however, there were now seven stockholders and these are WOR, WGN, Don Lee, Colonial Network, United Broadcasting Corp., CKLW and WKRC. Mr. Caldwell, in outlining the advantages of the Mutual System said that the profits from network operation were shared by the stations and that this money could then be used to improve the individual stations and the programs. He continued that almost all of Mutual's sustaining programs come from the member stations, thereby giving an incentive to improve programs locally. He also said that stations had a voice in the operation of the network. Mr. Caldwell gave the opinion that it was not possible to start another network in face of the existing obstacles, except on the Mutual basis. Mr. Caldwell said that he believed business would be more difficult to obtain without contract time. However, he said that Mutual had existed without this arrangement. He pointed out that even though there were errors in the record, they were insignificant. He continued that we needed regulation of chain broadcasting in order to secure the best possible competition in view of limited facilities. Mr. Caldwell, in commenting on the opinion of Mr. Rauh, concerning the scope of authority of the Commission, said that he could not see any difference between regulating facilities and taking competition into account, in view of public interest, convenience and necessity. He continued that it was a violation of the Anti-Trust Laws for a network to make a purchaser take stations he doesn't want in order to get certain cities. In response to a question put to him by Commissioner Craven, he answered that he did not think that the Commission had the power to determine if there were a violation of the Anti-Trust Law. However, in view of the charge that stations must operate in the public interest, convenience, and necessity, a violation of the Anti-Trust Law would be the concern of the FCC, he said. Mr. Caldwell then discussed "Suggested Special Regulation Applicable to Standard Broadcast Stations Engaged in Chain Broadcasting" proposed by Mutual. Mr. Caldwell said he believed it unsound to have 2 networks under the same roof, and he said that a network could own stations in New York, Washington, Chicago, San Francisco and Los Angeles because these cities were important program centers.

Next to give oral argument was the Association of Radio Transcription Producers of Hollywood, Inc., represented by Mr. Ben S. Fisher. He said that there was no difference between chain and transcription and that both are the same talent and therefore he asked that the Commission allow the elimination of the electrical transcription announcement immediately preceding the program.

The Independent Artists Representatives argument was given by Martin Gang. Mr. Gang directed his argument to the networks using their influence to set up artist bureaus of their own and thereby controlling artists, announcers, actors, etc. He suggested that this phase of network broadcasting be regulated and gave the opinion that the Commission has the right to so regulate.

The next party to make an appearance was the Associated Music Publishers, Inc., represented by Wardell Catchings. He said that they were in hardy accord with the report and that the Committee might well have gone further. He urged the Commission to proceed immediately with regulation of chain broadcasting. He urged that no radio station should be permitted to give blanket time to networks and that if time is sold by a station for transcriptions, that the networks should not be allowed to take the time away from them.

In rebuttal, Mr. Hennessey reiterated his opinion that the Commission had the right only to consider whether a station was operated in the public interest, convenience, and necessity and to consider the character of the licensee. He reiterated his disagreement with Mr. Rauh's interpretation of the scope of the Commission.

Also in rebuttal Mr. Burns stated that the power of the Commission was very carefully limited in the statute.

Mr. Rosenbaum, in rebuttal, said that within the industry there was ingenuity enough to work out any difficulties which might arise without need of further government regulation. He continued that IRNA neither approved or disapproved of exclusive contracts and he said that this matter should be left to individual cases. The oral argument was concluded by Chairman Fly.

The Mutual Broadcasting System suggested special regulations for standard broadcast stations engaged in chain broadcasting, as follows:

### I.

### DEFINITIONS

Sec. 1. For the purposes of these regulations

(a) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more standard broadcast stations transmitted to them by wire or radio.

(b) "Network organization" means any person (whether an individual, partnership, association, joint-stock company, trust, or corporation) regularly engaged in the business of producing, supplying or otherwise making available programs for chain broadcasting and of selling time over standard broadcast stations for the broadcasting of such programs.

(c) "National network organization" means any network organization regularly producing, supplying or otherwise making available programs for chain broadcasting for two or more standard broadcast stations when such stations include stations located in two or more metropolitan districts (as defined by the United States Census Bureau), any two of which have each a population in excess of 1,000,000 and are separated by a distance exceeding 700 miles.

(d) "Regional network organization" means any other network organization.

(e) "Substantial interest" means, with reference to a corporation, the ownership, direct or indirect, of 20 percent or more of the voting stock, and with reference to a partnership or other form of organization, a voice in the control thereof equivalent to 20 percent or more.

(f) "Station" means a standard broadcast station as defined in Sec. 3.1 of the Commission's Rules Governing Standard Broadcast Stations.

(g) "Station licensee" or "licensee of a station" means the licensee of a standard broadcast station.

(h) "Full time station" means (1) any "unlimited time" station as defined in Sec. 3.23(a) of the Commission's Rules Governing Standard Broadcast Stations, and (2) any combination of two or more "sharing time" or "specified hours" stations, as defined in Sec. 3.23(d) and (e) of said Rules, having total hours of operation equivalent to one "unlimited time" station, provided such stations are located in the same city and have substantially the same service areas.

(i) For the purpose of defining "comparable facilities" stations are divided into the following groups:

(1) Group A, consisting of full-time stations falling within Classes I, II or III as defined in Sec. 3.22 of the Commission's Rules Governing Standard Broadcast Stations;

(2) Group B, consisting of full-time stations falling within Class IV as defined in said Sec. 3.22;

(3) Group C, consisting of stations not having full time, of whatever class, provided they have substantially equivalent coverage and hours of operation.

It is recognized that, due to factors such as size of community to be served, variations in power, desirability of frequency, extent of interference-free coverage, conductivity and radiation pattern, there may be instances where, equitably to accomplish the purpose of these Regulations, exceptions may have to be made to the foregoing grouping. In smaller cities, for example, it may be found that a Class IV station has sufficient coverage to be placed in Group A.

(j) Any city shall be deemed to have two or more stations with "comparable facilities" if such city has

(1) Two or more Group A stations,

(2) No Group A stations and two or more Group B stations, or

(3) No Group A or Group B stations, and two or more Group C stations.

(k) No city shall be deemed to have two or more stations with "comparable facilities" but on the contrary shall, for the purpose of these Regulations, be considered as having only one station,

(1) If such city has only one Group A station, notwithstanding the fact such city may have two or more Group B or Group C stations;

(2) If such city has no Group A station and only one Group B station, notwithstanding the fact such city may have two or more Group C stations;

(3) If such city has no Group A or Group B stations and has one station not having full time which, by reason of its coverage or hours of operation, has facilities clearly superior to those of other stations not having full time located in the same city.

(l) "City" means any metropolitan district as defined by the United States Bureau of Census and any separate city, town or other community not forming part of a metropolitan district.

(m) A station shall be deemed to be located in a city if it is located within the boundaries of such city or if it is located in the immediate vicinity thereof and is capable of rendering, and is primarily intended to render, service within the boundaries of said city.

(n) "Contract" shall include any agreement, understanding or other arrangement of a contractual character, express or implied, written or oral, between two or more parties.

(o) "Exclusivity clause" means any provision in a contract between a network organization and a station licensee whereby the station licensee undertakes or is bound not to broadcast programs supplied by any other network organization.

(p) "Time-option clause" means any provision in a contract between a network organization and a station licensee whereby the station licensee undertakes or is bound to make time available over his station for the broadcasting of programs supplied or to be supplied by such network organization, whether with or without advance notice by such network organization and whether with reference to specified hours or other periods of the day or with reference to a specified total of hours per unit of time or with reference to a proportion of the station's hours of operation.

## II.

## LICENSING OF STANDARD BROADCAST STATIONS TO NETWORK ORGANIZATIONS

Sec. 3. Effective ————, no national network organization and no person controlling, controlled by, under common control with, having a substantial interest in, or in whom a substantial interest is held by, a national network organization shall be licensed

(a) to operate more than one station in any one city;

(b) to operate a station in any city in which less than four Group A stations are located;

(c) to operate more than —— Class I stations as defined in Sec. 3.22 of the Commission's Rules Governing Standard Broadcast Stations;

(d) to operate a total of more than —— stations of all classes.

Sec. 4. Upon petition and a proper showing in support thereof that, notwithstanding the exercise of due diligence, compliance with the requirements of Section 3 is impossible before the effective date, the Commission will grant a reasonable extension of the effective date in particular cases.

## III.

## CONTRACTS BETWEEN NATIONAL NETWORK ORGANIZATIONS AND STATION LICENSEES

### A. Provisions Directed Against the Operation of Two or More National Networks by One Network Organization.

Sec. 5. No national network organization licensed to operate a station located in a given city shall enter into any contract with the licensee of any other station located in that city containing an exclusivity clause or a time-option clause. No licensee of a station located in a given city shall knowingly enter into any contract containing any such clause with a national network organization licensed to operate a station in that city.

Sec. 6. No national network organization licensed to operate a station, wheresoever located, shall simultaneously have or maintain in force contracts containing exclusivity or time-option clauses with more than one station licensee in any other city. No station licensee shall knowingly have or maintain in force any contract containing any such clause with any national network organization if and when, as a result thereof, such national network organization will simultaneously have or maintain in force contracts containing any such clause with more than one station licensee in that city.

Sec. 7. Where the station licensed to the national network organization, or the station licensed to the station licensee with whom the national network organization has a contract containing an exclusivity or time-option clause, does not have full-time hours of operation, the national network organization may enter into a contract containing an exclusivity clause or a time-option clause, or both, with another licensee of a station located in that city not having full-time hours of operation, to the end and to the extent necessary to afford the national network organization the equivalent of one full-time outlet for its chain broadcasting programs in that city.

### B. Provisions Restricting the Use of Exclusivity and Time-Option Features.

Sec. 8. No national network organization licensed to operate a station, wheresoever located, shall enter into any contract containing an exclusivity clause with the licensee of any station located in a city having less than four stations with comparable facilities. No licensee of any station located in any such city shall enter into any contract containing an exclusivity clause with any national network organization.

Sec. 9. No national network organization licensed to operate a station, wheresoever located, shall enter into any contract containing a time-option clause with the licensee of any station located in a city having less than four stations with comparable facilities and no licensee of any station located in any such city shall enter into any contract containing a time-option clause with any national network organization, except under and in accordance with the following restrictions:

(a) In cities having three stations with comparable facilities such contracts may be entered into provided that not to exceed —— percent of any sub-period (as hereinafter defined) of a station's hours of operation is subjected to the time-option clause in favor of any one national network organization.

(b) In cities having two stations with comparable facilities such contracts may be entered into provided that not to exceed —— percent of any sub-period (as hereinafter defined) of a station's hours of operation is subjected to the time-option clause in favor of any one national network organization.

(c) In cities having only one station such a contractual arrangement may be entered into provided that not to exceed —— percent of any sub-period (as hereinafter defined) of the station's hours of operation is subjected to the time-option clause in favor of any one national network organization. In any city which has more than one station but which, by reason of the definition contained in Section 1(k) is deemed to have only one station, the Commission may on its own motion or on petition supported by proper showing enter an order prescribing the maximum hours that may be subjected to time option for such stations in such manner as best to accomplish the purposes of these regulations.

(d) In no case may such a contractual arrangement be entered into unless it also provides that, in the event less than 80 percent of the maximum of hours subjected to the time-option are not used by the national network organization during any six months period the maximum for the next six months period shall not exceed a percentage more than one-fourth greater than the percentage thus actually used.

(e) No time-option clause shall be included in any contract unless it specifies accurately and clearly the precise periods of the day in terms of clock time which are subject to the clause.

(f) The hours of operation of each station are, for the purpose of the foregoing provisions of this section, divided into sub-periods defined as follows:

(1) The early morning sub-period, from —— a. m. to —— a. m.

(2) The morning sub-period, from —— a. m. to noon.

(3) The afternoon sub-period, from noon to —— p. m.

(4) The evening sub-period, from —— p. m. to —— p. m.

(5) The late evening sub-period, from —— p. m. to ——a. m.

Sec. 10. No contract containing an exclusivity or a time-option clause between a national network organization and a station licensee shall be for a period exceeding —— years. A contract which gives either party a right by option or otherwise to extend the period beyond —— years shall be considered to be in violation of this section.

### C. Miscellaneous Provisions

Sec. 11. No national network organization licensed to operate a station, wheresoever located, shall enter into any contract with the licensee of any station, and no station licensee shall enter into a contract with any national network organization which fixes or attempts to fix the rates to be charged by the station licensee for the sale of broadcast time not used for the broadcasting of such national network organization's programs, *provided,* however, that such contract may provide that the rates to be charged by the national network organization for the sale of time over such station for the broadcasting of such national network organization's programs may be modified from time to time so as to be uniform in amount with the rates charged by the station licensee for the sale of time to the same or similar classes of advertisers or other clients.

Sec. 12. No national network organization licensed to operate a station, wheresoever located, shall enter into any contract with any station licensee, and no station licensee shall enter into a contract with any national network organization which interferes with the exercise by the station licensee of his full responsibility and the performance of his duties and obligations under the Communications Act of 1934, as amended, the Commission's Regulations, and the terms of his license, including his duties and obligations with respect to the acceptance or rejection of programs.

### IV.

### CONTRACTS BETWEEN REGIONAL NETWORK ORGANIZATIONS AND STATION LICENSEES

(It is believed that regional network organizations present a somewhat different and certainly a much less pressing set of problems, and that the Commission might well consider either adopting separate and less restrictive regulations with respect to them or postponing the matter for future consideration. Generally, it appears, there are few instances where regional networks are in competition with each other. They differ widely in size, character, make-up and purpose. The amount of time they are likely to place under option is usually far less than in the case of national networks, and frequently is merely supplemental to the use of national network programs. They are composed, in large measure, of the smaller stations, including many local and part-time stations. So far as is shown by the evidence at the hearing, it is believed no serious evils have developed in regional network operation. In any event, for lack of adequate information regarding their problems and of any direct interest in such issues as may be raised regarding them, we make no suggestions under this heading.)

## SENATOR GURNEY ASSAILS FCC

Senator Gurney (R-SD) said in the Senate that "if the Commission adopts these (network) rules and thus strangles the service of broadcasting to the American people, it surely will have gone loco."

The full text of the Senator's remarks can be found on page 21185 of the *Congressional Record* dated November 29.

# Sales

## NRDGA ASSOCIATE MEMBERSHIP

NAB members who have been invited to join the National Retail Dry Goods Association as associate members are asked to notify NAB headquarters of their decision, or to give their opinion of the value of such membership. Through its Bureau of Radio Advertising, NAB is cooperating with the NRDGA in promoting a closer relationship between radio stations and department stores, similar to that which exists between the stores and many newspapers throughout the country.

### Local Radio Discussed

Samuel J. Henry, Jr., of the NAB Bureau of Advertising, will address the Rochester Advertising Club, Monday, December 9, on the subject of "Local Radio Advertising". The invitation was extended through Lemoine C. Wheeler, commercial manager, WHEC, Rochester, who is a member of the Ad Club's educational committee.

### Retail Drug Study Now Ready

"Results from Radio", Vol. 1, No. 10, which is on the subject of drug store advertising, is going out to all NAB members from the Bureau of Radio Advertising. The latest trade study in the Bureau's series of outstanding case histories deals with "Radio Parade", a unique program based on radio and radio personalities, which has been successfully sponsored for the past six months by several retail drug companies in the Pacific Northwest.

The No. 10 study reports many instances of specific sales results obtained by the Bartell Drug Company over KIRO and KOMO, Seattle, and by the Joyner Drug Company, over KFPY, Spokane.

# Promotion

## RADIO CHRISTMAS

"50,000,000 Radio Sets by Christmas" is the title of a four-page folder which NAB mailed today to all station executives.

The theme is that 50 million radio sets in the hands of the public would insure a sufficient supply of active receivers for months to come even if set production should be disturbed by national defense priorities.

Surest means of attaining the objective, it was pointed out, is the active station promotion of the "Give a Radio Set for Christmas" idea. It was predicted that with aggressive support the goal would be surpassed, possibly by a million sets.

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WGAR, Cleveland, is well along on its second annual Christmas promotion to provide radio sets for welfare institutions and needy families. It is a cooperative plan with the public donating old sets, the Cleveland chapter, Radio Servicemen of America, making repairs, Goodwill

Industries collecting old sets, and the Cleveland Welfare Federation later distributing them.

This type of operation is identical with last year's at WGAR. Because it has withstood a severe testing, it can safely be recommended.

Here's a statement from Carl George covering details:

> "I think you will be interested to know that WGAR is beginning to collect used radio sets for distribution to welfare institutions and needy families at Christmas time.
>
> "Last year, you may recall, we were able to distribute about 125 sets in two weeks time. This year, by starting early, we want to boost that way up to several hundred.
>
> "Again this year we have the cooperation of the Radio Servicemen of America who are volunteering their services in repairing these sets. Goodwill Industries of Cleveland is collecting for us and providing storage and repair facilities. The renovized radios will be distributed through the Cleveland Welfare Federation. We are also securing the cooperation of parts manufacturers and distributors who will furnish free the parts needed to put sets in good condition.
>
> "Our full staff orchestra is being used on three programs each week to solicit donations from persons who have that extra or old receiver. We ask them to phone their name and address to the station and within a few days a Goodwill Industries truck stops to pick it up.
>
> "On Christmas Eve we hope to make many hundreds of people a bit happier when we deliver to them their 'brand new' radio.
>
> ***"Last, but not least, our suggestion to the listener is that now is the time to buy a new 1941 radio and let the Welfare Federation have his used one."***

In Memphis, Henry W. Slavick, general manager of WMC, and Fred Carder are also busy with plans to secure reconditioned radio sets for institutional presentation.

Howard McIntyre, secretary, Mid-South Amateur Radio Association, prevailed upon his members to repair the sets donated by listeners. McGregor's, the RCA distributor, is furnishing needed repair parts.

A part of the repair work is being done by association members in quarters at the Memphis Light, Gas & Water Division. Other members have volunteered to repair a given number of sets at home.

## TWENTIETH BIRTHDAY

Emerson S. White, program director, KDYL, Salt Lake City, launched Radio's 20th Anniversary celebration on Monday, November 11, with a special thirty minute show from the station's Radio Playhouse. Radio's progress during the 1920-40 period was dramatized. Music by "By" Woodbury and his orchestra. Other birthday material was scheduled through November 30.

In celebrating its increase in power to 250 watts and its new transmitter on November 24, Wallace S. Wiggins, program director, KVOE, Santa Ana, tied in a salute to Radio's 20th Birthday. The thirty minute show was fed to the entire Don Lee Network. The station also carried several network birthday broadcasts. KVOE is known as "The Voice of the Orange Empire".

KGFW staged what is believed to be the largest birthday party ever held in Kearney, Neb. It took place Thursday, November 28, to commemorate the station's ninth anniversary and radio's twentieth.

More than 1,800 people attended the festivities. Program Manager Paul Roscoe supervised complete details of party and the two hour broadcast. Invitations were extended over the air and in both daily papers.

A mammoth birthday cake, appropriately decorated, and donated by the Royal Bakery of Kearney, was cut into four hundred pieces. Gallons of ice cream were presented by the Kearney Creamery Company.

From two to four o'clock a series of prominent speakers appeared over the KGFW microphone relating the history of the station as well as highlights of various broadcasts throughout its nine years' existence.

Prominent speakers were: Kenneth Dryden, local attorney; Art Johnson, president of the chamber of commerce; Wallace Thornton, secretary of the chamber of Commerce; Superintendent Harry Burke of the public schools; Dr. H. L. Cushing, Kearney State Teachers' College; Bob Johnson, president of the Cosmopolitan Club; Ivan Mattson, Mayor; Reverend William Sessions, representing the ministerial alliance; E. Anson Thomas, commercial manager, KGFW, and Lloyd C. Thomas, general manager.

WROK, Rockford, completed a solid week of festivities in honor of Radio's 20th Birthday on Tuesday night, December 3, with a coast-to-coast broadcast over Mutual Broadcasting System at 8:15 p. m. EST. The celebration also marked WROK's first anniversary as an MBS affiliate.

Guest of honor was Fulton Lewis, Jr., whose earlier seven o'clock daily chore went on the air from WROK's studios.

Special broadcasts during the week included:

1—Programs from control room and transmitter, with an engineer speaking on "Behind the Scenes in Radio Broadcasting" and explaining how programs are put on the air.

2—A talk by John Dixon, WROK program director, on BMI.

3—A thirty minute show from the Rainbo Room of Hotel Faust, during which Charlie Agnew and his orchestra played BMI tunes exclusively.

4—A special short wave broadcast, hooking up WROK's own mobile unit with city and county police stations as a demonstration of how radio can completely cover Rockford and the county in case of emergency.

5—News broadcasts included stories of the celebration and called attention to interesting facts concerning the American system of broadcasting.

During the week local radio dealers and distributors were on the air with spot announcements and special programs. These called attention to the progress that has been made in the manufacture of radio receivers. Each participating dealer displayed current models in WROK's reception room. Spot announcements invited the public to inspect the new WROK studios and the 1941 receivers as well. Attendance exceeded the most optimistic expectations.

"Radio dealers," said Bill Traum, promotion director, "were very receptive to this promotion and we hope to carry on something similar each year."

The 8:15 broadcast to MBS was part of the Birthday banquet, attended by prominent civic and business leaders. At this affair Fulton Lewis received a plaque "in appreciation of his truthful and timely analyses of the nation's news."

### MAN POWER

The aircraft industry continues to hold the spotlight for national defense Man Power requirements of the Civil Service Commission.

This does not mean, however, that other defense agencies require fewer skilled workers. Needs are as urgent as ever.

Facts of the situation call for a slight change in pace and only two spot announcements will be mailed tomorrow, December 7. Please make sure that they are rotated at least once during your daily schedule.

Securing skilled workers for National Defense is radio's own "show". The industry can be proud of its achievements.

Three Chicago stations which have been locating Man Power, since last July, are WGES, WSBC, WCBD. They were reported yesterday by Arnold B. Hartley.

Six hundred fifty-four (654) stations, up to press time, have made known their cooperation.

### AAAA CONFERENCE COMMITTEE MEETS

The AAAA Conference Committee met in New York, December 4, with Chairman Harry C. Wilder, WSYR, presiding. Those attending the meeting were: Roy L. Harlow, WAAB, Dick Mason, WPTF, Edward W. Petry, Edward Petry Company, Dale Taylor, WENY, Lee Wailes, Westinghouse, Emanuel Dannett, MBS, Paul F. Peter, NAB and Russell P. Place, NAB.

The committee heard a report of the Standard Order Blank and Contract Sub-committee presented by its Chairman, Roy Harlow. The full committee adopted a form and contract for submission to the Executive Committee of the NAB Board.

Mr. Mason made a report for the Invoice Sub-committee and the committee adopted a form which will be submitted to the NAB Accounting Committee.

The next meeting of the Committee has been set for December 20 and will be followed by a joint meeting with the AAAA Committee in the afternoon of that day.

## Engineering

### MEDICAL EQUIPMENT CONFERENCE

The informal Engineering Conference on the problem of interference to radio communications caused by the operation of high frequency electro-medical equipment, was held by the FCC Friday, November 29. Lieutenant E. K. Jett, Chief Engineer of the Commission, presided with A. D. Ring, Dr. L. T. Wheeler and T. L. Bartlett also on the bench.

Mr. Jett opened the hearing by stating that there was no need to build up a case for diathermy or radio communication and that the Conference should go into the technical considerations. The items on the agenda under (10) were taken up in order.

Several doctors and diathermy research men testified as to the best frequencies to use. Most of them selected a frequency between 7 and 14 MC with one to three additional frequencies in harmonic order.

The opinion was general that the frequency of diathermy applications is not important physicologically but technically some bands are better than others for electromagnetic of electrostatic applicators.

In regard to frequency stability, the equipment manufacturers thought that maintaining within .5 per cent would be good. Mr. Jett pointed out that this tolerance is much greater than allowed in good engineering practice for radio stations and that too many communication channels would be used up if this tolerance were allowed.

The consensus was that 400 watts was the highest power required for good diathermy work.

Mr. Jett had hoped that data might have come out of the Conference, making it possible to write standards of good engineering practice for electro-medical equipment and also possible to set aside certain frequencies for their use. Not enough data was presented on certain phases, such as the allowable frequency tolerance and the cost of frequency control.

Mr. Jett suggested that the best way to reduce the remaining problems was to appoint a Representative Committee. After general agreement to this suggestion, Mr. Jett outlined the various groups which should be represented on the Committee and said that the appointments would be made shortly.

Following was the agenda for the Conference:

The purpose of this informal conference, as stated in the notice of October 31, 1940, is to consider the feasibility of establishing Standards of Good Engineering Practice concerning the technical operation of high frequency electro-medical equipment in order to eliminate the widespread interference with radio communications resulting from the present manner of operation.

Article VI of the Inter-American Agreement—Santiago, Chile, 1940, reads as follows:

"The American countries shall adopt measures to suppress or alleviate, as much as possible, interference caused by apparatus or equipment which may generate, or radiate radio frequency currents capable of interfering with, or adversely affecting, the reception of radio transmissions. (See Annex, No. 1.)"

From Annex, No. 1, referred to above, the following paragraphs, Nos. 9, 10 and 11, are quoted which will constitute the agenda for the meeting, to be considered in the order given:

9. "All diathermy machines designed for the same service can operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. Operation on a specific frequency with a very close frequency tolerance is practicable, with little added cost. It is understood that the present design of diathermy equipment has to a great extent gravitated to frequencies above approximately 12 megacycles, hence it is recommended that the subscribing countries consider requiring all diathermy machines to use not more than two frequencies in harmonic relation above 12 megacycles which will not interfere with existing radio assignments. The harmonic relationship between the two frequencies provides a further guarantee against interference to radio communication.
10. "Standards of good engineering practice are believed to be practicable at the present time and consideration of the adoption by the governments of such standards at the earliest practicable date is recommended. The standards should include the following subjects:
    a) Frequencies to be used.
    b) Automatic frequency control.
    c) Frequency stability.
    d) Type of emission.
    e) Maximum power output.
    f) Harmonic radiation to be effectively suppressed.
    g) Internal circuits to be effectively shielded.
    h) Radiation from power supply connection to be eliminated.
11. "Where diathermy apparatus does not comply with the standards which may be adopted by the subscribing countries they should consider the desirability of requiring such apparatus to be operated in a properly shielded room."

## WJRD FOOTBALL REMOTE

J. E. Reynolds, Commercial Manager of WJRD, Tuscaloosa, Ala., believes his station made history November 21 when it broadcast by remote from St. Louis the game between Tuscaloosa and University High Schools. He believes this was the longest single remote for a high school football broadcast in history.

## LABOR NOTES

Extra copies of "The Wage and Hour Act," recent publication of the NAB Labor Relations Department, are available at the NAB. One copy was mailed to each member.

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The Labor Department reports that the cost of living in the larger cities dropped 0.2 per cent from September 15 to October 15, 1940.

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The three Birmingham, Ala., stations negotiated new contracts last week with the International Brotherhood of Electrical Workers (A. F. of L.), covering engineers.

# FEDERAL COMMUNICATIONS COMMISSION

## NEW INDUSTRY ADVISORY COMMITTEE APPOINTED BY FCC BOARD

Executives of seven leading communication companies have been invited by the Defense Communications Board to constitute the latter's Industry Advisory Committee in connection with coordinating and preparing plans for the role of communications in the preparedness program. The officials to whom such invitations have been sent are:

Walter S. Gifford, president of the American Telephone and Telegraph Co.
Jack Kaufman, executive vice-president of Globe Wireless, Ltd.
Sosthenes Behn, president of the International Telephone and Telegraph Corp.
E. F. Chinlund, president of Postal Telegraph, Inc.
Joseph Pierson, president of Press Wireless, Inc.
David Sarnoff, president of the Radio Corporation of America
W. E. Beakes, president of the Tropical Radio Telegraph Co.
R. B. White, president of the Western Union Telegraph Co.

The duties of the Industry Advisory Committee include the submission of expert advise to the Board on all problems of general concern to the communications companies incident to the proper carrying out of the Board's national defense mission. With the requirements of national defense as a primary consideration, the Industry Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Industry Advisory Committee will report directly to the Board but will have liaison for the purpose of advice and consultation with a Coordinating Committee and a Labor Advisory Committee.

In addition to their own particular advisory committees—Domestic Broadcasting and International Broadcasting—the broadcasters may also be represented on the Industry Advisory Committee under the following supplemental provision:

> "Whenever a problem involving domestic or international broadcasting shall arise, the Chairman of the Industry Advisory Committee shall notify the Chairman of the Domestic Broadcasting Committee or International Broadcasting Committee, as the case may be, and such Domestic or International Broadcasting Committee shall designate a delegate to act as a member of the Industry Advisory Committee on that problem."

At the same time the Board sped organization of its Labor Advisory Committee by inviting the following organizations to each recommend a member of this committee to represent their respective affiliated communications groups:

American Federation of Labor
Congress of Industrial Organizations
National Federation of Telephone Workers

Each of these committee members has the privilege of selecting such advisors as he may deem necessary. The

Labor Advisory Committee will advise the Board on communications labor matters incident to the national defense, in liaison with the Industry Advisory and Coordinating committees.

Also, the Board invited the National Association of Broadcasters to nominate a representative to the International Broadcasting Committee, and Western Radio Telegraph Company, Bartlesville, Oklahoma, to appoint a representative to the Radiocommunications Committee.

The above invitations are in addition to those announced November 25. Besides the committees mentioned, there are other committees representative of Amateur Radio, Aviation Radio, Interdepartment Radio, Telegraph, Telephone, State and Municipal Facilities, and Government Facilities. All appointments to these advisory committees are pursuant to nomination or other recommendation by industries and groups concerned, on invitation from the Board. The initial task of the committees is to organize and select respective chairmen and secretaries.

James Lawrence Fly, chairman of the Board, explains that committee listing is not to be interpreted as exclusive, and that any responsible company or group which may consider itself overlooked can obtain representation upon adequate showing that it is concerned with the Board's planning for emergency coordination of radio, wire, and cable facilities.

## FCC WORK SCHEDULE

FCC has announced that the work, business and functions of the Commission for the month of December have been assigned as follows:

| | |
|---|---|
| Commissioner Walker: | Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standards broadcast authorizations. |
| Commissioner Craven: | Designated to hear and determine, order, certify, report or other wise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings. |

## NEW PUBLIC NOTICE NUMBERING

Since the recent revision of the Federal Communications Commission's mailing list, it appears that Public Notices of actions taken by the Commission on broadcast, telephone and telegraph matters, now numbered consecutively, should be segregated into two separate series.

Therefore, as a convenience to keeping such record, starting December 2 Public Notices of actions taken on broadcast matters will be designated as follows: ACTIONS OF THE COMMISSION, Report No. 1—(Broadcast). The same system will apply to Public Notices of actions on telephone and telegraph matters, i. e., ACTIONS OF THE COMMISSION, Report No. 1—(Telephone and Telegraph).

The last report which will appear under the old system of numbering is No. 1210.

## RULES WAIVED FOR OPERATORS

As a particular convenience to licensees drafted or otherwise called into military service, the Federal Communications Commission today suspended until January 1, 1942, that part of its rules and regulations requiring proof of satisfactory service in connection with renewal of commercial and amateur radio operators (Section 13.28 governing commercial operators, and Sections 12.26 and 12.66 affecting amateurs). This blanket exemption pertains to nearly 100,000 operators of both classes.

General waiver of these provisions was considered at a conference of Commission officials with representatives of interested labor organizations, including the International Brotherhood of Electrical Workers, Commerical Telegraphers Union of North America, American Communications Association, Maritime Committee of the CIO, National Federation of Telephone Workers, Federation of Long Lines Telephone Workers, and the Association of Technical Employees of NBC.

The controlling factor in the formulation of this broad and simple procedure was the mutual desire to relieve those called into service of routine details. The Commission is aware of the importance of maintaining the present high standards of proficiency of licensed operators, and also of guarding against a shortage of such skilled workers. It will, accordingly, continue to give these problems careful attention, and should experience indicate the need for change the Commission will act accordingly.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, December 9. They are subject to change.

### Monday, December 9

WSAR—Doughty & Welch Electric Co., Inc. (Assignor; Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—Voluntary assignment of license, operating on **1450 kc., 1** KW, unlimited-DA.

### Wednesday, December 11

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., **1080 kc.,** 50 KW, unlimited time (DA for night use). Present assignment: **1080 kc.,** 50 KW, unlimited time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., **1080 kc.,** 50 KW, unlimited time (DA for night use). Present assignment: **770 kc.,** 10 KW, simultaneous D. S-WBBM-N. S.A. Synchronized with WBBM-N-Exp.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, **770 kc.,** 50 KW, unlimited time. Present assignment: **770 kc.,** 50 KW, simultaneous D. S-KFAB-N. S.A. Synchronized with KFAB-N-Exp.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., **770 kc.,** 1 KW, daytime. Present assignment: **1060 kc.,** 1 KW. Limited to WBAL & WTIC.

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, **1080 kc.,** 5 KW, limited to WBT & KFAB. Present assignment: **1080 kc.,** 5 KW, limited to WBT—Share WCBD.

### Thursday, December 12

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.,** 50 KW night, 50 KW LS, specified hours.

## FUTURE HEARINGS

The Commission during the past week has announced the following future broadcast hearings. They are subject to change.

### January 13

### Joint Hearing

NEW—Peducah Broadcasting Co., Inc., Clarksville, Tenn.—C. P., **1370 kc.,** 250 watts night, 250 watts day, unlimited time.

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., **1370 kc.,** 250 watts night, 250 watts day, unlimited time.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

Williard Carver & Byrne Ross, Lawton, Okla.—Granted construction permit for a new station to operate on **1120 kc.,** with 250 watts, daytime only (B3-P-2664).

Blanfox Radio Co., Inc., Harlan, Ky.—Granted construction permit for a new station to operate on **1420 kc.,** with 250 watts, unlimited time, subject to approval of site at Harlan, Ky. (B2-P-2885).

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted construction permit to install directional antenna for night use, in cooperation with other stations on **1260 kc.** (B3-P-2944).

KRLH—Clarence Scharbauer, Midland, Texas.—Granted construction permit in part for increase in power from 100 to 250 watts operating on present frequency; **1420 kc.** (B3-P-2981).

KSRO—Ernest L. Finley, Santa Rosa, Cal.—Granted construction permit to install new transmitter, change frequency from **1310** to **1320 kc.,** increase power from 250 watts to 1 KW, and install directional antenna for day and night use (B5-P-2916).

WFEA—New Hampshire Broadcasting Co., Manchester, N. Y.—Granted construction permit to install new transmitter, increase power from 500 watts night, 1 KW day, to 5 KW, using directional antenna day and night (B1-P-2730).

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted construction permit to increase night power from 1 to 5 KW, on **1440 kc.,** and install directional antenna for night use (B3-MP-833).

WNAX—WNAX Broadcasting Co., Yankton, So. Dak.—Granted construction permit to increase nighttime power from 1 to 5 KW, and install directional antenna; **570 kc.,** 5 KW day (B4-P-2579).

KGEZ—Donald C. Treloar, Kalispell, Mont.—Granted construction permit to change frequency from **1310** to **1430 kc.,** increase power from 100 watts to 1 KW, install new transmitter and directional antenna to protect Canadian station CJGX, or alternative choice to increase power from 100 to 250 watts on present frequency; **1310 kc.** (B5-P-2573).

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted petition to reconsider and grant without a hearing the application of KUTA for construction permit to change frequency from **1500** to **570 kc.,** and increase power from 250 watts to 1 KW, unlimited time, using directional antenna (B5-P-2342).

WTRY—Troy Broadcasting Co., Troy, N. Y.—Granted construction permit to install directional antenna for day and night operation, and increase time of operation from daytime to unlimited; **950 kc.,** 1 KW (B1-P-2910).

## DESIGNATED FOR HEARING

J. Leslie Doss, Bessemer, Ala.—Application for construction permit to erect a new station to operate on **1370 kc.,** 250 watts, unlimited time (B3-P-2642).

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit to increase power from 500 watts to 5 KW on **1440 kc.,** install new transmitter and directional antenna for day and night use; to be heard with WCBA's application listed below (B2-P-2637).

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit to increase power from 500 watts to 5 KW on **1440 kc.,** install new transmitter and directional antenna for day and night use; to be heard with WSAN's application listed above (B2-P-2636).

WCNC—Albermarle Broadcasting Co. (Assignee), Aubrey G. McCabe & Trim W. Aydlett, d/b as Albemarle Broadcasting Co. (Assignors), Elizabeth City, N. C.—Application for consent to voluntary assignment of license of WCNC from present partnership of Aubrey C. McCabe and Trim W. Aydlette, d/b as Albemarle B/c Co. to Albermarle B/c Co.; **1370 kc.,** 250 watts, unlimited time (B3-AL-265).

## MISCELLANEOUS

W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted license to cover construction permit (B2-PHB-117), which authorized a new high frequency broadcast station; frequency **43200 kc.,** 1 KW, special emission for frequency modulation with a maximum band width of not over 200 kilocycles. The license is granted upon an experimental basis only, conditionally (B2-LHB-67).

W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-PVB-58, which authorized a new television station) for approval of antenna, and approval of transmitter site at Wardman Park Hotel, Washington, D. C. (B1-MPVB-26).

WJEK—Hagerstown Broadcasting Co., Portable-Mobile (area of Hagerstown, Md.).—Granted license to cover construction permit (B1-PRY-220) which authorized a new relay broadcast station to be used in connection with standard broadcast station WJEJ; frequencies **1622, 2058, 2150, 2790 kc.,** 100 watts (B1-LRY-212).

WBAZ—L. B. Wilson, Inc., Portable-Mobile (area of Cincinnati, Ohio).—Granted license to cover construction permit (B2-PRE-367), which authorized a new relay broadcast station to be used with applicant's standard broadcast station WCKY; frequencies **31220, 35620, 37020, 39260 kc.,** 2 watts (B2-LRE-334).

KYW—Westinghouse E and M Co., Philadelphia, Pa.—Granted modification of construction permit (B2-P-2904, which authorized changes in transmitting equipment and increase in power from 10 to 50 KW), for authority to make changes in type of tubes in last radio stage (B2-MP-1099).

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted license to cover construction permit (B3-P-2541) authorizing move of transmitter (B3-L-1275).

WEAF—National Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-P-2339), which authorized installation of directional antenna for day and night use, new transmitting equipment and move of transmitter to new site (B1-L-1272). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-560).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted license to cover construction permit (B2-L-1280, which authorized new equipment and increase in power from 250 watts to 1 KW, on **780 kc.**) (B2-L-1280).

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-588).

KGCX—E. E. Krebsback, Wolf Point, Mont.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-567).

KRMC—Roberts MacNab Co., Jamestown, N. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-581).

WHAZ—Rensselaer Polytechnic Inst., Troy, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-565).

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-591).

KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls. S. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-566).

KWOS—Tribune Printing Co., Jefferson City, Mo.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-585).

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-551).

WLBL—State of Wisconsin Department of Agriculture, Stevens Point, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-548).

WATL—Atlanta Broadcasting Co., Atlanta, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-587).

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted construction permit to install a new transmitter (B2-P-3013).

WDEF—Joe W. Engel, Chattanooga, Tenn.—Granted modification of construction permit (B3-P-2483, which authorized a new station to operate on **1370 kc.**, 250 watts, unlimited time), for approval of antenna, authority to install new transmitter, and approval of studio and transmitter site at Volunteer State Life Bldg., Chattanooga (B3-MP-1068).

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted modification of construction permit (B2-P-2251, which authorized a new station to operate on **1500 kc.**, 100 watts night, 250 watts LS, unlimited time), for approval of antenna, transmitter and studio sites, and installation of new type transmitter (B2-MP-1092).

WJOD—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with Radio Station WFAM from 7:30 p. m. CST to the conclusion of basketball games on November 29, December 6, 13, 20, and 27, 1940, in order to broadcast said games only, and from 5:30 p. m. to 8 p. m. CST December 24, 1940, in order to broadcast Christmas program only.

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (B2-PVB-47) authorizing a new television station, for approval of transmitter site and antenna, and change in type of aural transmitter; location, 117 S. 17th St., Philadelphia (B2-MPVB-24).

WGRM—P. K. Weing, Greenwood, Miss.—Granted construction permit to install a new transmitter (B3-P-3009).

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted construction permit to install a new type transmitter (B2-P-3018).

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-592).

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-589).

WHMA—Harry M. Ayers, Anniston, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-584).

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-594).

KLPM—John B. Cooley, Minot, N. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-580).

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted license to cover construction permit (B2-P-2552, which authorized a new station to operate on **1310 kc.**, 250 watts, S.H.) (B2-L-1284). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-583).

WAVE—WAVE, Inc., Louisville, Ky.—Granted license to cover construction permit (B2-P-2631, which authorized increase in power from 1 to 5 KW, **940 kc.**, installation of new transmitter and directional antenna for day and night use, and move of transmitter (B2-L-1279). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-567).

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted license to cover construction permit (B3-P-2461, authorizing installation of new transmitter, directional antenna, and increase from 250 watts night, 1 KW day, to 1 KW night, 5 KW day)—change type of transmitter from RCA 5-D to RCA 5-DX. (B3-L-1273). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-561).

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to operate simultaneously with KFAB from 6 a. m. CST, to local sunrise (November 7:15 and December 7:45 a. m. CST) for a period not to exceed 30 days, pending action on formal application for such authority (B4-S-543).

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted special temporary authority to operate except simultaneously with WBBM from 6 a. m. CST, to local sunrise (November 7:15 and December 7:45 a. m. CST) for a period not to exceed 30 days, pending action on formal application for such authority (B4-S-681).

KSAM—Sam Houston Broadcasting Asso., Huntsville, Tex.—Granted special temporary authority to remain silent for the period December 1, 1940, to January 1, 1941, pending Commission action on revocation order (B3-S-981).

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International station WLWO with power input to the final stage of 100 KW for the period December 2 to 31, in order to obtain data requested in connection with application (B2-MLIB-40).

WNYC—City of New York, Municipal B/c System, New York City.—Granted special temporary authority to operate from 5:30 to 6:45 p. m. EST (Sundays excepted), during month of December, in order to broadcast official information to draft boards and registrants and programs sustaining audience therefor (B1-S-241).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 5:45 to 6 p. m. EST, December 1, 8, 15, 22 and 29, in order to broadcast the Rosary Hour only (B1-S-886).

W9XCR—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to change tubes in final stage of present transmitter to two Eimac Type 2000 T's to permit 5 KW power operation, in order to render more interference-free service for the period ending no later than January 1.

W2XWG—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate with A-4 emission in addition to special emission for FM as now authorized, to enable engineers to conduct experiments as set forth in letter of November 20th, for the period ending no later than January 1, 1941.

KAWM—A. W. Mills, Gallup, New Mexico.—Denied request of A. W. Barnes for special temporary authority to remain silent for the period November 28 to December 27, in order to make repairs due to fire, without prejudice to filing by the licensee of a request for this authorization (B5-S-922).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m., December 3, 4, 5, 10, 11, 12, 17, 18, 19; from 2 to 3:15 p. m. December 2, 16; from 2 to 3:30 p. m., December 9; from 4 to 5 p. m. CST, December 8, in order to permit WNAD to broadcast educational programs; to operate from 7:15 to 9:15 p. m., December 24, 26, 31, and from 8:15 to 9:15 p. m. CST, December 25, in order to permit WNAD to observe Christmas vacation (provided WNAD remains silent) (B4-S-710).

WNAD—University of Oklahoma, Norman, Okla.—To operate from 2 to 3 p. m. December 3, 4, 5, 10 11, 12, 17, 18, 19; from 2 to 3:15 p. m., December 2, 16; from 2 to 3:30 p. m., December 9; from 4 to 5 p. m., CST, December 8, in order to broadcast educational programs (provided KGGF remains silent); to remain silent from 7:15 to 9:15 p. m., December 24, 26, 31, and from 8:15 to 9:15 p. m. CST, December 25, in order to observe Christmas vacation (B3-S-464).

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted modification of construction permit (B5-P-1339, which authorized a new station) for move of transmitter, locally, and extension of commencement and completion dates to 60 days and 180 days after grant respectively; and changes in antenna system (B5-MP-1103).

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to transmit Sunday concerts of N. Y. Philharmonic Orchestra to Mexican Station XEQ and other stations located in the Republic of Mexico, in addition to the authority contained in license, for the period December 1 to 30, pending the filing and action on formal application for such authority.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 7:30 to 11 p. m. CST, November 29, in order to broadcast football games only (B3-S-721).

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 5:15 to 6:15 p. m. CST, December 1, in order to broadcast Elks Memorial Services only (B4-S-924).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Modification of construction permit (B4-P-1990) for increase in power and make changes in directional antenna, and install a new transmitter.

### 610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2992) to make changes in directional antenna system.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Modification of construction permit (B3-P-2476) for new transmitter, increase in power, installation of directional antenna for day and night use, and move of transmitter, to change type of requested transmitting equipment and extend commencement and completion dates from 7-7-40 and 1-7-41 to 30 days after grant and 180 days thereafter, respectively.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **610 kc.** to **640 kc.**, increase power from 500 watts to 1 KW, change hours of operation from daytime to limited time to local sunset, California; move transmitter from Pleasant Valley Rd., Village of Seven Hills, Ohio, to Clinton Rd., Cleveland, Ohio. Class II, requesting facilities of WHKC. Amended to make changes in directional antenna for day and night use.

### 630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW, and make changes in directional antenna. Amended: changes in directional antenna for day and night use.

### 950 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Kans.—Construction permit to change frequency from **950 kc.** to **690 kc.**, power from 5 KW to 50 KW; install new transmitter, new directional antenna for night use; and move transmitter from 50th St. and Belinder Rd., Kansas City, Kans., to near Wolcott, Kans.; requests facilities of KGGF, WNAD and KFEQ as proposed by North American Regional Broadcasting Agreement; and move studio from Pickwick Hotel, 10th and McGee Sts., Kansas City, Mo., to site to be determined, Kansas City, Kans. Amended to make changes in directional antenna for night use.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for increase in power and installation of directional antenna for night use, requesting extension of completion date from 12-5-40 to 1-5-41.

### 980 Kilocycles

KDKA-WAHA-WEMC-WEMO-WEMS—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Voluntary assignment of license from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

### 990 Kilocycles

WBZA-WEMA—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Voluntary assignment of license from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

WBZ-WEMB-WEMQ-WHER—Voluntary assignment of license and construction permit from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

### 1020 Kilocycles

KYW-WEMN—Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Voluntary assignment of license and construction permit (B2-P-2904) from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

### 1060 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Modification of construction permit (B1-P-2200) for new transmitter, directional antenna for night use, change in hours of operation, increase power and move transmitter, requesting change in type of requested transmitting equipment and make changes in directional antenna for night use, and extend commencement and completion dates from 11-10-40 and 5-10-41 to 30 days after grant and 180 days thereafter.

### 1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for a new station to be operated on **1040 kc., 1080 kc.** when North American Regional Broadcasting Agreement becomes effective, 1 KW night, 5 KW day, unlimited time, directional antenna day and night. Amended: To make changes in directional antenna.

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Authority to make changes in automatic frequency control.

### 1200 Kilocycles

WITH—The Maryland Broadcasting Co., Baltimore, Md.—Modification of construction permit (B1-P-2792) to change type of requested transmitting equipment, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Authority to install new automatic frequency control equipment.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—License to cover construction permit (B3-P-2688) for changes in equipment and increase in power.

NEW—Colonial Broadcasting Corp., Norfolk, Va.—Construction permit for a new station to be operated on **1200 kc.**, 250 watts, unlimited time, Class IV.

### 1220 Kilocycles

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—License to cover construction permit (B5-P-2668) for changes in equipment and increase in power, using directional antenna day and night.

### 1230 Kilocycles

KGGM—New Mexico Broadcasting Co., Inc., Albuquerque, New Mex.—Construction permit to install new transmitter, move transmitter, change frequency from **1230 kc.** to **590 kc.**, increase power from 1 KW to 5 KW, and install directional antenna for night use. Amended: Re directional antenna system.

WOL—American Broadcasting Co., Washington, D. C.—Construction permit to move formerly licensed W. E. 301-B transmitter from 1111 H St., N. W., Washington, D. C., to Ager

Road, near Chillum, Md., for use as an auxiliary transmitter, using 100 watts power.

### 1240 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Modification of construction permit (B-P-2385) for installation of new transmitter and antenna, change frequency, increase power, and move transmitter, requesting approval of transmitter site at San Juan District, San Juan, P. R. (present licensed site), antenna changes and change in type of transmitter.

### 1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Modification of construction permit (B2-P-2628) for changes in antenna, changes in transmitting equipment, increase power, and move of transmitter, requesting change in type of transmitter, and move of transmitter from Rural, southeast of city, near Dayton, Ohio, to Hempstead Rd., about ⅛ mile from McConnell Rd., near Dayton, Ohio, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 10 days after grant and 90 days thereafter, respectively.

### 1290 Kilocycles

KLCN—Fred C. Grimwood, Blytheville, Ark.—Construction permit to install a new transmitter and vertical antenna, increase power from 100 watts to 1 KW, and move transmitter from Railroad and Walnut Sts., Blytheville, Ark., to site to be determined, Arkansas. Amended to give transmitter site as Highway No. 61, Blytheville, Ark.

### 1360 Kilocycles

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license to change hours of operation from daytime to unlimited time, using 500 watts night, 1 KW day; requests facilities of WTJS.

### 1370 Kilocycles

WKPT—C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Voluntary assignment of license from C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co. to Kingsport Broadcasting Co., Inc.

### 1380 Kilocycles

NEW—Nashville Radio Corp., Nashville, Tenn.—Construction permit for a new station to be operated on **1380 kc.,** 1 KW, unlimited time, directional antenna day and night, Class III-B.

WING—WSMK, Inc., Dayton, Ohio.—Modification of license to change name of licensee from WSMK, Inc., to Great Trails Broadcasting Corporation.

### 1420 Kilocycles

NEW—Chattanooga Broadcasting Corp., Chattanooga, Tenn.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. Amended to change type of transmitter.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Authority to transfer control of corporation from W. B. Greenwald to O. L. Taylor 50% capital stock, William Wyse 49.9% capital stock, and Wesley E. Brown .1% capital stock.

NEW—Harbenito Broadcasting Co., Harlingen, Tex.—Construction permit for a new station to be operated on **1420 kc.,** 250 watts, unlimited time. Amended re corporate structure.

KWBG—Harbenito Broadcasting Co., Harlingen, Tex.—Modification of construction permit (B4-P-2521) as modified for changes in equipment, increase in power, changes in antenna and move of transmitter, requesting extension of completion date from 12-20-40 to 6-21-41.

WELL—Federated Publications, Inc., Battle Creek, Mich.—License to cover construction permit (B2-P-2669) for new transmitter, changes in antenna, and increase in power.

### 1430 Kilocycles

WHP—WHP, Inc., Harrisburg, Pa.—Authority to install automatic frequency control apparatus.

### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1500 Kilocycles

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—Construction permit to change frequency from **1500 kc.** to **800 kc.,** under North American Regional Broadcasting Agreement, change hours of operation from unlimited time to daytime, change power from 250 watts to 1 KW, make changes in vertical antenna and install a new transmitter.

### 1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio—Construction permit to increase power from 1 KW to 5 KW, using directional antenna day and night, install new transmitter, and make changes in directional antenna.

## FM APPLICATIONS

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.,** coverage 14150 square miles, population 14,954,832. Amended: to change type of transmitter.

NEW—Mercer Broadcasting Co., Ewing Township, N. J.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.,** coverage 3700 square miles, population 910,000.

NEW—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.,** coverage 9585 square miles, population 4,474,940.

NEW—New Jersey Broadcasting Corp., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **47900 kc.,** coverage 8900 square miles, population 10,400,000.

NEW—Cherry & Webb Broadcasting Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on **47500 kc.,** coverage 6207 square miles, population 4,230,838.

NEW—Westinghouse Radio Stations, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on **46,500 kc.,** coverage 6652 square miles, population 3,389,751.

NEW—Westinghouse Radio Stations, Inc., Springfield, Mass.—Construction permit for a new high frequency broadcast station to be operated on **48,100 kc.,** coverage 2022 square miles, population 499,098.

NEW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **45,500 kc.,** coverage 11492 square miles, population 4,787,535.

NEW—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Construction permit for a new high frequency broadcast station to be operated on **47500 kc.,** coverage 14700 square miles, population 3,881,463.

NEW—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.,** coverage 6150 square miles, population, 420,168.

## MISCELLANEOUS

WPIT—Westinghouse Electric & Manufacturing Co., Saxonburg, Pa.—Assignment of license and construction permit to Westinghuose Radio Stations, Inc.

W1XSN—Westinghouse Electric & Manufacturing Co., East Springfield, Mass.—Consent to assignment of license to Westinghouse Radio Stations, Inc.

W1XK—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Consent to assignment of license to Westinghouse Radio Stations, Inc.

NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for a new developmental broadcast station to be operated on **46500 kc.,** 1500 watts, special emission for frequency modulation.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Gulf Refining Company,** Pittsburgh, Pa., supplying gasoline to approximately 225 retailers in the Detroit area, according to complaint, has sold gasoline to The Firestone Tire & Rubber Company and The B. F. Goodrich Company, each of which owns or operates one or more retail gasoline stations at prices ranging from 1 to 2 cents a gallon lower than the prices charged by it to other Detroit retailers for gasoline of the same grade and quality.

Under normal merchandising conditions, the complaint alleges, the respondent's price to the Firestone and Goodrich companies for its "Good Gulf" gasoline, its largest selling brand, has been 1½ cents or more per gallon below its price therefor to other retailers.

The complaint alleges that the effect of the respondent's price discrimination has been and may be to injure, destroy and prevent competition with the Firestone and Goodrich companies and with customers of the Goodrich company, in the resale of gasoline. (4390)

**Inter-State Cigarette Merchandisers Association,** Newark, N. J., and five member associations composed of persons or companies operating automatic cigarette vending machines in various States and their officers, directors and members, have been served with a complaint alleging that they have engaged in agreements, combinations and conspiracies in restraint of competition.

The five member associations are: The Cigarette Merchandisers Association, Inc., New York; Cigarette Merchandisers Association of New Jersey, Inc., Newark, whose members operate in New Jersey, New York and Pennsylvania; The Automatic Cigarette Vendors Association of Eastern Pennsylvania, Philadelphia; The Cigarette Machine Operators of Connecticut, Inc., Waterbury, Conn.; and Cigarette Merchandisers Association of New England, Boston.

Respondent officers and directors of the Inter-State Cigarette Merchandisers Association are: John Sharenow, Newark, N. J., president; William King, Philadelphia, vice president; Edward Beresth, Waterbury, Conn., treasurer; Robert K. Hawthorne, New York, secretary; James V. Cherry, Newark, N. J., recorder; and Anthony J. Masone, Waterbury, Conn., Alfred Sharenow, Boston, and Edward J. Dingley, Philadelphia, directors. Each respondent officer and director is a representative of one of the member associations.

Respondent officers and directors of The Cigarette Merchandisers Association, Inc., are: Robert K. Hawthorne, Alexander Frazer, Albert S. Denver, Samuel Yolen, Tom Cola, Matthew Forbes, Michael Lascari, Jackson Bloom, Louis D. Schwartz, Martin M. Berger, Bernard Rosen and Harold Roth.

Respondent officers and directors of Cigarette Merchandisers Association of New Jersey, Inc., are: Charles W. Stange, Max Jacobowitz, Henry D. Hartmann, John Grout, James V. Cherry, Michael Lascari, John Charenow, Samuel M. Malkin, Harry Zink and Herman Arlein.

Respondent officers and directors of The Automatic Cigarette Vendors Association of Eastern Pennsylvania are: Walter I. Davidson, Patrick J. Bonoma, LeRoy A. Schackleton, William L. King, W. Harry Steele, Jr., Harry D'Alessandro, Ralph J. Burnard and Joseph Silberman.

Respondent officers and directors of The Cigarette Machine Operators of Connecticut, Inc., are: Anthony R. Nastri, Robert Zimmerman, Anthony J. Masone, M. E. Norris, John J. Fitzgerald, Samuel Aliener, Nathan Dubowry, Lena Bonnelli and Charles Sparrow.

Respondent officers and directors of Cigarette Merchandisers Association of New England are: Samuel M. Goldstein, Louis Berman, William B. Burns, Walter R. Guild, Albert M. Coulter, Frank Fendel, Oscar Gerson, Julian Karger, Cleo C. Kingsley, Charles E. Knight, Alfred I. Sharenow, Jacob Shelman, Harry Spierer and William Spiller.

The complaint names as respondents the various member companies which the officers and directors represent and points out the respondents named as officers, directors and members of the respondent organizations do not constitute the entire list but are typical and representative thereof.

According to the complaint, the members of the respondent organizations purchase automatic cigarette vending machines from manufacturers, producers and distributors in various States and, by agreement with proprietors, install them in retail establishments selling cigarettes, such as restaurants, taverns, grills, barrooms, and gasoline stations, the respondent operators constituting a large and important part of the operators of automatic cigarette vending machines in the United States.

Pursuant to understandings, agreements, combinations and conspiracies, the complaint alleges, the respondents have established the respondent operators of automatic cigarette vending machines as a preferred class for the purpose of confining and requiring the sale and distribution of automatic cigarette vending machines by manufacturers, producers and sellers thereof to such respondent operators exclusively. According to the complaint, the respondents have, pursuant to their combinations and agreements, interfered in their competitors' efforts to purchase and obtain such machines; and have prevented competitors from purchasing or obtaining machines.

The complaint further alleges that, pursuant to their agreements and understandings, the respondents have required, induced or compelled, by promises, threats, coercion, intimidation and otherwise, manufacturers, producers and sellers of automatic cigarette vending machines: (1) not to sell or ship such machines to competitors or directly to consumers of such machines; (2) to boycott competitors; and (3) to confine to the respondent operators the manufacturers', producers' and sellers' sales and shipments of machines intended for use, consumption or resale in the various States where the respondent operators are in business.

The complaint further alleges that, pursuant to their agreements and understandings, the respondents have engaged in the following practices: (1) boycotting and threatening to boycott manufacturers, producers and sellers who sell or ship machines either to competitors of the respondent operators or directly to consumers of the machines; (2) requiring all members of the respondent organizations and associations to carry out, and to agree and pledge themselves to support and carry out, the respondents' program; and (3) using other methods and means designed to suppress and prevent competition and restrict the sale of automatic cigarette vending machines. (4388)

**Ru-Ex Company,** St. Paul, Minn., engaged in the sale and distribution of a medicinal preparation designated "Ru-Ex," is charged, in a complaint with misrepresentation.

The complaint charges that the respondent has disseminated false advertisements concerning its product by advertisements in newspapers and otherwise. Through these representations, the complaint alleges, the respondent has represented that the preparation is entirely safe and harmless, and may be used without danger of ill effects upon the health of users. In truth, the complaint continues, these representations are false and misleading, as the preparation contains the drug potassium iodide in a quantity sufficient to cause, in some instances, injury, to health if the preparation is used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The advertisements disseminated by the respondent, the complaint charges, contain neither a statement to the effect that the preparation should not be used by persons having tuberculosis or goiter, nor a cautionary statement to the effect that the preparation should be used only as directed on the label thereof. Consequently, the complaint continues, such advertisements constitute false advertisements in that they fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in injury to the health of users. (4387)

**Shell Oil Company, Incorporated,** St. Louis, Mo., according to complaint, has sold gasoline to Henry Starkey Hickey, trading as

"Grand River Oil & Gas Company Detroit, at prices substantially lower than those charged by the respondent to its other Detroit retailer purchasers for gasoline of the same grade and quality. The complaint alleges that Hickey, trading under the name "Stark Hickey, Inc.," and Stark Hickey, Inc., a corporation controlled by Hickey, own and operate retail gasoline stations in Detroit. According to the complaint, the prices at which the respondent oil company has sold its gasoline to Hickey have ranged from 1 to 1¾ cents a gallon lower than the prices charged by it to other Detroit retailers for the same type of gasoline.

Under normal merchandising conditions, the complaint alleges, the respondent's price to Hickey for its "Super Shell" gasoline, its largest selling brand, has been 1½ cents below its price charged therefor to other retailers.

The complaint alleges that the respondent's price discrimination has had and may have the effect of injuring, destroying and preventing competition with Henry Starkey Hickey and Stark Hickey, Inc., in the resale of gasoline. (4392)

**Standard Oil Company,** Chicago, Ill., supplying gasoline to approximately 450 retailers in the Detroit area, according to complaint, has sold gasoline to four dealers, Citrin-Kolb Oil Company, Stikeman Oil Company, Inc., Wayne Oil Company, and Ned's Auto Supply Company, each of which owns or operates one or more retail gasoline stations, at prices ranging from ½ cent to 1¾ cents a gallon lower than the prices charged by it to other Detroit retailers for gasoline of the same grade and quality.

Under normal merchandising conditions, the complaint alleges, the respondent's price to the four dealers for its "Red Crown" gasoline, its largest selling brand, has been 1½ cents below its price therefor to other dealers.

The complaint alleges that the effect of the respondent's discrimination in price has been and may be to injure, destroy and prevent competition with each of the four dealers in the resale of gasoline. (4389)

**Texas Company,** New York, N. Y., supplying gasoline to more than 80 retailers in the Detroit area, according to complaint, has sold gasoline to The Firestone Tire & Rubber Company, The B. F. Goodrich Company, and certain other customers, each of which owns or operates one or more retail gasoline stations, at prices ranging from ½ cent to 2 cents a gallon lower than the prices charged by it to other Detroit retailers for gasoline of the same grade and quality.

Under normal merchandising conditions, the complaint alleges, the respondent's price to the Firestone and Goodrich companies for its "Fire Chief" gasoline, its largest selling brand, has been 1½ cents or more per gallon below its price therefor to most of its other retailer customers.

The complaint alleges that the effect of the respondent's price discrimination has been and may be to injure, destroy and prevent competition with the Firestone and Goodrich companies and other customers receiving the benefit of such discrimination, and with customers of The B. F. Goodrich Company, in the resale of gasoline. (4391)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Frank & Seder of Philadelphia, Inc.,** 11th and Market Sts., Philadelphia, in connection with its advertising of girdles, agrees to cease and desist from use of the word "reducing" or of other words of similar meaning so as to convey the belief that the wearing of such devices will cause a reduction of local or bodily tissue or effectively remove fat, and thus overcome or lessen a condition of fatness or weight. (2999)

**Charles B. McFerrin,** 13 Carolina Court, Orlando, Fla., engaged in selling a health course designated "The Pilot Health Course", and publishing and selling a magazine designated "The Spot Light Magazine", has entered into a stipulation in which it agrees to cease and desist from representing, directly or by implication, that "The Spot Light Magazine" contains information of any value whatsoever for gall bladder trouble, liver trouble, rheumatism, anemia, and other ailments, or that it contains information of any value whatsoever for any disease or affliction, and that "The Pilot Health Course" is of any value whatsoever for sinus trouble, bronchitis, asthma, and some 25 other ailments; that such course is of any value whatsoever for any disease or affliction, or that the course enables one to have health, prosperity or happiness. (02672)

**Nulife Garments Corporation,** 912-920 Broadway, New York, engaged in the sale and distribution of a so-called "health" belt and a shoulder brace under the trade name "Munter's Nulife," has agreed to cease and desist from use in its advertisements and advertising matter, or in advertising matter supplied by it to others, of any words or statements the effect of which tends to convey the belief that the wearing of the respondent's devices will correct congenital or acquired postural deformities of the wearer; improve physical activity, increase vitality or store up physical energy throughout the entire body; make every wearer stand and grow erect or supply all the physical improvements for the body until it is corrected; straighten round shoulders instantly and permanently; compel deep breathing or stimulate respiration or correct the breathing capabilities of all persons; give instant benefits to all wearers, regardless of weight, size, age or condition; air condition the wearer's body or stabilize or regulate the control of body temperature regardless of conditions or the weather, or make children stand, sit and grow up healthy and naturally strong or so improve the wearer's posture in all cases as to make him "look and feel like a West Pointer." (2998)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Becker Cloak Company, Inc.,** 247 West 37th St., New York City, engaged in the manufacture, sale and distribution of women's textile fabric coats and other garments, has been ordered to cease and desist from misrepresentation of the garments.

Commission findings are that the respondent, in connection with the sale of its products to dealers and the public, designated textile fabric women's coats and other garments by the name "Duro-Persian;" that some of the tags and labels attached to the garments bore pictorial designs of sheep or lambs and the words "Duro-Persian," and that the respondent also advertised its textile fabric garments by means of trade journals having interstate circulation and other media in which the garments are designated as "Duro-Persian." The advertising literature, according to findings, also described such garments by use of the words "Imported Persian" and other similar phraseology, and included pictorial designs of sheep or lambs.

The respondent further employed, in connection with the advertising and sale of the garments, the findings continue, large pictorial representations which further served to emphasize the resemblance of the textile fabric garments to Persian lamb fur. The garments, made from textile fabric, were so constructed as to have the appearance of silky, tightly curled and highly priced fur of the young of the Karakul breed of sheep.

The respondent is ordered to cease and desist from using the word "Persian" or any term containing the word "Persian" to designate, describe or in any way refer to textile fabric garments which simulate Persian lamb peltries in appearance; representing or implying in any manner that textile fabric garments are made from the peltries of Persian lambs, the young of the Karakul breed of sheep; or representing that such garments are made from wool taken from such lambs, when they are not made from such wool; representing in any manner that the garments are imported from Persia, or any other foreign country, or are made from imported materials, when they are not, in fact, so imported or made from imported materials, and from using any pictorial design of a sheep or lamb, or of any other wool-bearing animal, in connection with any description of, or reference to, textile fabric garments which are not made from the wool of the animal so depicted. (4295)

**Kuhn Remedy Company,** 1855 North Milwaukee Ave., Chicago, selling and distributing a medicinal preparation formerly described as "Kuhn's Rheumatic Fever Remedy," now known as "Kuhn's Remedy," has been ordered to cease and desist from making misrepresentations of the product.

The Commission finds that by advertisements in newspapers and periodicals, by radio continuities, and otherwise, the respondent has directly or by implication represented that its preparation is a cure or remedy for rheumatism, rheumatic fever and similar ailments, and that the preparation possesses substantial therapeutic value in the treatment of such ailments and conditions, and that it is entirely safe and harmless.

The Commission finds that these representations are exaggerated and misleading and that the preparation is not a cure or remedy for rheumatism, the other ailments advertised, or for muscular or joint aches or pains, generally; that it does not possess any therapeutic value in the treatment thereof in excess of affording, in some cases, temporary symptomatic relief from aches and pains, and that the preparation contains the drug potassium iodide in quantities sufficient to cause, in some instances, injury to health if taken under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is ordered to cease and desist from disseminating or causing to be disseminated any advertisements representing, directly or through inference, that the preparation is a cure or remedy for rheumatism, rheumatic fever, gout, neuralgia, lumbago, muscular or joint aches or pains generally; that it possesses therapeutic value in treating rheumatism, rheumatic fever, gout, neuralgia or lumbago, in excess of affording temporary symptomatic relief from the aches and pains associated with such disorders; that the preparation is in all cases safe or harmless; or which advertisements fail to reveal that the preparation should not be used by those having tuberculosis or goiter (provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or goiter), and from using the word "Remedy," or any other word of similar import or meaning, as part of the respondent's corporate or trade name, or to designate, describe or in any way refer to such preparation as a remedy in connection with offering it for sale or selling or distributing it in commerce. (4264)

**Merrick National Company**—An order has been issued directing Montague L. and Edna H. Merrick, trading as Merrick National Company and as Chocolate Confections Company, 617 Washington Ave., North, Minneapolis, to cease and desist from the use of lottery plans in connection with the sale of candy or other merchandise to consumers.

The respondents are ordered to cease and desist from selling and distributing any merchandise so packed and assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme; and from supplying to or placing in the hands of others, assortments of any merchandise, together with push or pull cards, punch boards or other devices, or separately, which devices are to be used, or may be used, in selling or distributing such merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

The order further directs that the respondent cease supplying to, or placing in the hands of others, (1) packages or assortments containing pieces of candy of uniform size and shape having centers of different colors, together with larger pieces of candy, or other merchandise, or separately; and (2) assortments of candy composed of individually wrapped pieces of candy of uniform size and shape and of different colors, together with other articles, or separately; which larger pieces of candy or other articles of merchandise, respectively, are to be or may be given as prizes to purchasers procuring, respectively, pieces of candy having centers of a particular color, or pieces of candy of a particular color. (4097)

**Penick & Ford, Ltd., Inc.,** New York, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act in the sale of glucose or corn syrup unmixed. This product is used in the manufacture of candy.

Commission findings are that the respondent sold such syrup at higher delivered prices per 100 pounds to purchasers located in certain cities other than Chicago than it had sold such syrup to Chicago purchasers. The prices at which the syrup was sold to purchasers in cities other than Chicago were not uniformly higher than the prices at which it was concurrently sold by the respondent to Chicago purchasers, according to findings, but such higher prices varied with the geographical location of the purchasers; for example, they varied from $2.24 in Chicago to $3.12 in San Antonio, Tex., as of June 23, 1939, while at the same time Denver purchasers paid $2.90, St. Louis customers paid $2.42, and Springfield, Mo., purchasers $2.64.

According to findings, the respondent, by selling its syrup at the different prices as found (the differences between which prices have not been justified by the respondent and which differences make more than due allowance for differences in the cost of delivery), has discriminated in price between such purchasers who have paid the various different prices for its syrup.

Such syrup, according to findings, is one of the major raw materials used in the production of many kinds of candy, accounting for as much as 90 per cent or more of the weight of some varieties and for a substantial part of the total manufacturing cost. The respondent's discriminations in price, according to findings, increase the costs of the unfavored purchasers over the costs of the favored purchasers directly as the amount of the discrimination between them and as the syrup content of the candy increases. By reason of such higher costs, the findings continue, the profits of the unfavored purchasers would be substantially lower than would be the case if it were not for the discriminations.

The Commission order directs that the respondent cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality, either directly or indirectly in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such products to some purchasers at a different price than to other purchasers where the effect may be to violate the Robinson-Patman Act. (3802)

**Wholesale Liquor Distributors Assn. of N. California**—An order has been issued directing that 16 companies engaged in distilling, importing or wholesaling liquors; the Wholesale Liquor Distributors' Association of Northern California, Inc., and the Liquor Trades' Stabilization Bureau, Inc., both of San Francisco, and their officers and directors, cease and desist from making agreements and understandings which result in restraint of competition through maintenance of a price-fixing policy, and discrimination against certain classes of dealers, in the "northern California territory" comprising northern California and western Nevada.

The respondent distillers, importers and wholesalers are: Gooderham & Worts, Limited, Detroit; Brown-Forman Distillers Corporation, Louisville, Ky.; The Fleischmann Distilling Corporation, and National Distillers' Products Corporation, both of New York; Schenley Distilleries, Inc., San Francisco; Frankfort Distilleries, Incorporated, Louisville, Ky.; Hiram Walker, Incorporated, Detroit; Seagram-Distillers Corporation, Somerset Importers, Ltd., and Browne Vintners Co. Inc., all of New York; Rathjen Bros., Inc., San Francisco; McKesson & Robbins, Inc., New York; Parrott & Co., Haas Brothers, Tonkin Distributing Co., and Coffin-Redington Co., all of San Francisco.

Respondent officers and directors of the Wholesale Liquor Distributors' Association of Northern California, Inc., are: Joseph M. Tonkin, San Francisco, president; J. F. Ferrari, Bakersfield, Calif., vice president; Max Sobel, San Francisco, secretary-treasurer; Sante Quattrin, San Francisco, executive secretary, and A. M. Berberian, Fresno, Calif., Charles Bigley, San Jose, Calif., H. L. Hanson and J. J. Bottaro, both of Sacramento, Thomas Lenehan, R. F. Jose and C. L. Sauer, all of San Francisco, Floyd Trombetta, Santa Rosa, Calif., Andrew Rosaia, Eureka, Calif., and John Pingree, Oakland, Calif., directors.

Commission findings are that the respondents entered into agreements and understandings to fix specified standard and uniform prices, discounts and markups at which liquor should be sold at both wholesale and retail in their territory, and that the respondents (excepting Somerset Importers, Ltd., and Seagram-Distillers Corporation), acting collectively and through the respondent association and bureau, combined and conspired with one another to hinder and prevent "irregular" distributors (cooperative buying organizations, small jobbers and wholesale liquor dealers) from obtaining alcoholic beverages from any source.

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# SEPTEMBER 1940 BROADCAST ADVERTISING UNIT REPORT

On the following pages, there is presented an analysis of September business reported by 206 broadcasting stations and the national networks. The analysis presented here is complete for national networks including the business of the Columbia Broadcasting System, the Mutual Broadcasting System and the Red and Blue networks of the National Broadcasting Company. Regional Network, National Non-network (Spot) and Local business figures are not complete for the entire industry; the figures represent these classes of business of only the 206 stations reporting.

On the last page of this analysis, there appears a complete roster of the 206 stations reporting September business. Also included in the list are 10 additional stations whose reports were received too late for inclusion in this tabulation.

## WHAT DOES IT SHOW?

All stations having national network affiliation carried 1,938,928 program units of commercial business in the month of September. The 206 stations carried 1,119,920 program units exclusive of their national network volume. In addition, the 206 stations carried 267,638 announcement units.

Each program unit equals one minute of program time. Each announcement unit equals one minute unless the announcement is a minute and one-half or longer. In this case the announcement is counted to the nearest full minute. The business carried by that portion of the industry covered in this analysis is 3,326,486 units.

In this analysis of broadcast advertising two main classifications of advertising are used—"Retail" advertising and "General" advertising. In "Retail", all of the advertising placed by businesses which sell direct to consumers are analyzed according to types of business.

In the "Retail" analysis, retail businesses are classified according to their principal retail line. No attempt is made to classify according to specific product advertised. As for example, the item of "Radio Store" advertising is not complete for all radio set retail advertising because additional advertising of radio sets is included in "Department Store", "Drug Store", "Electric and Gas Appliances", "Furniture and Home Furnishings", "Automotive"—"Garage and Service Stations", etc. classifications.

The "General" classification is primarily an analysis of the products advertised by businesses engaged in selling to others for resale rather than direct to the consumer as do retailers. Also included in "General" are such service businesses as "Financial", "Insurance", "Medical", "Professional and Service" and "Transportation". They cannot properly be considered retail.

In the "General" analysis, individual products or services are classified. The entire radio advertising of a given manufacturer is analyzed according to the units devoted to each individual item. For example, a manufacturer may place soap advertising and toothpaste advertising. The soap advertised would be segregated by that which is "Laundry Soap" and classified under "Groceries" and that which is "Toilet Soap" would be classified under "Toilet Requisites". The toothpaste advertising would classify under "Toilet Requisites" as "Dentifrices".

In the table at the bottom of the page, there is presented a tabulation of the business reported by national networks and 206 stations for the month of September. The business of the 206 reporting stations, other than the national network business carried, is classified according to the "Source of Business". The sources are "Regional Network", "National Non-network" and "Local" accounts. Under "Local" are included the advertising of businesses located within the trade area of each station and whose activity is confined to the trade area. Under "National Non-network" (National Spot) is included the advertising of those businesses which have distribution of products or services beyond the trade area of individual stations.

## HOW TO USE IT

Call in your Sales Manager. Go over with him the analysis presented herewith and your own list of accounts.

Your first quest is to determine what "Retail" and "General" classifications of business you are missing. If such businesses are placing radio advertising elsewhere, they should be on your station as well. In order to facilitate this operation of seeking out your missing business consult Table III. You can then determine whether such business is actually placed on stations like yours—same power, same Commission classification, etc. By use of Table IV, you can pin down the kind of advertising placed in cities of your own size.

Working from these two tables, the next question is where do you get this business? Table II gives that clue. It is either from "Regional Networks", "National Non-network" (National Spot) or "Local". With this information your investigation will have gotten you well along the road for gearing your approach for securing that missing business.

The next step, having located missing business, is to prepare your presentation. The information contained in Tables II, III and IV will be most valuable in preparing it. They embody the experience of other stations in selling time to such businesses as those you will contact. This approach effectively gets around the ready question of prospects "How much broadcast advertising is placed by businesses like mine?"

In your search for missing business you will undoubtedly encounter some classifications in which you have a few accounts but not your proportionate share as gauged by the tables. The sales procedure is the same, in such cases, by the experience of your own accounts.

Don't overlook the competitive advertiser angle. In such cases as department store business, your sales presentations should include comment on the advertising placed by retailers of boots and shoes, clothing, furniture and home furnishing, jewelry, etc. To show the use of radio advertising the competitors of the individual departments of department stores will be persuasive.

## FUTURE REPORTS

When a sufficient number of stations are reporting monthly tabulations will be projected to show industry totals. After the reports have been operated long enough to establish experience, comparisons with other media will be published.

The reference file by advertiser is being established and will be available for service to cooperating stations after the first of the year.

For the month of September 206 stations reported in time for their data to be included in these tabulations. Reports from substantially more stations will be necessary to make the unit measurement of broadcast advertising of maximum value. The importance of this material to the industry is so great that every station can benefit by cooperating and submitting monthly reports. By all means see to it that your station is included.

## TABLE I

## BROADCAST ADVERTISING—206 STATIONS AND ALL NATIONAL NETWORKS

| | Retail | | General | | Total | | |
|---|---|---|---|---|---|---|---|
| Source of Business | Pgm. Units | Ann. Units | Pgm. Units | Ann. Units | Pgm. Units | Ann. Units | Total |
| National Network | 2,730 | ........ | 1,936,198 | ........ | 1,938,928 | ........ | 1,938,928 |
| Regional Network | 7,245 | 987 | 87,682 | 4,738 | 94,927 | 5,725 | 100,652 |
| National Non-network | 24,734 | 5,818 | 275,933 | 47,654 | 300,667 | 53,472 | 354,139 |
| Local | 456,620 | 160,977 | 267,706 | 47,464 | 724,326 | 208,441 | 932,767 |
| TOTAL other than National Network | 488,599 | 167,782 | 631,321 | 99,856 | 1,119,920 | 267,638 | 1,387,558 |
| TOTAL | 491,329 | 167,782 | 2,567,519 | 99,856 | 3,058,848 | 267,638 | 3,326,486 |

# TABLE II

## BROADCAST ADVERTISING—206 STATIONS AND ALL NATIONAL NETWORKS BY TYPE OF SPONSORING BUSINESS AND BY SOURCE OF BUSINESS

## RETAIL ADVERTISING UNITS

September 1940

| Type of Sponsoring Business | National Network | | Regional Network | | National Non-Network | | Local | | Total Other Than National Network | | Totals | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. |
| **Amusements** | ------ | ------ | **400** | **39** | **125** | **78** | **22, 060** | **10, 560** | **22, 585** | **10, 677** | **22, 585** | **10, 677** |
| Theaters | ------ | ------ | ------ | 23 | ------ | 29 | 9, 220 | 4, 964 | 9, 220 | 5, 016 | 9, 220 | 5, 016 |
| Miscellaneous | ------ | ------ | 400 | 16 | 125 | 49 | 12, 840 | 5, 596 | 13, 365 | 5, 661 | 13, 365 | 5, 661 |
| **Automotive** | ------ | ------ | **1, 160** | **181** | **2, 970** | **865** | **59, 571** | **24, 154** | **63, 701** | **25, 200** | **63, 701** | **25, 200** |
| Garages and Service Stations | ------ | ------ | ------ | ------ | 195 | 22 | 3, 730 | 3, 282 | 3, 925 | 3, 304 | 3, 925 | 3, 304 |
| Parts and Accessories | ------ | ------ | 725 | 36 | ------ | 25 | 9, 240 | 3, 734 | 9, 965 | 3, 795 | 9, 965 | 3, 795 |
| Passenger Cars | ------ | ------ | 60 | 145 | 2, 475 | 793 | 38, 057 | 14, 083 | 40, 592 | 15, 021 | 40, 592 | 15, 021 |
| Tires and Tubes | ------ | ------ | ------ | ------ | ------ | ------ | 5, 419 | 2, 214 | 5, 419 | 2, 214 | 5, 419 | 2, 214 |
| Trucks | ------ | ------ | ------ | ------ | ------ | ------ | 500 | 42 | 500 | 42 | 500 | 42 |
| Tractors | ------ | ------ | ------ | ------ | 300 | ------ | 1, 455 | 303 | 1, 755 | 303 | 1, 755 | 303 |
| Miscellaneous | ------ | ------ | 375 | ------ | ------ | 25 | 1, 170 | 496 | 1, 545 | 521 | 1, 545 | 521 |
| **Bakeries** | ------ | ------ | **120** | ------ | **315** | ------ | **10, 237** | **4, 024** | **10, 672** | **4, 024** | **10, 672** | **4, 024** |
| **Book Stores** | ------ | ------ | ------ | ------ | **5** | ------ | **365** | **101** | **370** | **101** | **370** | **101** |
| **Boots and Shoes** | **750** | ------ | **200** | **6** | **1, 140** | **42** | **6, 291** | **4, 274** | **7, 631** | **4, 322** | **8, 381** | **4, 322** |
| Men's | ------ | ------ | ------ | ------ | ------ | ------ | 45 | 54 | 45 | 54 | 45 | 54 |
| Men's and Women's | ------ | ------ | ------ | ------ | ------ | ------ | 180 | 127 | 180 | 127 | 180 | 127 |
| Women's | ------ | ------ | ------ | ------ | ------ | ------ | 130 | 133 | 130 | 133 | 130 | 133 |
| Miscellaneous | 750 | ------ | 200 | 6 | 1, 140 | 42 | 5, 936 | 3, 960 | 7, 276 | 4, 008 | 8, 026 | 4, 008 |
| **Building Supplies and Contractors** | ------ | ------ | **75** | **51** | ------ | **89** | **13, 152** | **5, 575** | **13, 227** | **5, 715** | **13, 227** | **5, 715** |
| **Clothing Stores** | ------ | ------ | **180** | **121** | **5, 350** | **321** | **50, 908** | **22, 338** | **56, 438** | **22, 780** | **56, 438** | **22, 780** |
| Men's | ------ | ------ | ------ | ------ | 5, 010 | 189 | 19, 311 | 7, 672 | 24, 321 | 7, 861 | 24, 321 | 7, 861 |
| Men's and Women's | ------ | ------ | ------ | ------ | ------ | 12 | 1, 785 | 711 | 1, 785 | 723 | 1, 785 | 723 |
| Women's | ------ | ------ | 180 | 25 | ------ | 70 | 18, 741 | 8, 526 | 18, 921 | 8, 621 | 18, 921 | 8, 621 |
| Credit Clothing | ------ | ------ | ------ | ------ | ------ | 50 | 1, 710 | 1, 845 | 1, 710 | 1, 895 | 1, 710 | 1, 895 |
| Miscellaneous | ------ | ------ | ------ | 96 | 340 | ------ | 9, 361 | 3, 584 | 9, 701 | 3, 680 | 9, 701 | 3, 680 |
| **Dairies** | ------ | ------ | ------ | ------ | **184** | **31** | **6, 636** | **1, 902** | **6, 820** | **1, 933** | **6, 820** | **1, 933** |
| **Department and Dry Goods Stores** | ------ | ------ | **1, 185** | **25** | **2, 615** | **406** | **60, 500** | **13, 625** | **64, 300** | **14, 056** | **64, 300** | **14, 056** |
| **Drug Stores** | ------ | ------ | **150** | ------ | ------ | **117** | **12, 489** | **2, 976** | **12, 639** | **3, 093** | **12, 639** | **3, 093** |
| **Educational** | **1, 980** | ------ | ------ | **45** | **1, 125** | **102** | **8, 194** | **2, 112** | **9, 319** | **2, 259** | **11, 299** | **2, 259** |
| **Electric and Gas Appliances and Supply** | ------ | ------ | **30** | **17** | **210** | **39** | **7, 830** | **3, 966** | **8, 070** | **4, 022** | **8, 070** | **4, 022** |
| **Furniture and Home Furnishings** | ------ | ------ | **210** | ------ | **720** | **37** | **61, 065** | **13, 940** | **61, 995** | **13, 977** | **61, 995** | **13, 977** |
| **Grocers and Food Stores** | ------ | ------ | **2, 595** | **307** | **6, 130** | **153** | **16, 798** | **4, 976** | **25, 523** | **5, 436** | **25, 523** | **5, 436** |
| Chain | ------ | ------ | 1, 800 | 207 | 3, 085 | 153 | 1, 906 | 177 | 6, 791 | 537 | 6, 791 | 537 |
| Miscellaneous | ------ | ------ | 795 | 100 | 3, 045 | ------ | 14, 892 | 4, 799 | 18, 732 | 4, 899 | 18, 732 | 4, 899 |
| **Heating and Plumbing** | ------ | ------ | ------ | **12** | **290** | ------ | **3, 000** | **3, 271** | **3, 290** | **3, 283** | **3, 290** | **3, 283** |
| **Hotels and Restaurants** | ------ | ------ | **135** | **48** | **375** | **102** | **14, 679** | **6, 087** | **15, 189** | **6, 237** | **15, 189** | **6, 237** |
| **Jewelers** | ------ | ------ | ------ | **27** | **60** | ------ | **11, 690** | **13, 010** | **11, 750** | **13, 037** | **11, 750** | **13, 037** |
| **Merchandized Chains** | ------ | ------ | ------ | ------ | **315** | **66** | **1, 675** | **924** | **1, 990** | **990** | **1, 990** | **990** |
| **Miscellaneous** | ------ | ------ | **605** | **77** | **1, 950** | **3, 281** | **72, 740** | **17, 520** | **75, 295** | **20, 881** | **75, 295** | **20, 881** |
| Agriculture | ------ | ------ | 195 | 31 | 75 | 37 | 5, 536 | 1, 679 | 5, 806 | 1, 747 | 5, 806 | 1, 747 |
| Auctions | ------ | ------ | ------ | 10 | ------ | ------ | ------ | 107 | ------ | 117 | ------ | 117 |
| Beverages | ------ | ------ | ------ | ------ | ------ | ------ | 50 | 214 | 50 | 214 | 50 | 214 |
| Cleaners-Dyers-Laundries | ------ | ------ | ------ | ------ | 20 | ------ | 13, 229 | 6, 646 | 13, 249 | 6, 646 | 13, 249 | 6, 646 |
| Farm and Orchards (Produce) | ------ | ------ | ------ | ------ | ------ | ------ | 815 | 531 | 815 | 531 | 815 | 531 |
| Florists-Nurseries | ------ | ------ | ------ | ------ | 945 | 16 | 835 | 769 | 1, 780 | 785 | 1, 780 | 785 |
| General Stores | ------ | ------ | 60 | ------ | ------ | 20 | 1, 925 | 367 | 1, 985 | 387 | 1, 985 | 387 |
| Confectionery (Ice Cream, etc.) | ------ | ------ | ------ | ------ | ------ | 14 | 1, 735 | 663 | 1, 735 | 677 | 1, 735 | 677 |
| Shoe Repairing | ------ | ------ | ------ | ------ | ------ | ------ | 179 | 483 | 179 | 483 | 179 | 483 |
| Specialty Shops | ------ | ------ | 80 | ------ | ------ | 19 | 2, 921 | 2, 157 | 3, 001 | 2, 176 | 3, 001 | 2, 176 |
| Undertakers | ------ | ------ | ------ | 2 | 75 | ------ | 3, 270 | 456 | 3, 345 | 458 | 3, 345 | 458 |
| Miscellaneous | ------ | ------ | 270 | 34 | 835 | 3, 178 | 42, 245 | 3, 448 | 43, 350 | 6, 660 | 43, 350 | 6, 660 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Musical Instruments | ------ | ------ | ------ | 31 | 795 | 13 | 5, 680 | 1, 150 | 6, 475 | 1, 194 | 6, 475 | 1, 194 |
| Office Equipment | ------ | ------ | ------ | ------ | ------ | 13 | 360 | 227 | 360 | 240 | 360 | 240 |
| Radio | ------ | ------ | ------ | ------ | ------ | 47 | 5, 058 | 1, 654 | 5, 058 | 1, 701 | 5, 058 | 1, 701 |
| Real Estate | ------ | ------ | 80 | ------ | ------ | 13 | 3, 055 | 987 | 3, 135 | 1, 000 | 3, 135 | 1, 000 |
| Sporting Goods | ------ | ------ | 120 | ------ | 30 | ------ | 548 | 156 | 698 | 156 | 698 | 156 |
| Stationers | ------ | ------ | ------ | ------ | ------ | ------ | 730 | 305 | 730 | 305 | 730 | 305 |
| Toilet Goods and Beauty Shops | ------ | ------ | ------ | ------ | 30 | ------ | 1, 309 | 1, 163 | 1, 339 | 1, 163 | 1, 339 | 1, 163 |
| Totals | 2, 730 | ------ | 7, 245 | 987 | 24, 734 | 5, 818 | 456, 620 | 160, 977 | 488, 599 | 167, 782 | 491, 329 | 167, 782 |

## TABLE II—Continued

## GENERAL ADVERTISING UNITS

### September 1940

| Type of Sponsoring Business | National Network |  | Regional Network |  | National Non-Network |  | Local |  | Total Other Than National Network |  | Totals |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. |
| **Agriculture** | ------ | ------ | **1, 005** | **117** | **4, 543** | **277** | **4, 966** | **646** | **10, 514** | **1, 040** | **10, 514** | **1, 040** |
| Cattle Foods | ------ | ------ | 420 | 43 | 2, 853 | 92 | 2, 105 | 62 | 5, 378 | 197 | 5, 378 | 197 |
| Seeds | ------ | ------ | 210 | 40 | 960 | 38 | 531 | 8 | 1, 701 | 86 | 1, 701 | 86 |
| Farm Machinery | ------ | ------ | 375 | ------ | 405 | ------ | 30 | 47 | 810 | 47 | 810 | 47 |
| Nurseries | ------ | ------ | ------ | ------ | 290 | ------ | ------ | 25 | 290 | 25 | 290 | 25 |
| Live Stock | ------ | ------ | ------ | 13 | 35 | 12 | ------ | 26 | 35 | 51 | 35 | 51 |
| Miscellaneous | ------ | ------ | ------ | 21 | ------ | 135 | 2, 300 | 478 | 2, 300 | 634 | 2, 300 | 634 |
| **Alcoholic Beverages** | **90** | ------ | **2, 215** | **230** | **8, 669** | **1, 953** | **29, 686** | **4. 467** | **40, 570** | **6, 650** | **40, 660** | **6, 650** |
| Beers | 90 | ------ | 1, 735 | 230 | 7, 739 | 1, 776 | 29, 566 | 3, 756 | 39, 040 | 5, 762 | 39, 130 | 5, 762 |
| Wines | ------ | ------ | 480 | ------ | 930 | 177 | 120 | 699 | 1, 530 | 876 | 1, 530 | 876 |
| Miscellaneous | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 12 | ------ | 12 | ------ | 12 |
| **Amusements** | ------ | ------ | ------ | ------ | ------ | **70** | ------ | **16** | ------ | **86** | ------ | **86** |
| **Automotive** | **112, 425** | ------ | **14, 664** | **393** | **56, 581** | **5, 243** | **10, 167** | **1, 845** | **81, 412** | **7, 481** | **193, 837** | **7, 481** |
| Aviation | ------ | ------ | ------ | ------ | ------ | 25 | ------ | ------ | ------ | 25 | ------ | 25 |
| Gas and Oil | 65, 685 | ------ | 14, 264 | 264 | 46, 883 | 889 | 8, 781 | 957 | 69, 928 | 2, 110 | 135, 613 | 2, 110 |
| Parts and Accessories | ------ | ------ | ------ | ------ | 525 | 37 | 280 | 184 | 805 | 221 | 805 | 221 |
| Passenger Cars | 38, 640 | ------ | 150 | 129 | 4, 615 | 4, 255 | 480 | 251 | 5, 245 | 4, 635 | 43, 885 | 4, 635 |
| Tires and Tubes | 8, 100 | ------ | 250 | ------ | 3, 913 | 24 | 475 | 314 | 4, 638 | 338 | 12, 738 | 338 |
| Trucks | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 25 | ------ | 25 | ------ | 25 |
| Tractors | ------ | ------ | ------ | ------ | 645 | ------ | ------ | 18 | 645 | 18 | 645 | 18 |
| Miscellaneous | ------ | ------ | ------ | ------ | ------ | 13 | 151 | 96 | 151 | 109 | 151 | 109 |
| **Building Materials** | **4, 980** | ------ | **120** | **24** | **240** | **726** | **1, 750** | **581** | **2, 110** | **1, 331** | **7, 090** | **1, 331** |
| **Confections** | **44, 925** | ------ | **2, 520** | **95** | **5, 245** | **2, 685** | **615** | **339** | **8, 380** | **3, 119** | **53, 305** | **3, 119** |
| **Educational** | ------ | ------ | ------ | ------ | **750** | **7** | ------ | ------ | **750** | **7** | **750** | **7** |
| **Financial** | **4, 835** | ------ | **165** | **333** | **1, 615** | **390** | **21, 493** | **5, 875** | **23, 273** | **6, 598** | **28, 108** | **6, 59** |
| Banks and Trust Companies | 525 | ------ | 15 | 126 | ------ | ------ | 9, 965 | 1, 948 | 9, 980 | 2, 074 | 10, 505 | 2, 074 |
| Real Estate and Home Financing | ------ | ------ | 60 | ------ | ------ | ------ | 3, 802 | 614 | 3, 862 | 614 | 3, 862 | 614 |
| Stock and Bond Houses | ------ | ------ | ------ | ------ | 400 | ------ | 250 | 324 | 650 | 324 | 650 | 324 |
| Miscellaneous | 4, 310 | ------ | 90 | 207 | 1, 215 | 390 | 7, 476 | 2, 989 | 8, 781 | 3, 586 | 13, 091 | 3, 586 |
| **Groceries** | **788, 967** | ------ | **35, 250** | **1, 695** | **119, 573** | **11, 474** | **65, 634** | **15, 392** | **220, 457** | **28, 561** | **1, 009, 424** | **28, 561** |
| Baking Products | 20, 775 | ------ | 2, 880 | 370 | 5, 650 | 1, 879 | 13, 585 | 4, 352 | 22, 115 | 6, 601 | 42, 890 | 6, 601 |
| Beverages: |  |  |  |  |  |  |  |  |  |  |  |  |
| Coffee and Tea | 42, 825 | ------ | 2, 105 | 33 | 10, 170 | 422 | 3, 295 | 508 | 15, 570 | 963 | 58, 395 | 963 |
| Soft Drinks | 15, 600 | ------ | 2, 170 | 236 | 4, 875 | 1, 205 | 20, 907 | 6, 152 | 27, 952 | 7, 593 | 43, 552 | 7, 593 |
| Miscellaneous | ------ | ------ | 15 | ------ | 45 | 48 | 30 | 37 | 90 | 85 | 90 | 85 |
| Cereals and Breakfast Foods | 97, 305 | ------ | 4, 120 | 46 | 33, 434 | 532 | 1, 665 | 164 | 39, 219 | 742 | 136, 524 | 742 |
| Condiments | ------ | ------ | 15 | ------ | 180 | 94 | 375 | 48 | 570 | 142 | 570 | 142 |
| Dairy Products | 19, 815 | ------ | 720 | 23 | 1, 275 | 234 | 4. 326 | 793 | 6, 321 | 1, 050 | 26, 136 | 1, 050 |
| Meats-Fish-Poultry | 13, 770 | ------ | 1, 050 | 73 | 7, 663 | 485 | 4, 475 | 663 | 13, 188 | 1, 221 | 26, 958 | 1, 221 |
| Laundry Soaps and Cleansers | 269, 955 | ------ | 10, 840 | 101 | 33, 014 | 1, 778 | 1, 516 | 521 | 45, 370 | 2, 400 | 315, 325 | 2, 400 |
| Flour | 58, 005 | ------ | 5, 030 | 98 | 5, 477 | 177 | 5, 980 | 609 | 16, 487 | 884 | 74, 492 | 884 |
| Sugar | ------ | ------ | 195 | 120 | ------ | 97 | ------ | 26 | 195 | 243 | 195 | 243 |
| Disinfectants and Exterminators | ------ | ------ | ------ | ------ | 805 | 129 | 60 | 40 | 865 | 169 | 865 | 169 |
| Miscellaneous | 250, 917 | ------ | 6, 110 | 595 | 16, 985 | 4, 394 | 9, 420 | 1, 479 | 32, 515 | 6, 468 | 283, 432 | 6, 468 |
| **Hotels and Resorts** | ------ | ------ | ------ | ------ | **75** | **33** | ------ | ------ | **75** | **33** | **75** | **33** |
| **Housing Equipment and Supplies** | **22, 800** | ------ | **1, 686** | **227** | **5, 400** | **1, 379** | **2, 310** | **576** | **9, 396** | **2, 182** | **32, 196** | **2, 182** |
| Air Conditioning | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 90 | ------ | 90 | ------ | 90 |
| Automatic Heating | ------ | ------ | ------ | ------ | ------ | 47 | ------ | ------ | ------ | 47 | ------ | 47 |
| Automatic Refrigeration | ------ | ------ | 91 | ------ | ------ | 30 | 401 | 59 | 492 | 89 | 492 | 89 |
| Fixtures | 22, 170 | ------ | ------ | ------ | ------ | ------ | 195 | ------ | 195 | ------ | 22, 365 | ------ |
| Fuel | 630 | ------ | 495 | 26 | 735 | 280 | 430 | 45 | 1, 660 | 351 | 2, 290 | 351 |
| Furniture and Furnishings | ------ | ------ | 180 | ------ | 3, 315 | 186 | 195 | 161 | 3, 690 | 347 | 3, 690 | 347 |
| Heaters and Stoves | ------ | ------ | 764 | 179 | 1, 330 | 767 | 944 | 221 | 3, 038 | 1, 167 | 3, 038 | 1, 167 |
| Miscellaneous | ------ | ------ | 156 | 22 | 20 | 69 | 145 | ------ | 321 | 91 | 321 | 91 |
| **ndustrial** | ------ | ------ | ------ | ------ | ------ | **4** | **165** | **48** | **165** | **52** | **165** | **52** |
| **nsurance** | **16, 065** | ------ | **1, 020** | **21** | **3, 290** | **72** | **3, 261** | **942** | **7, 571** | **1, 035** | **23, 636** | **1, 035** |
| **Jewelry and Silverware** | **3, 900** | ------ | ------ | ------ | ------ | **3** | ------ | **200** | ------ | **203** | **3, 900** | **203** |
| **Medical** | **178, 020** | ------ | **9, 210** | **482** | **24, 283** | **9, 865** | **2, 021** | **1, 416** | **35, 514** | **11, 763** | **213, 534** | **11, 763** |
| **Miscellaneous** | **35, 835** | ------ | **2, 040** | **48** | **4, 760** | **762** | **8, 015** | **1, 076** | **14, 815** | **1, 886** | **50, 650** | **1, 886** |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Political** | **28, 863** | ------ | **3, 152** | **6** | **1, 701** | **31** | **10, 140** | **1, 582** | **14, 993** | **1, 619** | **43, 856** | **1, 619** |
| Local | ------ | ------ | 90 | ------ | ------ | ------ | 680 | 40 | 770 | 40 | 770 | 40 |
| State | ------ | ------ | 990 | 6 | 395 | ------ | 1, 025 | 147 | 2, 410 | 153 | 2, 410 | 153 |
| National | 28, 863 | ------ | 772 | ------ | 746 | 18 | 375 | 330 | 1, 893 | 348 | 30, 756 | 348 |
| Miscellaneous | ------ | ------ | 1, 300 | ------ | 560 | 13 | 8, 060 | 1, 065 | 9, 920 | 1, 078 | 9, 920 | 1, 078 |
| **Professional and Service** | ------ | ------ | **510** | ------ | **105** | **50** | **29. 379** | **5, 654** | **29, 994** | **5, 704** | **29, 994** | **5, 704** |
| Opticians-Optometrists | ------ | ------ | 255 | ------ | ------ | 50 | 13, 580 | 3, 552 | 13, 835 | 3, 602 | 13, 835 | 3, 602 |
| Chiropractors | ------ | ------ | ------ | ------ | ------ | ------ | 8, 584 | 304 | 8, 584 | 304 | 8, 584 | 304 |
| Dentists | ------ | ------ | 255 | ------ | ------ | ------ | 5, 555 | 1, 110 | 5, 810 | 1, 110 | 5, 810 | 1, 110 |
| Physicians (Medical) | ------ | ------ | ------ | ------ | ------ | ------ | 390 | 80 | 390 | 80 | 390 | 80 |
| Hospitals | ------ | ------ | ------ | ------ | ------ | ------ | 195 | 128 | 195 | 128 | 195 | 128 |
| Miscellaneous | ------ | ------ | ------ | ------ | 105 | ------ | 1, 075 | 480 | 1, 180 | 480 | 1, 180 | 480 |
| **Public Utilities** | **25, 860** | ------ | **1, 650** | ------ | **315** | **109** | **15. 058** | **1, 439** | **17, 023** | **1. 518** | **42, 883** | **1, 548** |
| Electric Companies | ------ | ------ | 780 | ------ | 315 | ------ | 6, 963 | 766 | 8. 058 | 766 | 8, 058 | 766 |
| Gas Companies | ------ | ------ | 870 | ------ | ------ | ------ | 3, 040 | 335 | 3, 910 | 335 | 3, 910 | 335 |
| Electric and Gas Companies | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 216 | ------ | 216 | ------ | 216 |
| Telegraph Companies | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 76 | ------ | 76 | ------ | 76 |
| Telephone Companies | 25, 860 | ------ | ------ | ------ | ------ | 109 | 420 | 46 | 420 | 155 | 26, 280 | 155 |
| Miscellaneous | ------ | ------ | ------ | ------ | ------ | ------ | 4, 635 | ------ | 4, 635 | ------ | 4, 635 | ------ |
| **Publications** | **17, 505** | ------ | **375** | ------ | **3, 811** | **1, 043** | **4, 615** | **1, 194** | **8, 801** | **2, 237** | **26, 306** | **2, 237** |
| Books | 1, 320 | ------ | ------ | ------ | 865 | 14 | ------ | 6 | 865 | 20 | 2, 185 | 20 |
| Magazines | 16, 185 | ------ | 375 | ------ | 2, 856 | 383 | 1, 005 | 136 | 4, 236 | 519 | 20. 421 | 519 |
| Newspapers | ------ | ------ | ------ | ------ | 60 | 346 | 3, 610 | 1, 015 | 3, 670 | 1, 361 | 3, 670 | 1, 361 |
| Miscellaneous | ------ | ------ | ------ | ------ | 30 | 300 | ------ | 37 | 30 | 337 | 30 | 337 |
| **Religion** | ------ | ------ | **5, 970** | ------ | **3, 480** | **21** | **49, 852** | **77** | **59, 302** | **98** | **59, 302** | **98** |
| **Radio** | ------ | ------ | ------ | ------ | **3, 125** | **188** | **1. 590** | **249** | **4, 715** | **437** | **4. 715** | **437** |
| Sets | ------ | ------ | ------ | ------ | 3, 050 | 124 | 1, 275 | 176 | 4, 325 | 300 | 4, 325 | 300 |
| Tubes | ------ | ------ | ------ | ------ | 75 | ------ | 315 | ------ | 390 | ------ | 390 | ------ |
| Miscellaneous | ------ | ------ | ------ | ------ | ------ | 64 | ------ | 73 | ------ | 137 | ------ | 137 |
| **Sporting Goods** | ------ | ------ | ------ | ------ | **75** | ------ | ------ | ------ | **75** | ------ | **75** | ------ |
| **Tobacco** | **253, 230** | ------ | **3, 140** | **163** | **10, 215** | **1, 228** | **1, 200** | **458** | **14, 555** | **1, 849** | **267, 785** | **1, 849** |
| Cigars | 19, 665 | ------ | 300 | 56 | 2, 185 | 149 | 60 | 80 | 2, 545 | 285 | 22, 210 | 285 |
| Cigarettes | 177, 955 | ------ | 1, 320 | 3 | 3, 875 | 858 | ------ | 8 | 5, 195 | 869 | 183, 150 | 869 |
| Tobacco | 55, 610 | ------ | 15 | ------ | 1, 415 | 135 | ------ | 25 | 1. 430 | 160 | 57, 040 | 160 |
| Miscellaneous Tobacco | ------ | ------ | 875 | 92 | 685 | 25 | 1, 140 | 345 | 2, 700 | 462 | 2. 700 | 462 |
| Miscellaneous | ------ | ------ | 630 | 12 | 2, 055 | 61 | ------ | ------ | 2, 685 | 73 | 2, 685 | 73 |
| **Toilet Requisites** | **375, 653** | ------ | **2, 600** | **72** | **15, 732** | **2, 851** | **285** | **251** | **18, 617** | **3, 174** | **394, 270** | **3, 174** |
| Antiseptics | 6, 720 | ------ | ------ | ------ | 126 | ------ | ------ | ------ | 126 | ------ | 6, 846 | ------ |
| Dentifrices | 105, 910 | ------ | 510 | ------ | 2, 865 | 421 | ------ | 16 | 3, 375 | 437 | 109, 285 | 437 |
| Perfumes-Cosmetics-Lotions | 49, 288 | ------ | 20 | ------ | 1, 185 | 217 | 195 | 46 | 1, 400 | 263 | 50, 688 | 263 |
| Toilet Soaps | 147, 360 | ------ | 1, 635 | ------ | 9, 271 | 1, 020 | 90 | 62 | 10, 996 | 1, 082 | 158, 356 | 1, 082 |
| Miscellaneous | 66, 375 | ------ | 435 | 72 | 2, 285 | 1, 193 | ------ | 127 | 2, 720 | 1, 392 | 69, 095 | 1, 392 |
| **Transportation** | **5, 370** | ------ | **255** | **426** | **195** | **301** | **4, 332** | **2, 762** | **4, 782** | **3, 489** | **10, 152** | **3, 489** |
| Airways | ------ | ------ | ------ | ------ | ------ | 9 | ------ | ------ | ------ | 9 | ------ | 9 |
| Bus Lines | ------ | ------ | 240 | 270 | ------ | 89 | 125 | 499 | 365 | 858 | 365 | 858 |
| Railroads | 5, 370 | ------ | 15 | ------ | 195 | 135 | ------ | 109 | 210 | 244 | 5, 580 | 244 |
| Steamships | ------ | ------ | ------ | ------ | ------ | ------ | 1, 500 | 22 | 1, 500 | 22 | 1, 500 | 22 |
| Tours | ------ | ------ | ------ | ------ | ------ | 3 | 648 | 95 | 648 | 98 | 648 | 98 |
| Miscellaneous | ------ | ------ | ------ | 156 | ------ | 65 | 2, 059 | 2, 037 | 2, 059 | 2, 258 | 2, 059 | 2, 258 |
| **Wearing Apparel** | **6, 990** | ------ | **135** | **76** | **2, 155** | **311** | **1, 172** | **57** | **3, 462** | **444** | **10, 452** | **444** |
| Men's Wear | 6, 990 | ------ | 75 | 76 | 730 | 68 | ------ | 21 | 805 | 165 | 7, 795 | 165 |
| Women's Wear | ------ | ------ | ------ | ------ | ------ | 5 | ------ | ------ | ------ | 5 | ------ | 5 |
| Miscellaneous | ------ | ------ | 60 | ------ | 1, 425 | 238 | 1, 172 | 36 | 2, 657 | 274 | 2, 657 | 274 |
| **Watches** | ------ | ------ | ------ | **330** | ------ | **6, 578** | ------ | **322** | ------ | **7, 230** | ------ | **7, 230** |
| **MBS Locally Sponsored** | 9, 885 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 9, 885 | ------ |
| **Totals** | **1, 936, 198** | ------ | **87, 682** | **4, 738** | **275, 933** | **47, 651** | **267, 706** | **47, 464** | **631, 321** | **99, 856** | **2, 567, 519** | **99, 856** |

# TABLE III

## STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK) BY TYPE OF SPONSORING BUSINESS AND BY CLASS OF STATION

## RETAIL ADVERTISING UNITS

### September 1940

| | Clear Channel Stations | | | | Regional Stations | | | | | | Local Stations | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Commercial Operating Stations | 45 | | 8 | | 240 | | 67 | | 31 | | 361 | | 10 | | 25 | | 787 | |
| Total Stations Reporting | 23 | | 3 | | 77 | | 18 | | 5 | | 75 | | 0 | | 5 | | 206 | |
| Type of Sponsoring Business | Unlimited | | Part-Time | | Unlimited | | Limited & Day | | Part-Time | | Unlimited | | Day | | Part-Time | | Totals | |
| | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. |
| **Amusements** | **120** | **313** | ----- | ----- | **6, 811** | **3, 974** | **1, 315** | **1, 510** | ----- | **166** | **14, 074** | **4, 581** | ----- | ----- | **265** | **133** | **22, 585** | **10, 677** |
| Theaters | ----- | 148 | ----- | ----- | 2, 170 | 1, 841 | 325 | 568 | ----- | 8 | 6, 725 | 2, 434 | ----- | ----- | ------- | 17 | 9, 220 | 5, 016 |
| Miscellaneous | 120 | 165 | ----- | ----- | 4, 641 | 2, 133 | 990 | 942 | ----- | 158 | 7, 349 | 2, 147 | ----- | ----- | 265 | 116 | 13, 365 | 5, 661 |
| **Automotive** | **877** | **322** | ----- | ----- | **25, 184** | **9, 220** | **2, 730** | **2, 924** | **125** | **317** | **33, 885** | **12, 011** | ----- | ----- | **900** | **406** | **63, 701** | **25, 200** |
| Aviation | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ------- | ------- | ----- | ----- | ------- | ----- | ----- | ----- |
| Garages & Service Stations | ----- | ----- | ----- | ----- | 2, 195 | 812 | 115 | 153 | ----- | 33 | 1, 615 | 2, 253 | ----- | ----- | ------- | 53 | 3, 925 | 3, 304 |
| Parts & Accessories | 210 | 12 | ----- | ----- | 4, 912 | 1, 428 | 600 | 262 | ----- | 114 | 4, 243 | 1, 723 | ----- | ----- | ------- | 256 | 9, 965 | 3, 795 |
| Passenger Cars | 427 | 307 | ----- | ----- | 12, 996 | 6, 016 | 1, 655 | 2, 137 | 125 | 170 | 24, 489 | 6, 360 | ----- | ----- | 900 | 31 | 40, 592 | 15, 021 |
| Tires & Tubes | 240 | ----- | ----- | ----- | 2, 881 | 639 | 360 | 263 | ----- | ----- | 1, 938 | 1, 246 | ----- | ----- | ------- | 66 | 5, 419 | 2, 214 |
| Trucks | ----- | ----- | ----- | ----- | ----- | 12 | ----- | ----- | ----- | ----- | 500 | 30 | ----- | ----- | ------- | ----- | 500 | 42 |
| Tractors | ----- | ----- | ----- | ----- | 855 | 142 | ----- | ----- | ----- | ----- | 900 | 161 | ----- | ----- | ------- | ----- | 1, 755 | 303 |
| Miscellaneous | ----- | 3 | ----- | ----- | 1, 345 | 171 | ----- | 109 | ----- | ----- | 200 | 238 | ----- | ----- | ------- | ----- | 1, 545 | 521 |
| **Bakeries** | **195** | **160** | ----- | ----- | **5, 647** | **1, 695** | **885** | **645** | ----- | **36** | **3, 870** | **1, 308** | ----- | ----- | **75** | **180** | **10, 672** | **4, 024** |
| **Book Stores** | ----- | ----- | ----- | ----- | **165** | **36** | **30** | **13** | ----- | ----- | **175** | **52** | ----- | ----- | ----- | ----- | **370** | **101** |
| **Boots and Shoes** | **810** | **19** | ----- | ----- | **3, 348** | **1, 908** | **375** | **321** | ----- | **163** | **3, 068** | **1, 777** | ----- | ----- | **30** | **134** | **7, 631** | **4, 322** |
| Men's | ----- | ----- | ----- | ----- | 15 | 25 | ----- | ----- | ----- | ----- | ----- | 11 | ----- | ----- | 30 | 18 | 45 | 54 |
| Men's & Women's | ----- | ----- | ----- | ----- | 60 | 28 | ----- | ----- | ----- | 28 | 120 | 71 | ----- | ----- | ----- | ----- | 180 | 127 |
| Women's | ----- | ----- | ----- | ----- | ----- | 89 | ----- | ----- | ----- | ----- | 130 | 44 | ----- | ----- | ----- | ----- | 130 | 133 |
| Miscellaneous | 810 | 19 | ----- | ----- | 3, 273 | 1, 766 | 375 | 321 | ----- | 135 | 2, 818 | 1, 651 | ----- | ----- | ----- | 116 | 7, 276 | 4, 008 |
| **Bldg. Supplies and Contractors** | **125** | **61** | ----- | ----- | **4, 699** | **2, 433** | **320** | **371** | **120** | **42** | **7, 963** | **2, 743** | ----- | ----- | ----- | **65** | **13, 227** | **5, 715** |
| **Clothing Stores** | **3, 065** | **564** | **585** | ----- | **22, 379** | **9, 224** | **2, 190** | **2, 367** | **645** | **434** | **27, 184** | **9, 931** | ----- | ----- | **450** | **260** | **56, 438** | **22, 780** |
| Men's | 1, 820 | 246 | ----- | ----- | 11, 596 | 2, 998 | 720 | 715 | 525 | 116 | 9, 600 | 3, 630 | ----- | ----- | 60 | 156 | 24, 321 | 7, 861 |
| Men's & Women's | 15 | ----- | ----- | ----- | 1, 350 | 567 | ----- | ----- | ----- | ----- | 420 | 156 | ----- | ----- | ----- | ----- | 1, 785 | 723 |
| Women's | 610 | 218 | ----- | ----- | 6, 371 | 3, 546 | 970 | 803 | ----- | 316 | 10, 655 | 3, 691 | ----- | ----- | 315 | 47 | 18, 921 | 8, 621 |
| Credit Clothing | ----- | ----- | ----- | ----- | 170 | 734 | ----- | 41 | ----- | ----- | 1, 540 | 1, 120 | ----- | ----- | ----- | ----- | 1, 710 | 1, 895 |
| Miscellaneous | 560 | 100 | 585 | ----- | 2, 892 | 1, 379 | 500 | 808 | 120 | 2 | 4, 969 | 1, 334 | ----- | ----- | 75 | 57 | 9, 701 | 3, 680 |
| **Dairies** | **33** | **1** | ----- | ----- | **1, 985** | **474** | **740** | **69** | ----- | **80** | **2, 502** | **1, 309** | ----- | ----- | **1, 560** | ----- | **6, 820** | **1, 933** |
| **Department and Dry Goods Stores** | **4, 115** | **568** | ----- | ----- | **22, 663** | **5, 579** | **9, 127** | **1, 157** | **150** | **241** | **26, 315** | **6, 342** | ----- | ----- | **1, 930** | **169** | **64, 300** | **14, 056** |
| **Drug Stores** | **30** | **45** | **480** | **60** | **4, 505** | **1, 051** | **1, 530** | **270** | ----- | **3** | **6, 094** | **1, 568** | ----- | ----- | ----- | **96** | **12, 639** | **3, 093** |
| **Educational** | **175** | **102** | ----- | ----- | **2, 755** | **568** | **1, 875** | **185** | **240** | **30** | **4, 199** | **796** | ----- | ----- | **75** | **578** | **9, 319** | **2, 259** |
| **Electric and Gas Appliances and Supply** | **240** | **3** | ----- | ----- | **3, 120** | **1, 222** | **915** | **273** | ----- | **265** | **3, 540** | **2, 076** | ----- | ----- | **255** | **183** | **8, 070** | **4, 022** |
| **Furniture and Home Furnishings** | **2, 345** | **508** | ----- | ----- | **23, 450** | **5, 293** | **9, 015** | **1, 846** | **105** | **174** | **26, 345** | **5, 505** | ----- | ----- | **735** | **651** | **61, 995** | **13, 977** |
| **Grocers and Food Stores** | **3, 525** | **90** | ----- | ----- | **10, 922** | **2, 453** | **3, 690** | **386** | ----- | **86** | **7, 386** | **2, 343** | ----- | ----- | ----- | **78** | **25, 523** | **5, 436** |
| Chain | 1, 650 | ----- | ----- | ----- | 3, 036 | 269 | 25 | 36 | ----- | 21 | 2, 080 | 207 | ----- | ----- | ----- | 4 | 6, 791 | 537 |
| Miscellaneous | 1, 875 | 90 | ----- | ----- | 7, 886 | 2, 184 | 3, 665 | 350 | ----- | 65 | 5, 306 | 2, 136 | ----- | ----- | ----- | 74 | 18, 732 | 4, 899 |
| **Heating and Plumbing** | **35** | **54** | ----- | ----- | **1, 807** | **1, 468** | **170** | **417** | **120** | **55** | **1, 158** | **1, 233** | ----- | ----- | ----- | **56** | **3, 290** | **3, 283** |
| **Hotels and Restaurants** | **675** | **46** | ----- | ----- | **4, 358** | **1, 768** | **285** | **883** | **60** | **211** | **9, 061** | **2, 953** | ----- | ----- | **750** | **376** | **15, 189** | **6, 237** |
| **Jewelers** | ---- | **563** | ----- | ----- | **6, 325** | **4, 199** | **300** | **1, 051** | ----- | **97** | **5, 050** | **7, 053** | ----- | ----- | **75** | **74** | **11, 750** | **13, 037** |
| **Merchandized Chains** | **420** | **7** | ----- | ----- | **900** | **414** | **315** | **74** | ----- | ----- | **355** | **295** | ----- | ----- | ----- | **200** | **1, 990** | **990** |
| **Miscellaneous** | **1, 260** | **546** | ----- | ----- | **26, 829** | **5, 712** | **7, 831** | **1, 678** | **450** | **330** | **33, 705** | **10, 715** | ----- | ----- | **5, 220** | **1, 900** | **75, 295** | **20, 881** |
| Agriculture | 390 | 234 | ----- | ----- | 3, 155 | 672 | 136 | 371 | ----- | ----- | 2, 125 | 470 | ----- | ----- | ----- | ----- | 5, 806 | 1, 747 |
| Auctions | ----- | ----- | ----- | ----- | ----- | 70 | ----- | 4 | ----- | ----- | ----- | 43 | ----- | ----- | ----- | ----- | ----- | 117 |
| Beverages | ----- | ----- | ----- | ----- | 50 | 77 | ----- | 35 | ----- | ----- | ----- | 22 | ----- | ----- | ----- | 80 | 50 | 214 |
| Cleaners-Dyers-Laundries | 15 | 41 | ----- | ----- | 5, 479 | 2, 120 | 2, 070 | 486 | 210 | 245 | 5, 400 | 2, 888 | ----- | ----- | 75 | 866 | 13, 249 | 6, 646 |
| Farm & Orchards (Produce) | 5 | ----- | ----- | ----- | 675 | 131 | ----- | 59 | ----- | 5 | 135 | 286 | ----- | ----- | ----- | 50 | 815 | 531 |
| Florists-Nurseries | 30 | 65 | ----- | ----- | 845 | 307 | 40 | 80 | ----- | 12 | 415 | 212 | ----- | ----- | 450 | 109 | 1, 780 | 785 |
| General Stores | ----- | 21 | ----- | ----- | 1, 290 | 138 | 90 | 29 | ----- | 4 | 605 | 184 | ----- | ----- | ----- | 11 | 1, 985 | 387 |
| Confectionery (Ice Cream, etc.) | ----- | 2 | ----- | ----- | 680 | 135 | 35 | 111 | ----- | 4 | 1, 020 | 425 | ----- | ----- | ----- | ----- | 1, 735 | 677 |
| Shoe Repairing | ----- | ----- | ----- | ----- | 137 | 193 | ---- | 2 | ----- | ----- | 42 | 286 | ----- | ----- | ----- | 2 | 179 | 483 |
| Specialty Shops | 65 | 19 | ----- | ----- | 961 | 681 | 705 | 187 | ----- | 10 | 1, 060 | 906 | ----- | ----- | 210 | 373 | 3, 001 | 2, 176 |
| Undertakers | ----- | ----- | ----- | ----- | 2, 310 | 130 | ----- | 5 | ----- | 3 | 1, 035 | 320 | ----- | ----- | ----- | ----- | 3, 345 | 458 |
| Miscellaneous | 755 | 164 | ----- | ----- | 11, 247 | 1, 058 | 4, 755 | 309 | 240 | 47 | 21, 868 | 4, 673 | ----- | ----- | 4, 485 | 409 | 43, 350 | 6, 660 |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Musical Instruments | 540 | 42 | ----- | ----- | 2, 210 | 565 | 975 | 125 | ----- | ----- | 2, 630 | 442 | ----- | ----- | 120 | 20 | 6, 475 | 1, 194 |
| Office Equipment | ----- | ----- | ----- | ----- | 75 | 104 | ----- | 12 | ----- | ----- | 285 | 124 | ----- | ----- | ----- | ----- | 360 | 240 |
| Radio | 105 | 107 | ----- | ----- | 1, 198 | 636 | 2, 735 | 135 | ----- | 76 | 990 | 589 | ----- | ----- | 30 | 158 | 5, 058 | 1, 701 |
| Real Estate | ----- | 15 | ----- | ----- | 1, 190 | 618 | 255 | 85 | ----- | 70 | 1, 495 | 208 | ----- | ----- | 195 | 4 | 3, 135 | 1, 000 |
| Sporting Goods | 230 | ----- | ----- | ----- | 410 | 117 | ----- | ----- | ----- | ----- | 58 | 39 | ----- | ----- | ----- | ----- | 698 | 156 |
| Stationers | ----- | 13 | ----- | ----- | 300 | 129 | ----- | 8 | ----- | ----- | 430 | 155 | ----- | ----- | ----- | ----- | 730 | 305 |
| Toilet Goods and Beauty Shops | 25 | ----- | ----- | ----- | 451 | 219 | 45 | 74 | ----- | 4 | 608 | 772 | ----- | ----- | 210 | 94 | 1, 339 | 1, 163 |
| Totals | 18, 885 | 4, 149 | 1, 065 | 60 | 183, 686 | 61, 079 | 47, 648 | 16, 879 | 2, 015 | 2, 880 | 222, 425 | 76, 920 | ----- | ----- | 12, 875 | 5, 815 | 488, 599 | 167, 782 |

## TABLE III—Continued

## GENERAL ADVERTISING UNITS

### September 1940

| | Clear Channel Stations | | | | Regional Stations | | | | | | Local Stations | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Commercial Operating Stations | 45 | | 8 | | 240 | | 67 | | 31 | | 361 | | 10 | | 25 | | 787 | |
| Total Stations Reporting | 23 | | 3 | | 77 | | 18 | | 5 | | 75 | | 0 | | 5 | | 206 | |
| Type of Sponsoring Business | Unlimited | | Part-Time | | Unlimited | | Limited & Day | | Part-Time | | Unlimited | | Day | | Part-Time | | Totals | |
| | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. |
| **Agriculture** | **2,550** | **89** | ----- | ----- | **2,831** | **114** | **2,975** | **188** | ----- | **44** | **2,158** | **605** | ----- | ----- | ----- | ----- | **10,514** | **1,040** |
| Cattle Foods | 1,160 | 43 | ----- | ----- | 1,385 | 54 | 1,385 | 46 | ----- | 29 | 1,448 | 25 | ----- | ----- | ----- | ----- | 5,378 | 197 |
| Seeds | 780 | 8 | ----- | ----- | 726 | 13 | ----- | 40 | ----- | ----- | 195 | 25 | ----- | ----- | ----- | ----- | 1,701 | 86 |
| Farm Machinery | 375 | ----- | ----- | ----- | 435 | ----- | ----- | 10 | ----- | ----- | ----- | 37 | ----- | ----- | ----- | ----- | 810 | 47 |
| Nurseries | 5 | ----- | ----- | ----- | 285 | ----- | ----- | ----- | ----- | ----- | ----- | 25 | ----- | ----- | ----- | ----- | 290 | 25 |
| Live Stock | 35 | 13 | ----- | ----- | ----- | ----- | ----- | 12 | ----- | ----- | ----- | 26 | ----- | ----- | ----- | ----- | 35 | 51 |
| Miscellaneous | 195 | 25 | ----- | ----- | ----- | 47 | 1,590 | 80 | ----- | 15 | 515 | 467 | ----- | ----- | ----- | ----- | 2,300 | 634 |
| **Alcoholic Beverages** | **3,085** | **150** | ----- | **20** | **12,810** | **2,864** | **4,765** | **1,092** | **1,820** | ----- | **17,715** | **2,498** | ----- | ----- | **375** | **26** | **40,570** | **6,650** |
| Beers | 2,965 | 150 | ----- | 20 | 11,640 | 2,651 | 4,765 | 572 | 1,820 | ----- | 17,475 | 2,343 | ----- | ----- | 375 | 26 | 39,040 | 5,762 |
| Wines | 120 | ----- | ----- | ----- | 1,170 | 201 | ----- | 520 | ----- | ----- | 240 | 155 | ----- | ----- | ----- | ----- | 1,530 | 876 |
| Liquors | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| Miscellaneous | ----- | ----- | ----- | ----- | ----- | 12 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 12 |
| **Amusements** | ----- | **26** | ----- | ----- | ----- | **55** | ----- | ----- | ----- | ----- | ----- | **5** | ----- | ----- | ----- | ----- | ----- | **86** |
| **Automotive** | **16,335** | **1,581** | ----- | **53** | **32,901** | **3,567** | **2,630** | **252** | **520** | **225** | **29,026** | **1,471** | ----- | ----- | ----- | **332** | **81,412** | **7,481** |
| Aviation | ----- | 25 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 25 |
| Gas & Oil | 12,090 | 181 | ----- | ----- | 27,697 | 755 | 2,285 | 68 | 270 | 126 | 27,586 | 898 | ----- | ----- | ----- | 82 | 69,928 | 2,110 |
| Parts & Accessories | 150 | 6 | ----- | ----- | 540 | 138 | ----- | ----- | ----- | ----- | 115 | 77 | ----- | ----- | ----- | ----- | 805 | 221 |
| Passenger Cars | 2,535 | 1,353 | ----- | 53 | 1,575 | 2,554 | 75 | 152 | 250 | 99 | 810 | 424 | ----- | ----- | ----- | ----- | 5,245 | 4,635 |
| Tires & Tubes | 1,569 | 16 | ----- | ----- | 2,563 | 41 | ----- | 15 | ----- | ----- | 515 | 16 | ----- | ----- | ----- | 250 | 4,638 | 338 |
| Trucks | ----- | ----- | ----- | ----- | ----- | 25 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 25 |
| Tractors | ----- | ----- | ----- | ----- | 375 | ----- | 270 | ----- | ----- | ----- | ----- | 18 | ----- | ----- | ----- | ----- | 645 | 18 |
| Miscellaneous | ----- | ----- | ----- | ----- | 151 | 54 | ----- | 17 | ----- | ----- | ----- | 38 | ----- | ----- | ----- | ----- | 151 | 109 |
| **Building Materials** | **780** | **109** | ----- | ----- | **805** | **757** | **375** | **109** | ----- | **6** | ----- | **350** | ----- | ----- | **150** | ----- | **2,110** | **1,331** |
| **Confections** | **2,730** | **988** | **360** | **24** | **2,755** | **1,102** | ----- | **165** | ----- | **66** | **2,535** | **564** | ----- | ----- | ----- | **210** | **8,380** | **3,119** |
| **Educational** | ----- | ----- | ----- | ----- | ----- | **7** | **750** | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | **750** | **7** |
| **Financial** | **1,765** | **391** | **189** | **34** | **10,958** | **3,107** | **1,155** | **479** | **5** | **6** | **9,075** | **2,525** | ----- | ----- | **135** | **56** | **23,273** | **6,598** |
| Banks & Trust Companies | 640 | 150 | ----- | ----- | 3,980 | 1,016 | 300 | 273 | 5 | ----- | 4,920 | 605 | ----- | ----- | 135 | 30 | 9,980 | 2,074 |
| Real Estate & Home Financing | 355 | 11 | ----- | 22 | 1,787 | 301 | 320 | 20 | ----- | ----- | 1,400 | 260 | ----- | ----- | ----- | ----- | 3,862 | 614 |
| Stock & Bond Houses | 220 | 60 | ----- | ----- | 250 | 26 | ----- | ----- | ----- | ----- | ----- | 238 | ----- | ----- | ----- | ----- | 470 | 324 |
| Miscellaneous | 550 | 170 | 180 | 12 | 4,941 | 1,764 | 535 | 186 | ----- | 6 | 2,755 | 1,422 | ----- | ----- | ----- | 26 | 8,961 | 3,586 |
| **Groceries** | **49,639** | **4,169** | **555** | **49** | **99,163** | **12,483** | **11,815** | **1,785** | **5,060** | **413** | **53,165** | **8,857** | ----- | ----- | **1,060** | **805** | **220,457** | **28,561** |
| Baking Products | 3,220 | 249 | ----- | ----- | 9,725 | 3,792 | 420 | 239 | 315 | ----- | 8,435 | 2,139 | ----- | ----- | ----- | 182 | 22,115 | 6,601 |
| Beverages | | | | | | | | | | | | | | | | | | |
| Coffee & Tea | 3,370 | 245 | ----- | 12 | 9,390 | 552 | 2,005 | ----- | ----- | 27 | 805 | 127 | ----- | ----- | ----- | ----- | 15,570 | 963 |
| Soft Drinks | 425 | 324 | ----- | ----- | 8,575 | 2,356 | 1,755 | 817 | 375 | 245 | 16,692 | 3,236 | ----- | ----- | 130 | 615 | 27,952 | 7,593 |
| Miscellaneous | ----- | ----- | ----- | ----- | 30 | 85 | ----- | ----- | ----- | ----- | 60 | ----- | ----- | ----- | ----- | ----- | 90 | 85 |
| Cereals & Breakfast Foods | 13,259 | 184 | ----- | ----- | 16,655 | 398 | 1,320 | 45 | 2,055 | ----- | 5,930 | 115 | ----- | ----- | ----- | ----- | 39,219 | 742 |
| Condiments | 15 | 2 | ----- | ----- | 495 | 81 | ----- | ----- | ----- | ----- | 60 | 51 | ----- | ----- | ----- | 8 | 570 | 142 |
| Dairy Products | 735 | 210 | ----- | ----- | 3,491 | 398 | ----- | ----- | 130 | ----- | 1,965 | 442 | ----- | ----- | ----- | ----- | 6,321 | 1,050 |
| Meats-Fish-Poultry | 2,935 | 104 | ----- | ----- | 6,715 | 378 | 1,545 | 82 | 355 | 20 | 1,638 | 637 | ----- | ----- | ----- | ----- | 13,188 | 1,221 |
| Laundry Soaps & Cleansers | 13,430 | 721 | 15 | ----- | 17,895 | 1,166 | 2,595 | 191 | 1,830 | 27 | 9,455 | 295 | ----- | ----- | 150 | ----- | 45,370 | 2,400 |
| Flour | 3,350 | 177 | 360 | ----- | 10,017 | 363 | 630 | 50 | ----- | 25 | 2,130 | 269 | ----- | ----- | ----- | ----- | 16,487 | 884 |
| Sugar | ----- | ----- | ----- | ----- | 195 | 170 | ----- | ----- | ----- | ----- | ----- | 73 | ----- | ----- | ----- | ----- | 195 | 243 |
| Disinfectants & Exterminators | ----- | 11 | ----- | ----- | 445 | 38 | ----- | 56 | ----- | ----- | 420 | 64 | ----- | ----- | ----- | ----- | 865 | 169 |
| Miscellaneous | 8,900 | 1,942 | 180 | 37 | 15,535 | 2,706 | 1,545 | 305 | ----- | 69 | 5,575 | 1,409 | ----- | ----- | 780 | ----- | 32,515 | 6,468 |
| **Hotels & Resorts** | ----- | ----- | ----- | ----- | **75** | **8** | ----- | ----- | ----- | ----- | ----- | **25** | ----- | ----- | ----- | ----- | **75** | **33** |
| **Housing Equipment & Supplies** | **3,930** | **243** | ----- | ----- | **3,060** | **1,139** | **685** | **99** | ----- | **9** | **1,721** | **692** | ----- | ----- | ----- | ----- | **9,396** | **2,182** |
| Air Conditioning | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 90 | ----- | ----- | ----- | ----- | ----- | 90 |
| Automatic Heating | ----- | ----- | ----- | ----- | ----- | 26 | ----- | ----- | ----- | ----- | ----- | 21 | ----- | ----- | ----- | ----- | ----- | 47 |
| Automatic Refrigeration | 91 | 4 | ----- | ----- | 236 | 30 | 165 | ----- | ----- | 1 | ----- | 54 | ----- | ----- | ----- | ----- | 492 | 89 |
| Fixtures | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 195 | ----- | ----- | ----- | ----- | ----- | 195 | ----- |
| Fuel | 580 | 18 | ----- | ----- | 675 | 313 | 375 | ----- | ----- | ----- | 30 | 20 | ----- | ----- | ----- | ----- | 1,660 | 351 |
| Furniture & Furnishings | 1,720 | 10 | ----- | ----- | 1,665 | 213 | ----- | ----- | ----- | ----- | 305 | 124 | ----- | ----- | ----- | ----- | 3,690 | 347 |
| Heaters & Stoves | 1,519 | 187 | ----- | ----- | 484 | 520 | ----- | 99 | ----- | ----- | 1,035 | 361 | ----- | ----- | ----- | ----- | 3,038 | 1,167 |
| Miscellaneous | 20 | 24 | ----- | ----- | ----- | 37 | 145 | ----- | ----- | 8 | 156 | 22 | ----- | ----- | ----- | ----- | 321 | 91 |
| **Industrial** | **60** | ----- | ----- | ----- | ----- | **39** | ----- | **13** | ----- | ----- | **105** | ----- | ----- | ----- | ----- | ----- | **165** | **52** |
| **Insurance** | **845** | **19** | ----- | ----- | **3,851** | **351** | **1,130** | **112** | **150** | **4** | **725** | **469** | ----- | ----- | **870** | **80** | **7,571** | **1,035** |
| **Jewelry & Silverware** | ----- | ----- | ----- | ----- | ----- | **200** | ----- | **3** | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | **203** |
| **Medical** | **10,298** | **1,129** | **360** | **12** | **12,280** | **5,403** | **1,195** | **1,239** | **315** | **165** | **11,066** | **3,834** | ----- | ----- | ----- | **62** | **35,514** | **11,844** |
| **Miscellaneous** | **3,970** | **293** | ----- | **27** | **4,430** | **869** | **1,380** | **228** | **630** | **77** | **4,015** | **285** | ----- | ----- | **390** | **26** | **14,815** | **1,805** |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Political** | **3,236** | **82** | **180** | ----- | **6,209** | **689** | **907** | **115** | **45** | **21** | **4,161** | **712** | ----- | ----- | **255** | ----- | **14,993** | **1,619** |
| Local | 30 | 2 | ----- | ----- | 405 | 6 | ----- | 7 | ----- | ----- | 125 | 25 | ----- | ----- | 210 | ----- | 770 | 40 |
| State | 105 | 5 | 180 | ----- | 1,425 | 136 | 25 | 8 | ----- | ----- | 675 | 4 | ----- | ----- | ----- | ----- | 2,410 | 153 |
| National | 131 | 5 | ----- | ----- | 1,532 | 257 | 30 | 10 | ----- | ----- | 200 | 76 | ----- | ----- | ----- | ----- | 1,893 | 348 |
| Miscellaneous | 2,970 | 70 | ----- | ----- | 2,847 | 290 | 852 | 90 | 45 | 21 | 3,161 | 607 | ----- | ----- | 45 | ----- | 9,920 | 1,078 |
| **Professional & Service** | **390** | **503** | ----- | ----- | **10,455** | **2,594** | **580** | **313** | **105** | **90** | **18,284** | **2,148** | ----- | ----- | **180** | **56** | **29,994** | **5,704** |
| Opticians-Optometrists | ----- | 127 | ----- | ----- | 4,190 | 2,032 | 435 | 188 | ----- | 82 | 9,030 | 1,117 | ----- | ----- | 180 | 56 | 13,835 | 3,602 |
| Chiropractors | ----- | ----- | ----- | ----- | 385 | 127 | ----- | ----- | ----- | ----- | 8,199 | 177 | ----- | ----- | ----- | ----- | 8,584 | 304 |
| Dentists | 390 | 74 | ----- | ----- | 5,120 | 355 | 40 | 125 | ----- | ----- | 260 | 556 | ----- | ----- | ----- | ----- | 5,810 | 1,110 |
| Physicians (Medical) | ----- | ----- | ----- | ----- | 75 | 80 | ----- | ----- | ----- | ----- | 315 | ----- | ----- | ----- | ----- | ----- | 390 | 80 |
| Hospitals | ----- | 74 | ----- | ----- | 195 | ----- | ----- | ----- | ----- | ----- | ----- | 54 | ----- | ----- | ----- | ----- | 195 | 128 |
| Miscellaneous | ----- | 228 | ----- | ----- | 490 | ----- | 105 | ----- | 105 | 8 | 480 | 244 | ----- | ----- | ----- | ----- | 1,180 | 480 |
| **Public Utilities** | **650** | **121** | ----- | ----- | **10,248** | **881** | **375** | **58** | ----- | ----- | **5,400** | **483** | ----- | ----- | **350** | 5 | **17,023** | **1,548** |
| Electric Companies | 520 | 26 | ----- | ----- | 3,048 | 498 | ----- | 5 | ----- | ----- | 4,140 | 232 | ----- | ----- | 350 | 5 | 8,058 | 766 |
| Gas Companies | ----- | 79 | ----- | ----- | 3,030 | 165 | 375 | 28 | ----- | ----- | 505 | 63 | ----- | ----- | ----- | ----- | 3,910 | 335 |
| Electric & Gas Companies | ----- | ----- | ----- | ----- | ----- | 114 | ----- | ----- | ----- | ----- | ----- | 102 | ----- | ----- | ----- | ----- | ----- | 216 |
| Telegraph Companies | ----- | 8 | ----- | ----- | ----- | 70 | ----- | 25 | ----- | ----- | ----- | 52 | ----- | ----- | ----- | ----- | ----- | 155 |
| Telephone Companies | ----- | 8 | ----- | ----- | 270 | 34 | ----- | ----- | ----- | ----- | 150 | 34 | ----- | ----- | ----- | ----- | 420 | 76 |
| Miscellaneous | 130 | ----- | ----- | ----- | 3,900 | ----- | ----- | ----- | ----- | ----- | 605 | ----- | ----- | ----- | ----- | ----- | 4,635 | ----- |
| **Publications** | **810** | **272** | **300** | ----- | **3,511** | **1,078** | **320** | **127** | **90** | **11** | **3,755** | **745** | ----- | ----- | **15** | **4** | **8,801** | **2,237** |
| Books | 160 | ----- | ----- | ----- | 455 | ----- | 125 | 13 | ----- | ----- | 125 | 3 | ----- | ----- | ----- | 4 | 865 | 20 |
| Magazines | 400 | 94 | ----- | ----- | 1,841 | 331 | 195 | 39 | 90 | 1 | 1,695 | 54 | ----- | ----- | 15 | ----- | 4,236 | 519 |
| Newspapers | 250 | 178 | 300 | ----- | 1,185 | 447 | ----- | 75 | ----- | 10 | 1,935 | 651 | ----- | ----- | ----- | ----- | 3,670 | 1,361 |
| Miscellaneous | ----- | ----- | ----- | ----- | 30 | 300 | ----- | ----- | ----- | ----- | ----- | 37 | ----- | ----- | ----- | ----- | 30 | 337 |
| **Religion** | **3,705** | **17** | ----- | ----- | **23,040** | **46** | **5,025** | ----- | **2,420** | ----- | **24,697** | **35** | ----- | ----- | **415** | ----- | **59,302** | **98** |
| **Radio** | **1,725** | ----- | ----- | ----- | **975** | **195** | **15** | **14** | ----- | **14** | **2,000** | **214** | ----- | ----- | ----- | ----- | **4,715** | **437** |
| Sets | 1,650 | ----- | ----- | ----- | 975 | 123 | 15 | 14 | ----- | 14 | 1,685 | 149 | ----- | ----- | ----- | ----- | 4,325 | 300 |
| Tubes | 75 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 315 | ----- | ----- | ----- | ----- | ----- | 390 | ----- |
| Miscellaneous | ----- | ----- | ----- | ----- | ----- | 72 | ----- | ----- | ----- | ----- | ----- | 65 | ----- | ----- | ----- | ----- | ----- | 137 |
| **Sporting Goods** | ----- | ----- | ----- | ----- | **75** | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | **75** | ----- |
| **Tobacco** | **7,340** | **246** | **360** | ----- | **3,690** | **831** | **120** | **25** | **165** | **26** | **2,880** | **721** | ----- | ----- | ----- | ----- | **14,555** | **1,849** |
| Cigars | 1,270 | 25 | ----- | ----- | 735 | 121 | ----- | ----- | ----- | 1 | 540 | 138 | ----- | ----- | ----- | ----- | 2,545 | 285 |
| Cigarettes | 3,305 | 118 | ----- | ----- | 1,485 | 443 | 120 | 25 | 165 | 25 | 120 | 258 | ----- | ----- | ----- | ----- | 5,195 | 869 |
| Tobacco | 1,145 | 24 | ----- | ----- | 285 | 111 | ----- | ----- | ----- | ----- | ----- | 25 | ----- | ----- | ----- | ----- | 1,430 | 160 |
| Misc. Tobacco | ----- | 54 | ----- | ----- | 855 | 120 | ----- | ----- | ----- | ----- | 1,845 | 288 | ----- | ----- | ----- | ----- | 2,700 | 462 |
| Miscellaneous | 1,620 | 25 | 360 | ----- | 330 | 36 | ----- | ----- | ----- | ----- | 375 | 12 | ----- | ----- | ----- | ----- | 2,685 | 73 |
| **Toilet Requisites** | **6,465** | **789** | **300** | **77** | **8,202** | **1,544** | **275** | **57** | ----- | **21** | **3,375** | **686** | ----- | ----- | ----- | ----- | **18,617** | **3,174** |
| Antiseptics | ----- | ----- | ----- | ----- | 126 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 126 | ----- |
| Dentifrices | 585 | 101 | ----- | 12 | 1,965 | 111 | ----- | 20 | ----- | 8 | 825 | 185 | ----- | ----- | ----- | ----- | 3,375 | 437 |
| Perfumes-Cosmetics-Lotions | 720 | 99 | ----- | 1 | 305 | 127 | 150 | 11 | ----- | ----- | 225 | 25 | ----- | ----- | ----- | ----- | 1,400 | 263 |
| Toilet Soaps | 4,665 | 282 | 300 | 44 | 4,816 | 537 | ----- | ----- | ----- | ----- | 1,215 | 219 | ----- | ----- | ----- | ----- | 10,996 | 1,082 |
| Miscellaneous | 495 | 307 | ----- | 20 | 990 | 769 | 125 | 26 | ----- | 13 | 1,110 | 257 | ----- | ----- | ----- | ----- | 2,720 | 1,392 |
| **Transportation** | **2,410** | **262** | ----- | ----- | **1,699** | **1,186** | **60** | **425** | ----- | **13** | **463** | **1,301** | ----- | ----- | **150** | **302** | **4,782** | **3,489** |
| Airways | ----- | ----- | ----- | ----- | ----- | 9 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 9 |
| Bus Lines | ----- | 10 | ----- | ----- | 240 | 391 | ----- | 37 | ----- | 9 | 125 | 231 | ----- | ----- | ----- | 180 | 365 | 858 |
| Railroads | 15 | 50 | ----- | ----- | ----- | 136 | ----- | 8 | ----- | ----- | 195 | 50 | ----- | ----- | ----- | ----- | 210 | 244 |
| Steamships | 1,500 | 1 | ----- | ----- | ----- | 20 | ----- | ----- | ----- | ----- | ----- | 1 | ----- | ----- | ----- | ----- | 1,500 | 22 |
| Tours | 340 | 3 | ----- | ----- | 60 | ----- | ----- | 5 | ----- | ----- | 98 | 58 | ----- | ----- | 150 | 32 | 648 | 98 |
| Miscellaneous | 555 | 198 | ----- | ----- | 1,399 | 630 | 60 | 375 | ----- | 4 | 45 | 961 | ----- | ----- | ----- | 90 | 2,059 | 2,258 |
| **Wearing Apparel** | **1,270** | **92** | ----- | ----- | **515** | **210** | ----- | **35** | **360** | ---- | **1,317** | **107** | ----- | ----- | ----- | ----- | **3,462** | **444** |
| Men's Wear | 385 | 69 | ----- | ----- | 420 | ----- | ----- | 25 | ----- | ----- | ----- | 71 | ----- | ----- | ----- | ----- | 805 | 165 |
| Women's Wear | ----- | ----- | ----- | ----- | ----- | 5 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 5 |
| Miscellaneous | 885 | 23 | ----- | ----- | 95 | 205 | ----- | 10 | 360 | ----- | 1,317 | 36 | ----- | ----- | ----- | ----- | 2,657 | 274 |
| **Watches** | ----- | **3,593** | ----- | **194** | ----- | **1,972** | ----- | **17** | ----- | **301** | ----- | **1,153** | ----- | ----- | ----- | ----- | ----- | **7,230** |
| Totals | **123,988** | **15,164** | **2,595** | **490** | **254,538** | **43,291** | **36,532** | **6,950** | **11,685** | **1,512** | **197,638** | **30,485** | ----- | ----- | **4,345** | **1,964** | **631,321** | **99,856** |

# TABLE IV

## STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK) BY TYPE OF SPONSORING BUSINESS AND BY STATION METROPOLITAN DISTRICT OR CITY POPULATION

## RETAIL ADVERTISING UNITS

### September 1940

| | 2,500,000 and over | | 1,000,000 to 2,500,000 | | 500,000 to 1,000,000 | | 250,000 to 500,000 | | 100,000 to 250,000 | | 50,000 to 250,000 | | 25,000 to 50,000 | | 10,000 to 25,000 | | Less than 10,000 | | Totals | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Commercial Operating Stations | 52 | | 60 | | 44 | | 93 | | 106 | | 58 | | 104 | | 160 | | 110 | | 787 | |
| Total Stations Reporting | 10 | | 24 | | 16 | | 38 | | 31 | | 13 | | 32 | | 23 | | 19 | | 206 | |
| Type of Sponsoring Business | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. |
| **Amusements** | **135** | **360** | **7,725** | **752** | **504** | **290** | **1,180** | **1,528** | **3,262** | **1,539** | **684** | **530** | **5,900** | **1,871** | **1,365** | **2,179** | **1,830** | **1,628** | **22,585** | **10,677** |
| Theaters | ----- | 90 | 2,011 | 485 | 384 | 86 | 600 | 742 | 1,410 | 751 | 140 | 202 | 3,020 | 820 | 1,065 | 1,214 | 590 | 626 | 9,220 | 5,016 |
| Miscellaneous | 135 | 270 | 5,714 | 267 | 120 | 204 | 580 | 786 | 1,852 | 788 | 544 | 328 | 2,880 | 1,051 | 300 | 965 | 1,240 | 1,002 | 13,365 | 5,661 |
| **Automotive** | **450** | **226** | **13,203** | **1,753** | **2,430** | **1,066** | **7,825** | **4,863** | **11,227** | **3,516** | **2,212** | **1,119** | **11,528** | **4,979** | **10,062** | **3,605** | **4,764** | **4,073** | **63,701** | **25,200** |
| Garages and Service Stations | ----- | 29 | 480 | 77 | 30 | 89 | 235 | 216 | 120 | 258 | 650 | 163 | 595 | 571 | 990 | 520 | 825 | 1,381 | 3,925 | 3,304 |
| Parts and Accessories | ----- | 118 | 135 | 95 | 780 | 178 | 1,240 | 838 | 580 | 414 | 585 | 122 | 4,150 | 926 | 1,985 | 709 | 510 | 395 | 9,965 | 3,795 |
| Passenger Cars | 450 | 58 | 12,175 | 1,300 | 1,320 | 691 | 4,595 | 3,092 | 9,072 | 2,410 | 537 | 750 | 4,327 | 2,905 | 5,932 | 1,959 | 2,184 | 1,856 | 40,592 | 15,021 |
| Tires and Tubes | ----- | ----- | 413 | 252 | 300 | 108 | 1,505 | 545 | 435 | 434 | 15 | 82 | 2,061 | 523 | 375 | 179 | 315 | 91 | 5,419 | 2,214 |
| Trucks | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 10 | ----- | ----- | ----- | 2 | 125 | ----- | ----- | 30 | 375 | ----- | 500 | 42 |
| Tractors | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 3 | 300 | ----- | ----- | ----- | 120 | 28 | 780 | 72 | 555 | 200 | 1,755 | 303 |
| Miscellaneous | ----- | 21 | ----- | 29 | ----- | ----- | 250 | 159 | 720 | ----- | 425 | ----- | 150 | 26 | ----- | 136 | ----- | 150 | 1,545 | 521 |
| **Bakeries** | **75** | **60** | **945** | **314** | **570** | **148** | **480** | **535** | **2,925** | **894** | ----- | **170** | **3,767** | **855** | **1,280** | **626** | **630** | **422** | **10,672** | **4,024** |
| **Book Stores** | ----- | ----- | **65** | **13** | ----- | ----- | ----- | **15** | **30** | **19** | ----- | **17** | ----- | **7** | **275** | **30** | ----- | ----- | **370** | **101** |
| **Boots and Shoes** | **465** | **209** | **1,125** | **102** | **660** | **260** | **1,880** | **785** | **1,478** | **803** | **310** | **161** | **510** | **880** | **960** | **809** | **243** | **313** | **7,631** | **4,322** |
| Men's | 30 | 18 | ----- | ----- | ----- | ----- | ----- | 25 | ----- | 4 | ----- | 7 | ----- | ----- | 15 | ----- | ----- | ----- | 45 | 54 |
| Men's and Women's | ----- | 28 | ----- | ----- | ----- | ----- | ----- | 44 | 60 | ----- | ----- | 3 | 60 | ----- | 60 | 52 | ----- | ----- | 180 | 127 |
| Women's | ----- | ----- | ----- | 6 | ----- | ----- | ----- | ----- | ----- | 72 | ----- | 8 | ----- | 3 | 130 | ----- | ----- | 44 | 130 | 133 |
| Miscellaneous | 435 | 163 | 1,125 | 96 | 660 | 260 | 1,880 | 716 | 1,418 | 727 | 310 | 143 | 450 | 877 | 755 | 757 | 243 | 269 | 7,276 | 4,008 |
| **Building Supplies and Contractors** | ----- | **15** | **2,903** | **225** | **290** | **106** | **1,600** | **641** | **1,405** | **1,187** | **734** | **546** | **3,105** | **1,341** | **2,295** | **1,004** | **895** | **650** | **13,227** | **5,715** |
| **Clothing Stores** | **1,995** | **601** | **20,145** | **1,107** | **4,565** | **2,019** | **10,148** | **4,721** | **7,138** | **4,487** | **1,695** | **1,748** | **4,803** | **4,062** | **3,691** | **2,329** | **2,258** | **1,706** | **56,438** | **22,780** |
| Men's | 725 | 36 | 7,690 | 291 | 2,410 | 704 | 6,040 | 1,450 | 3,605 | 1,595 | 45 | 856 | 2,363 | 1,833 | 914 | 654 | 529 | 442 | 24,321 | 7,861 |
| Men's and Women's | ----- | ----- | 1,170 | ----- | ----- | 12 | 180 | 197 | 15 | 219 | 30 | 89 | ----- | 4 | 390 | 84 | ----- | 118 | 1,785 | 723 |
| Women's | 540 | 212 | 9,295 | 374 | 790 | 782 | 2,273 | 2,002 | 1,472 | 1,713 | 710 | 446 | 1,580 | 1,076 | 1,676 | 1,174 | 585 | 842 | 18,921 | 8,621 |
| Credit Clothing | ----- | ----- | ----- | 29 | 660 | 205 | 485 | 221 | 250 | 572 | 270 | 182 | 45 | 610 | ----- | 76 | ----- | ----- | 1,710 | 1,895 |
| Miscellaneous | 730 | 353 | 1,990 | 413 | 705 | 316 | 1,170 | 851 | 1,796 | 388 | 640 | 175 | 815 | 539 | 711 | 341 | 1,144 | 304 | 9,701 | 3,680 |
| **Dairies** | ----- | **9** | **345** | **10** | **814** | **615** | **495** | **277** | **1,345** | **154** | **16** | **157** | **2,520** | **313** | **685** | **195** | **600** | **203** | **6,820** | **1,933** |
| **Department and Dry Goods Stores** | **750** | **19** | **19,844** | **1,787** | **3,050** | **1,538** | **7,520** | **2,409** | **8,795** | **2,363** | **1,245** | **894** | **10,612** | **2,154** | **7,145** | **1,826** | **5,339** | **1,066** | **64,300** | **14,056** |
| **Drug Stores** | **480** | **69** | **2,325** | **87** | **2,100** | **13** | **2,190** | **277** | **710** | **440** | **1,185** | **11** | **400** | **799** | **939** | **576** | **2,310** | **821** | **12,639** | **3,093** |
| **Educational** | **1,440** | **17** | **4,389** | **335** | **200** | **129** | **1,680** | **929** | **550** | **187** | **200** | **121** | **75** | **226** | **735** | **133** | **50** | **182** | **9,319** | **2,259** |
| **Electric and Gas Appliances and Supply** | **105** | **43** | **690** | **286** | **75** | **239** | **840** | **829** | **1,775** | **635** | **35** | **57** | **2,340** | **969** | **1,305** | **412** | **905** | **552** | **8,070** | **4,022** |
| **Furniture and Home Furnishings** | **765** | **126** | **12,275** | **1,102** | **4,510** | **1,028** | **14,665** | **3,141** | **9,754** | **3,234** | **985** | **775** | **6,356** | **2,478** | **6,825** | **976** | **5,860** | **1,117** | **61,995** | **13,977** |
| **Grocers and Food Stores** | **3,000** | **98** | **2,910** | **265** | **2,085** | **177** | **5,310** | **753** | **2,995** | **726** | **150** | **52** | **3,561** | **1,451** | **2,461** | **907** | **3,051** | **1,007** | **25,523** | **5,436** |
| Chain | ----- | 4 | 1,020 | ----- | 1,380 | 85 | 1,140 | 9 | 505 | 50 | 105 | 13 | 540 | 250 | 1,981 | 52 | 120 | 74 | 6,791 | 537 |
| Independent | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| Miscellaneous | 3,000 | 94 | 1,890 | 265 | 705 | 92 | 4,170 | 744 | 2,490 | 676 | 45 | 39 | 3,021 | 1,201 | 480 | 855 | 2,931 | 933 | 18,732 | 4,899 |
| **Heating and Plumbing** | ----- | **39** | **165** | **148** | **120** | **147** | **450** | **570** | **1,148** | **848** | **27** | **478** | **965** | **784** | **385** | **172** | **30** | **97** | **3,290** | **3,283** |
| **Hotels and Restaurants** | **2,100** | **246** | **7,432** | **569** | ----- | **168** | **1,260** | **1,169** | **765** | **991** | **18** | **186** | **2,254** | **1,365** | **450** | **597** | **910** | **946** | **15,189** | **6,237** |
| **Jewelers** | **75** | **140** | **2,230** | **1,463** | **345** | **750** | **3,435** | **2,516** | **2,555** | **2,015** | **375** | **530** | **1,475** | **2,812** | **1,120** | **1,394** | **140** | **1,417** | **11,750** | **13,037** |
| **Merchandized Chains** | ----- | **7** | **15** | **69** | ----- | **12** | **420** | **407** | **1,200** | **238** | ----- | **38** | **225** | **101** | **130** | **54** | ----- | **61** | **1,990** | **990** |
| **Miscellaneous** | **765** | **231** | **21,729** | **485** | **3,425** | **1,255** | **14,990** | **4,590** | **7,437** | **2,383** | **3,583** | **784** | **7,564** | **3,668** | **6,287** | **5,057** | **9,515** | **2,428** | **75,295** | **20,881** |
| Agriculture | ----- | ----- | ----- | 50 | 5 | ----- | 985 | 51 | 1,805 | 231 | 80 | 172 | 1,040 | 310 | 185 | 227 | 1,706 | 706 | 5,806 | 1,747 |
| Auctions | ----- | ----- | ----- | ----- | ----- | 1 | ----- | 4 | ----- | 62 | ----- | 3 | ----- | 15 | ----- | 25 | ----- | 7 | ----- | 117 |
| Beverages | ----- | ----- | ----- | 52 | ----- | ----- | 50 | 110 | ----- | 1 | ----- | ----- | ----- | 36 | ----- | ----- | ----- | 15 | 50 | 214 |
| Cleaners-Dyers-Laundries | ----- | 140 | 490 | 41 | 885 | 552 | 5,180 | 2,161 | 1,865 | 784 | 1,125 | 235 | 2,224 | 1,516 | 845 | 780 | 635 | 437 | 13,249 | 6,646 |
| Farm and Orchards (Produce) | ----- | 17 | 5 | 15 | 130 | 53 | 60 | 112 | 180 | 93 | ----- | 5 | 5 | 168 | ----- | 42 | 435 | 26 | 815 | 531 |
| Florists-Nurseries | 450 | 13 | 240 | 44 | 60 | 25 | 135 | 156 | 30 | 72 | 200 | 91 | 255 | 178 | 380 | 57 | 30 | 149 | 1,780 | 785 |
| General Stores | ----- | 4 | 240 | ----- | ----- | 52 | ----- | 96 | 135 | 119 | 390 | 4 | 630 | 8 | 60 | 25 | 530 | 79 | 1,985 | 387 |
| Confectionery (Ice Cream, etc.) | ----- | 4 | 35 | 2 | 255 | 296 | ----- | 67 | 495 | 66 | ----- | ----- | 780 | 63 | 170 | 54 | ----- | 125 | 1,735 | 677 |
| Shoe Repairing | ----- | 2 | ----- | ----- | ----- | 76 | 75 | 114 | 62 | 75 | ----- | 44 | ----- | 89 | 42 | 56 | ----- | 27 | 179 | 483 |
| Specialty Shops | 60 | 20 | 515 | 118 | 525 | 115 | 605 | 559 | 265 | 420 | ----- | 67 | 247 | 579 | 325 | 76 | 459 | 222 | 3,001 | 2,176 |
| Undertakers | ----- | 3 | 75 | ----- | 360 | 30 | 615 | ----- | 840 | 55 | 75 | 2 | 615 | 151 | 225 | 105 | 540 | 112 | 3,345 | 458 |
| Miscellaneous | 255 | 28 | 20,129 | 163 | 1,205 | 55 | 7,285 | 1,160 | 1,760 | 405 | 1,713 | 161 | 1,768 | 555 | 4,055 | 3,610 | 5,180 | 523 | 43,350 | 6,660 |

| | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Musical Instruments | 120 | 33 | 1, 665 | 50 | 150 | 29 | 575 | 355 | 940 | 125 | 150 | 67 | 1, 825 | 188 | 480 | 231 | 570 | 116 | 6, 475 | 1, 191 |
| Office Equipment | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 30 | ----- | 40 | ----- | ----- | ----- | 50 | 360 | 103 | ----- | 17 | 360 | 240 |
| Radio | 150 | 73 | 51 | 122 | ----- | 91 | 2, 585 | 333 | 927 | 303 | 105 | 105 | 310 | 457 | 900 | 51 | 30 | 166 | 5, 058 | 1, 701 |
| Real Estate | ----- | 92 | 1, 822 | 98 | 15 | 61 | 105 | 231 | 80 | 125 | 125 | 52 | 255 | 149 | 480 | 112 | 253 | 80 | 3, 135 | 1, 000 |
| Sporting Goods | ----- | ----- | 180 | 4 | 80 | 8 | 320 | 38 | 90 | 39 | ----- | 13 | 28 | 11 | ----- | 7 | ----- | 33 | 698 | 156 |
| Stationers | ----- | ----- | 60 | 13 | ----- | 26 | 135 | 40 | 300 | 31 | ----- | 18 | ----- | 51 | 235 | 26 | ----- | 100 | 730 | 305 |
| Toilet Goods and Beauty Shops | ----- | 44 | 458 | 27 | 355 | 54 | 265 | 181 | ----- | 179 | ----- | 24 | 20 | 207 | 216 | 238 | 25 | 209 | 1, 339 | 1, 163 |
| Totals | 12, 870 | 2, 757 | 124, 696 | 11, 186 | 26, 343 | 10, 229 | 80, 353 | 32, 163 | 68, 831 | 27, 501 | 13, 834 | 8, 653 | 70, 398 | 32, 231 | 51, 065 | 23, 649 | 40, 208 | 19, 413 | 488, 599 | 167, 782 |

## TABLE IV—Continued

## GENERAL ADVERTISING UNITS

### September 1940

| | 2,500,000 and over | | 1,000,000 to 2,500,000 | | 500,000 to 1,000,000 | | 250,000 to 500,000 | | 100,000 to 250,000 | | 50,000 to 100,000 | | 25,000 to 50,000 | | 10,000 to 25,000 | | Less than 10,000 | | Totals | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Commercial Operating Stations | 52 | | 60 | | 44 | | 93 | | 106 | | 58 | | 104 | | 160 | | 110 | | 787 | |
| Total Stations Reporting | 10 | | 24 | | 16 | | 38 | | 31 | | 13 | | 32 | | 23 | | 19 | | 206 | |
| Type of Sponsoring Business | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. | Pgm. | Ann. |
| **Agriculture** | ----- | ----- | **975** | **4** | **755** | **37** | **1,005** | **16** | **2,220** | **116** | **555** | **66** | **2,071** | **41** | **1,025** | **98** | **1,908** | **659** | **10,514** | **1,040** |
| Cattle Foods | ----- | ----- | 225 | 4 | 380 | ----- | 645 | 16 | 1,490 | 69 | 360 | ----- | 325 | 13 | 800 | 33 | 1,153 | 62 | 5,378 | 197 |
| Seeds | ----- | ----- | 375 | ----- | 375 | ----- | ----- | ----- | 405 | 13 | 195 | 8 | 156 | 15 | 195 | 25 | ----- | 25 | 1,701 | 86 |
| Farm Machinery | ----- | ----- | 375 | ----- | ----- | ----- | 165 | ----- | ----- | ----- | ----- | 24 | ----- | 10 | 30 | ----- | 240 | 13 | 810 | 47 |
| Nurseries | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 290 | ----- | ----- | ----- | ----- | ----- | ----- | 25 | ----- | ----- | 290 | 25 |
| Live Stock | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 35 | 13 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 38 | 35 | 51 |
| Miscellaneous | ----- | ----- | ----- | ----- | ----- | 37 | 195 | ----- | ----- | 21 | ----- | 34 | 1,590 | 6 | ----- | 15 | 515 | 521 | 2,300 | 634 |
| **Alcoholic Beverages** | **1,155** | **618** | **6,670** | **328** | **3,485** | **518** | **4,425** | **1,394** | **8,335** | **1,471** | **675** | **182** | **5,491** | **1,205** | **2,515** | **449** | **7,819** | **485** | **40,570** | **6,650** |
| Beers | 285 | 98 | 6,610 | 292 | 3,470 | 438 | 4,425 | 1,269 | 7,990 | 1,360 | 675 | 182 | 5,371 | 1,193 | 2,515 | 449 | 7,699 | 481 | 39,040 | 5,762 |
| Wines | 870 | 520 | 60 | 36 | 15 | 80 | ----- | 125 | 345 | 111 | ----- | ----- | 120 | ----- | ----- | ----- | 120 | 4 | 1,530 | 876 |
| Miscellaneous | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 12 | ----- | ----- | ----- | ----- | ----- | 12 |
| **Amusements** | ----- | **3** | ----- | **23** | ----- | **11** | ----- | **6** | ----- | **21** | ----- | ----- | ----- | **20** | ----- | ----- | ----- | **2** | ----- | **86** |
| **Automotive** | **3,040** | **238** | **15,645** | **1,267** | **10,432** | **923** | **15,514** | **1,603** | **11,168** | **1,350** | **5,345** | **574** | **10,072** | **712** | **7,370** | **603** | **2,826** | **211** | **81,412** | **7,481** |
| Aviation | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 25 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 25 |
| Gas and Oil | 2,740 | ----- | 13,004 | 70 | 9,597 | 71 | 13,099 | 422 | 8,145 | 706 | 4,315 | 101 | 9,312 | 235 | 7,265 | 437 | 2,451 | 68 | 69,928 | 2,110 |
| Parts and Accessories | 150 | ----- | ----- | 6 | ----- | ----- | ----- | 6 | 90 | 17 | ----- | 29 | 190 | 133 | ----- | 30 | 375 | ----- | 805 | 221 |
| Passenger Cars | 150 | 238 | 2,280 | 1,132 | 490 | 844 | 855 | 898 | 300 | 591 | 765 | 419 | 300 | 269 | 105 | 127 | ----- | 117 | 5,245 | 4,635 |
| Tires and Tubes | ----- | ----- | 210 | 16 | 345 | 8 | 1,560 | 250 | 2,258 | 14 | 265 | ----- | ----- | 42 | ----- | 8 | ----- | ----- | 4,638 | 338 |
| Trucks | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 25 | ----- | ----- | ----- | ----- | ----- | 25 |
| Tractors | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 375 | 18 | ----- | ----- | 270 | ----- | ----- | ----- | ----- | ----- | 645 | 18 |
| Miscellaneous | ----- | ----- | 151 | 43 | ----- | ----- | ----- | 27 | ----- | 4 | ----- | ----- | ----- | 8 | ----- | 1 | ----- | 26 | 151 | 109 |
| **Building Materials** | ----- | **5** | **210** | **68** | ----- | **86** | **955** | **174** | ----- | **161** | **15** | **6** | **195** | **243** | **360** | **156** | **375** | **432** | **2,110** | **1,331** |
| **Confections** | **250** | **571** | **1,605** | **385** | **895** | **281** | **3,020** | **468** | **1,335** | **488** | **1,125** | **346** | **150** | **423** | ----- | ----- | ----- | **157** | **8,380** | **3,119** |
| **Educational** | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | **750** | ----- | ----- | ----- | ----- | **7** | ----- | ----- | ----- | ----- | **750** | **7** |
| **Financial** | **730** | **32** | **2,555** | **1,241** | **2,150** | **419** | **5,491** | **1,563** | **3,447** | **978** | **839** | **684** | **3,476** | **889** | **2,525** | **505** | **2,060** | **287** | **23,273** | **6,598** |
| Banks and Trust Companies | 420 | 30 | 1,020 | 366 | 105 | 121 | 2,256 | 438 | 2,592 | 488 | 557 | 258 | 1,080 | 177 | 1,040 | 142 | 910 | 54 | 9,980 | 2,074 |
| Real Estate and Home Financing | ----- | ----- | 1,005 | 19 | 690 | 82 | 1,080 | 184 | 150 | 60 | 192 | 52 | 555 | 117 | ----- | 73 | 190 | 27 | 3,862 | 614 |
| Stock and Bond Houses | ----- | ----- | 220 | 238 | ----- | ----- | 180 | 60 | ----- | 26 | ----- | ----- | 250 | ----- | ----- | ----- | ----- | ----- | 650 | 324 |
| Miscellaneous | 310 | 2 | 310 | 618 | 1,355 | 216 | 1,975 | 881 | 705 | 404 | 90 | 374 | 1,591 | 595 | 1,485 | 290 | 960 | 206 | 8,781 | 3,586 |
| **Groceries** | **6,055** | **1,475** | **35,482** | **3,093** | **24,253** | **3,699** | **34,494** | **4,433** | **38,189** | **5,094** | **17,610** | **2,071** | **31,627** | **4,386** | **15,611** | **1,960** | **17,136** | **2,350** | **220,457** | **28,561** |
| Baking Products | 225 | 342 | 2,190 | 248 | 1,425 | 1,079 | 3,945 | 713 | 5,010 | 1,439 | 2,765 | 276 | 3,200 | 1,067 | 1,645 | 592 | 1,710 | 845 | 22,115 | 6,601 |
| Beverages: | | | | | | | | | | | | | | | | | | | | |
| Coffee and Tea | 1,090 | 13 | 2,160 | 225 | 1,860 | 27 | 1,545 | 71 | 3,450 | 112 | 1,470 | 322 | 1,730 | 87 | 125 | 106 | 2,140 | ----- | 15,570 | 963 |
| Soft Drinks | 365 | 437 | 2,262 | 770 | 1,345 | 476 | 5,855 | 1,658 | 3,595 | 1,453 | 1,325 | 355 | 5,790 | 1,288 | 5,445 | 511 | 1,970 | 645 | 27,952 | 7,593 |
| Miscellaneous | ----- | ----- | ----- | ----- | 15 | 8 | ----- | 37 | ----- | ----- | 30 | 40 | 15 | ----- | 30 | ----- | ----- | ----- | 90 | 85 |
| Cereals and Breakfast Foods | 2,535 | ----- | 7,855 | 98 | 5,325 | 168 | 6,440 | 61 | 6,529 | 132 | 1,995 | 81 | 4,595 | 130 | ----- | 5 | 3,945 | 67 | 39,219 | 742 |
| Condiments | 15 | 8 | ----- | 3 | ----- | 64 | 240 | 67 | ----- | ----- | ----- | ----- | 315 | ----- | ----- | ----- | ----- | ----- | 570 | 142 |
| Dairy Products | 195 | 39 | 1,150 | 223 | 1,020 | 252 | 505 | 98 | 735 | 58 | 120 | 12 | 1,245 | 247 | 961 | 43 | 390 | 78 | 6,321 | 1,050 |
| Meats-Fish-Poultry | 500 | 61 | 3,845 | 102 | 1,758 | 498 | 3,075 | 126 | 1,160 | 139 | 1,010 | 133 | 695 | 76 | 500 | 86 | 645 | ----- | 13,188 | 1,221 |
| Laundry Soaps and Cleansers | 810 | 81 | 7,400 | 276 | 6,315 | 285 | 4,909 | 438 | 9,440 | 342 | 3,270 | 276 | 7,610 | 447 | 3,435 | 98 | 2,181 | 157 | 45,370 | 2,400 |
| Flour | ----- | ----- | 1,745 | 42 | 315 | 39 | 3,825 | 189 | 2,885 | 91 | 1,065 | 22 | 2,122 | 240 | 2,180 | 100 | 2,350 | 161 | 16,487 | 884 |
| Sugar | ----- | ----- | ----- | ----- | ----- | ----- | 195 | 21 | ----- | 120 | ----- | ----- | ----- | 26 | ----- | 27 | ----- | 49 | 195 | 243 |
| Disinfectants and Exterminators | ----- | ----- | ----- | 15 | 30 | 23 | 325 | 26 | 60 | 23 | 345 | 50 | 75 | ----- | 30 | ----- | ----- | 32 | 865 | 169 |
| Miscellaneous | 320 | 494 | 6,875 | 1,091 | 4,845 | 780 | 3,635 | 928 | 5,325 | 1,185 | 4,215 | 504 | 4,235 | 778 | 1,260 | 392 | 1,805 | 316 | 32,515 | 6,468 |
| **Hotels and Resorts** | ----- | ----- | ----- | ----- | **75** | ----- | ----- | **8** | ----- | ----- | ----- | ----- | ----- | **25** | ----- | ----- | ----- | ----- | **75** | **33** |
| **Housing Equipment and Supplies** | **390** | **26** | **2,615** | **112** | **1,160** | **246** | **1,245** | **589** | **1,165** | **377** | **1,330** | **149** | **705** | **461** | **156** | **47** | **630** | **175** | **9,396** | **2,182** |
| Air Conditioning | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 90 | ----- | ----- | ----- | ----- | ----- | 90 |
| Automatic Heating | ----- | ----- | ----- | ----- | ----- | 21 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 26 | ----- | ----- | ----- | ----- | ----- | 47 |
| Automatic Refrigeration | ----- | ----- | 147 | 4 | ----- | 37 | ----- | 18 | 180 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 165 | 30 | 492 | 89 |
| Fixtures | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 195 | ----- | ----- | ----- | ----- | ----- | 195 | ----- |
| Fuel | ----- | 14 | 405 | ----- | ----- | 104 | 435 | 30 | 325 | 108 | 30 | ----- | 30 | 64 | ----- | 31 | 435 | ----- | 1,660 | 351 |
| Furniture and Furnishings | 390 | ----- | 985 | ----- | 1,160 | 17 | 810 | 62 | 90 | 85 | 255 | 80 | ----- | 55 | ----- | 12 | ----- | 36 | 3,690 | 347 |
| Heaters and Stoves | ----- | 12 | 1,058 | 83 | ----- | 55 | ----- | 467 | 425 | 176 | 1,045 | 35 | 480 | 226 | ----- | 4 | 30 | 109 | 3,038 | 1,167 |
| Miscellaneous | ----- | ----- | 20 | 25 | ----- | 12 | ----- | 12 | 145 | 8 | ----- | 34 | ----- | ----- | 156 | ----- | ----- | ----- | 321 | 91 |
| **Industrial** | ----- | ----- | ----- | **13** | ----- | **4** | ----- | **28** | **165** | **7** | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | **165** | **52** |
| **Insurance** | **420** | **82** | **410** | **21** | **405** | **21** | **485** | **146** | **1,650** | **85** | **90** | **40** | **2,206** | **270** | **1,355** | **143** | **550** | **227** | **7,571** | **1,035** |
| **Jewelry and Silverware** | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | **200** | ----- | ----- | ----- | ----- | ----- | ----- | ----- | **3** | ----- | **203** |
| **Medical** | **365** | **213** | **4,941** | **892** | **3,978** | **1,229** | **5,035** | **2,430** | **4,865** | **1,694** | **3,580** | **1,018** | **7,185** | **2,016** | **4,260** | **1,106** | **1,305** | **1,246** | **35,514** | **11,844** |
| **Miscellaneous** | **380** | **39** | **5,090** | **300** | **2,385** | **186** | **3,005** | **434** | **810** | **243** | **285** | **59** | **1,050** | **210** | **815** | **90** | **995** | **244** | **14,815** | **1,805** |

| | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Political** | 550 | 4 | 2,135 | 280 | 425 | 57 | 3,832 | 124 | 2,120 | 203 | 1,182 | 98 | 2,519 | 485 | 790 | 66 | 1,440 | 302 | 14,993 | 1,619 |
| Local | 210 | ----- | 5 | 18 | ----- | ----- | 190 | 10 | 60 | 6 | 170 | 3 | 75 | 2 | ----- | ----- | 60 | 1 | 770 | 40 |
| State | 195 | ----- | 165 | 5 | 305 | 2 | 715 | 6 | 180 | 2 | 110 | 34 | 330 | ----- | 30 | ----- | 380 | 104 | 2,410 | 153 |
| National | ----- | ----- | 90 | 233 | 105 | ----- | 270 | 5 | 115 | 31 | 75 | ----- | 798 | 77 | 50 | ----- | 390 | 2 | 1,893 | 348 |
| Miscellaneous | 145 | 4 | 1,875 | 24 | 15 | 55 | 2,657 | 103 | 1,765 | 164 | 827 | 61 | 1,316 | 406 | 710 | 66 | 610 | 195 | 9,920 | 1,078 |
| **Professional and Service** | 180 | 120 | 18,374 | 565 | 1,140 | 412 | 3,055 | 1,364 | 3,250 | 1,110 | 85 | 264 | 2,105 | 1,386 | 1,120 | 154 | 685 | 329 | 29,994 | 5,704 |
| Opticians-Optometrists | 75 | 112 | 8,160 | 32 | 255 | 203 | 2,440 | 847 | 880 | 777 | 85 | 264 | 1,535 | 1,014 | 195 | 134 | 210 | 219 | 13,835 | 3,602 |
| Chiropractors | ----- | ----- | 7,744 | 33 | 105 | 109 | 195 | 19 | 190 | 104 | ----- | ----- | 315 | 12 | 35 | 13 | ----- | 14 | 8,584 | 304 |
| Dentists | ----- | ----- | 2,225 | 325 | 330 | ----- | 390 | 413 | 2,180 | 171 | ----- | ----- | 135 | 191 | 255 | 2 | 295 | 8 | 5,810 | 1,110 |
| Physicians (Medical) | ----- | ----- | 75 | ----- | ----- | ----- | ----- | ----- | ----- | 55 | ----- | ----- | ----- | ----- | 315 | ----- | ----- | 25 | 390 | 80 |
| Hospitals | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 74 | ----- | ----- | ----- | ----- | 120 | 10 | ----- | 5 | 75 | 39 | 195 | 128 |
| Miscellaneous | 105 | 8 | 170 | 175 | 450 | 100 | 30 | 11 | ----- | 3 | ----- | ----- | ----- | 159 | 320 | ----- | 105 | 24 | 1,180 | 480 |
| **Public Utilities** | 350 | 5 | 3,765 | 112 | 945 | 32 | 2,980 | 190 | 1,943 | 565 | 490 | 79 | 2,090 | 364 | 2,870 | 92 | 1,590 | 109 | 17,023 | 1,548 |
| Electric Companies | 350 | 5 | 165 | 26 | 945 | ----- | 895 | 49 | 908 | 279 | 360 | 3 | 1,220 | 320 | 2,465 | 18 | 750 | 66 | 8,058 | 766 |
| Gas Companies | ----- | ----- | ----- | 57 | ----- | ----- | 1,995 | 92 | 630 | 136 | ----- | ----- | 435 | 13 | 255 | 36 | 595 | 1 | 3,910 | 335 |
| Electric and Gas Companies | ----- | ----- | 3,600 | 26 | ----- | 31 | 90 | 3 | 135 | 85 | 130 | 25 | 435 | ----- | ----- | 30 | 245 | 16 | 4,635 | 216 |
| Telegraph Companies | ----- | ----- | ----- | 3 | ----- | 1 | ----- | 44 | ----- | 50 | ----- | 43 | ----- | 14 | ----- | ----- | ----- | ----- | ----- | 155 |
| Telephone Companies | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 2 | 270 | 15 | ----- | 8 | ----- | 17 | 150 | 8 | ----- | 26 | 420 | 76 |
| **Publications** | 315 | 194 | 1,080 | 236 | 1,315 | 776 | 1,761 | 561 | 1,205 | 147 | 45 | 62 | 1,000 | 142 | 1,635 | 35 | 445 | 84 | 8,801 | 2,237 |
| Books | ----- | 4 | 60 | 2 | ----- | 1 | 155 | ----- | 450 | ----- | ----- | ----- | 45 | ----- | 155 | ----- | ----- | 13 | 865 | 20 |
| Magazines | 15 | 48 | 740 | 185 | 1,315 | 48 | 421 | 143 | 380 | 26 | 45 | 54 | 805 | ----- | 405 | ----- | 110 | 15 | 4,236 | 519 |
| Newspapers | 300 | 142 | 250 | 49 | ----- | 427 | 1,185 | 388 | 375 | 121 | ----- | 8 | 150 | 135 | 1,075 | 35 | 335 | 56 | 3,670 | 1,361 |
| Miscellaneous | ----- | ----- | 30 | ----- | ----- | 300 | ----- | 30 | ----- | ----- | ----- | ----- | ----- | 7 | ----- | ----- | ----- | ----- | 30 | 337 |
| **Religion** | 1,995 | ----- | 10,654 | 38 | 2,280 | ----- | 8,155 | 21 | 5,810 | 13 | 1,425 | 1 | 9,918 | 24 | 8,325 | 1 | 10,740 | ----- | 59,302 | 98 |
| **Radio** | 1,140 | ----- | 390 | ----- | 1,215 | 74 | 165 | 23 | 905 | 193 | 885 | 4 | ----- | 90 | ----- | 52 | 15 | 1 | 4,715 | 437 |
| Sets | 1,140 | ----- | 390 | ----- | 1,140 | 74 | 165 | 23 | 905 | 121 | 570 | 4 | ----- | 25 | ----- | 52 | 15 | 1 | 4,325 | 300 |
| Tubes | ----- | ----- | ----- | ----- | 75 | ----- | ----- | ----- | ----- | ----- | 315 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 390 | ----- |
| Miscellaneous | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 72 | ----- | ----- | ----- | 65 | ----- | ----- | ----- | ----- | ----- | 137 |
| **Sporting Goods** | ----- | ----- | ----- | ----- | 75 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 75 | ----- |
| **Tobacco** | 430 | 82 | 3,900 | 101 | 1,620 | 220 | 1,825 | 309 | 1,350 | 210 | 2,625 | 287 | 1,280 | 275 | 435 | 181 | 1,090 | 184 | 14,555 | 1,849 |
| Cigars | 430 | 25 | 600 | 4 | 570 | 96 | 240 | 66 | 165 | 19 | 75 | 18 | 465 | 57 | ----- | ----- | ----- | ----- | 2,545 | 285 |
| Cigarettes | ----- | 8 | 3,040 | 84 | 735 | 75 | ----- | 182 | 540 | 166 | 355 | 100 | 330 | 98 | ----- | 156 | 195 | ----- | 5,195 | 869 |
| Tobacco | ----- | 24 | 260 | 13 | 270 | 49 | 570 | 49 | 330 | ----- | ----- | ----- | ----- | ----- | ----- | 25 | ----- | ----- | 1,430 | 160 |
| Miscellaneous Tobacco | ----- | ----- | ----- | ----- | 45 | ----- | 325 | ----- | ----- | 25 | 890 | 158 | 485 | 120 | 60 | ----- | 895 | 159 | 2,700 | 462 |
| Miscellaneous | ----- | 25 | ----- | ----- | ----- | ----- | 690 | 12 | 315 | ----- | 1,305 | 11 | ----- | ----- | 375 | ----- | ----- | 25 | 2,685 | 73 |
| **Toilet Requisites** | 650 | 183 | 4,590 | 775 | 2,525 | 699 | 2,151 | 544 | 4,076 | 441 | 690 | 243 | 2,970 | 113 | 390 | 146 | 575 | 30 | 18,617 | 3,174 |
| Antiseptics | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 126 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 126 | ----- |
| Dentifrices | ----- | 6 | 585 | 30 | 510 | 236 | ----- | 64 | 1,575 | 76 | ----- | 13 | 510 | ----- | 195 | ----- | ----- | 12 | 3,375 | 437 |
| Perfumes-Cosmetics-Lotions | 180 | 11 | 540 | 80 | ----- | 28 | 15 | 23 | 290 | 36 | ----- | 32 | 30 | 20 | 195 | 26 | 150 | 7 | 1,400 | 263 |
| Toilet Soaps | 230 | 50 | 2,970 | 212 | 1,265 | 274 | 2,106 | 232 | 2,040 | 118 | 690 | 103 | 1,395 | 24 | ----- | 69 | 300 | ----- | 10,996 | 1,082 |
| Miscellaneous | 240 | 116 | 495 | 453 | 750 | 161 | 30 | 225 | 45 | 211 | ----- | 95 | 1,035 | 69 | ----- | 51 | 125 | 11 | 2,720 | 1,392 |
| **Transportation** | 1,710 | 36 | 1,023 | 365 | ----- | 335 | 375 | 583 | 495 | 722 | 195 | 69 | 154 | 720 | 525 | 407 | 305 | 252 | 4,782 | 3,489 |
| Airways | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 9 | ----- | 9 |
| Bus Lines | ----- | ----- | ----- | ----- | ----- | 65 | ----- | 4 | 60 | 325 | ----- | 22 | 60 | 282 | ----- | 147 | 245 | 13 | 365 | 858 |
| Railroads | ----- | ----- | 15 | 5 | ----- | 45 | ----- | 97 | ----- | 43 | 195 | 4 | ----- | ----- | ----- | ----- | ----- | 50 | 210 | 244 |
| Steamships | 1,500 | ----- | ----- | ----- | ----- | ----- | ----- | 2 | ----- | 17 | ----- | 3 | ----- | ----- | ----- | ----- | ----- | ----- | 1,500 | 22 |
| Tours | 150 | 32 | 498 | ----- | ----- | ----- | ----- | 11 | ----- | ----- | ----- | ----- | ----- | 55 | ----- | ----- | ----- | ----- | 648 | 98 |
| Miscellaneous | 60 | 4 | 510 | 360 | ----- | 225 | 375 | 469 | 435 | 337 | ----- | 40 | 94 | 383 | 525 | 260 | 60 | 180 | 2,059 | 2,258 |
| **Wearing Apparel** | 360 | 19 | 1,777 | 47 | 485 | 20 | 140 | 163 | 15 | 110 | 645 | 2 | ----- | 54 | 40 | 4 | ----- | 25 | 3,462 | 444 |
| Men's Wear | 360 | 3 | 370 | 20 | ----- | ----- | 60 | ----- | 15 | 96 | ----- | ----- | ----- | 21 | ----- | ----- | ----- | 25 | 805 | 165 |
| Women's Wear | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 5 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 5 |
| Miscellaneous | ----- | 16 | 1,407 | 27 | 485 | 20 | 80 | 158 | ----- | 14 | 645 | 2 | ----- | 33 | 40 | 4 | ----- | ----- | 2,657 | 274 |
| **Watches** | ----- | 698 | ----- | 2,116 | ----- | 1,428 | ----- | 1,474 | ----- | 535 | ----- | 487 | ----- | 450 | ----- | 30 | ----- | 12 | ----- | 7,230 |
| Totals | 20,465 | 4,643 | 123,886 | 12,382 | 61,998 | 11,713 | 99,113 | 18,648 | 95,268 | 16,534 | 39,716 | 6,791 | 86,264 | 15,014 | 52,122 | 6,325 | 52,489 | 7,806 | 631,321 | 99,856 |

# STATIONS COOPERATING
# in the
# BROADCAST ADVERTISING UNIT VOLUME REPORT

## DISTRICT 1

- Connecticut
  - WICC—Bridgeport
  - WDRC—Hartford
  - WTHT— "
  - WELI—New Haven
- Maine
  - WCOU—Lewiston
  - WCSH—Portland
- Massachusetts
  - WAAB—Boston
  - WBZ— "
  - WNAC— "
  - WLAW—Lawrence
  - WLLH—Lowell
  - WBZA—Springfield
  - WORC—Worcester
- New Hampshire
- Rhode Island
  - WEAN—Providence
- Vermont
  - WNBX—Springfield

## DISTRICT 2

- New York
  - WABY—Albany
  - WOKO— "
  - WVFW—Brooklyn
  - WENY—Elmira
  - WHCU—Ithaca
  - WJTN—Jamestown
  - WABC—New York City
  - WINS— "
  - WQXR— "
  - WHDL—Olean
  - WHAM—Rochester
  - WHEC— "
  - WTRY—Troy
  - WFAS—White Plains
  - WWRL—Woodside

## DISTRICT 3

- Delaware
- New Jersey
  - WSNJ—Bridgeton
  - WCAM—Camden
  - WOR—Newark
- Pennsylvania
  - WHJB—Greensburg
  - WHP—Harrisburg
  - WJAC—Johnstown
  - KYW—Philadelphia
  - WCAU— "
  - KDKA—Pittsburgh
  - KQV— "
  - WCAE— "
  - WARM—Scranton
  - WKOK—Sunbury
  - WBAX—Wilkes-Barre
  - WRAK—Williamsport

## DISTRICT 4

- District of Columbia
  - WJSV—Washington
  - WMAL— "
  - WOL— "
  - WRC— "
- Maryland
  - WCBM—Baltimore
  - WFBR— "
  - WTBO—Cumberland
  - WBOC—Salisbury
- North Carolina
  - WBT—Charlotte
  - WBIG—Greensboro
  - WGTC—Greenville
  - WPTF—Raleigh
  - WSTP—Salisbury
  - WSJS—Winston-Salem
- South Carolina
  - WIS—Columbia
  - WFBC—Greenville
- Virginia
  - WCHV—Charlottesville
  - WBTM—Danville
  - WGH—Newport News
  - WTAR—Norfolk
  - WPID—Petersburg
  - WRNL—Richmond
- West Virginia
  - WJLS—Beckley
  - WBLK—Clarksburg
  - WMMN—Fairmont
  - WSAZ—Huntington
  - WPAR—Parkersburg
  - WWVA—Wheeling

## DISTRICT 5

- Alabama
- Florida
  - WDBO—Orlando
- Georgia
  - WAGA—Atlanta
  - WSB— "
  - WRBL—Columbus
  - WMGA—Moultrie
  - WSAV—Savannah
  - WTOC— "
- Puerto Rico
  - WKAQ—San Juan

## DISTRICT 6

- Arkansas
  - KFPW—Fort Smith
  - KARK—Little Rock
  - KUOA—Siloam Springs
- Louisiana
  - KTBS—Shreveport
  - KWKH— "
- Mississippi
- Tennessee
  - WOPI—Bristol
  - WAPO—Chattanooga
  - WLAC—Nashville

## DISTRICT 7

- Kentucky
  - WCMI—Ashland
  - WLBJ—Bowling Green
  - WAVE—Louisville
  - WHAS— "
- Ohio
  - WJW—Akron
  - WCKY—Cincinnati
  - WLW— "
  - WSAI— "
  - WCLE—Cleveland
  - WGAR— "
  - WHK— "
  - WTAM— "
  - WBNS—Columbus
  - WCOL— "
  - WHIO—Dayton
  - WLOK—Lima
  - WSPD—Toledo
  - WFMJ—Youngstown

## DISTRICT 8

- Indiana
  - WFBM—Indianapolis
  - WIBC— "
  - WFAM—South Bend
  - WSBT— "
- Michigan
  - WJR—Detroit
  - WWJ— "
  - WKZO—Kalamazoo
  - WKBZ—Muskegon

## DISTRICT 9

- Illinois
  - WENR—Chicago
  - WMAQ— "
  - WTMV—East St. Louis
  - WJPF—Herrin
  - WCLS—Joliet
  - WMBD—Peoria
  - WTAD—Quincy
  - WHBF—Rock Island
  - WDZ—Tuscola
- Wisconsin
  - WTAQ—Green Bay
  - WCLO—Janesville
  - WIBA—Madison
  - WTMJ—Milwaukee
  - WRJN—Racine
  - WHBL—Sheboygan
  - WSAU—Wausau

## DISTRICT 10

- Iowa
  - KRNT—Des Moines
  - KSO— "
  - WHO— "
  - WKBB—Dubuque
- Missouri
  - KFRU—Columbia
  - KMBC—Kansas City
  - WDAF— "
  - KMOX—St. Louis
- Nebraska
  - KMMJ—Grand Island
  - KGFW—Kearney
  - KFAB—Lincoln
  - KFOR— "
  - KOIL—Omaha
  - WOW— "

## DISTRICT 11

- Minnesota
  - WCCO—Minneapolis
  - WTCN— "
  - KSTP—St. Paul
- North Dakota
  - WDAY—Fargo
- South Dakota
  - KABR—Aberdeen
  - WNAX—Yankton

## DISTRICT 12

- Kansas
  - KCKN—Kansas
  - KSAL—Salina
  - KFBI—Wichita
- Oklahoma
  - KVSO—Ardmore
  - KTOK—Oklahoma City

## DISTRICT 13

Texas
- KFDA—Amarillo
- KGNC— "
- KRIS—Corpus Christi
- KAND—Corsicana
- WFAA—Dallas
- KGKO—Fort Worth
- WBAP— "
- KPRC—Houston
- KPDN—Pampa
- KPAC—Port Arthur
- KONO—San Antonio
- KRGV—Weslaco

## DISTRICT 14

Colorado
- KFEL—Denver
- KIUP—Durango

Idaho
- KRLC—Lewiston

Montana
- KFBB—Great Falls
- KGVO—Missoula

Utah
- KDYL—Salt Lake City
- KSL— "

Wyoming

## DISTRICT 15

California
- KHSL—Chico
- KARM—Fresno
- KYOS—Merced
- KROW—Oakland
- KFBK—Sacramento
- KROY— "
- KJBS—San Francisco
- KYA— "
- KQW—San Jose
- KWG—Stockton

Hawaii
- KGMB—Honolulu

Nevada
- KOH—Reno

## DISTRICT 16

Arizona
- KOY—Phoenix
- KTUC—Tucson

New Mexico

California
- KFOX—Long Beach
- KECA—Los Angeles
- KFI— "
- KGFJ— "
- KNX—Los Angeles
- KVEC—San Luis Obispo
- KVOE—Santa Ana
- KTMS—Santa Barbara

## DISTRICT 17

Alaska

Oregon
- KAST—Astoria
- KBND—Bend
- KALE—Portland
- KEX— "
- KGW— "
- KOIN— "
- KWJJ— "
- KRNR—Roseburg
- KSLM—Salem

Washington
- KVOS—Bellingham
- KIRO—Seattle
- KJR— "
- KOMO— "
- KFPY—Spokane
- KGA— "
- KHQ— "
- KVI—Tacoma
- KUJ—Walla Walla
- KPQ—Wenatchee

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 50, December 13, 1940

## THE WEEK IN WASHINGTON

The NAB Board of Directors met last week and unanimously expressed satisfaction with the progress being made in the industry's fight against the demand of the music monopoly that it be allowed to levy tribute of all radio programs, including those which do not use any music whatsoever. (P. 4873.)

A series of important District meetings have been scheduled throughout the country. (P. 4874.)

The FCC through James Lawrence Fly, told E. F. Hummert of New York City that it had taken "no position" in the existing controversy between the ASCAP and the broadcasting industry. (P. 4874.)

The Supreme Court last Monday agreed to review the Nebraska Court decision, holding unconstitutional that state's statute relative to the socalled music copyright policy. (P. 4874.)

BMI acquisition of the E. B. Marks Music Corporation, the Southern Music Publishing Company, Inc., United Publishing Company, and the Argentine Performing Rights Society received nationwide prominence in the newspapers as a united broadcasting industry continues its successful fight to free itself from the yoke of ASCAP. Meanwhile more and more stations are sending in their memberships to BMI. (P. 4875.)

The roster of NAB membership as reported in the NAB Board of Directors' meeting last week was swelled by an additional ten stations, bringing the total of NAB membership to 498. (P. 4876.)

The answer to the inquiries of many stations relative to the request for press releases and a copy of the information being furnished the NAB research department for the monthly compilation of a business index, is discussed on page 4876.

50 million radio sets by Christmas is the slogan being brought into reality by the cooperation of radio stations throughout the country, as stations continue with their cooperation in building National Defense. (P. 4878.)

At the same time, the U. S. Office of Education announced that 64 American engineering colleges were establishing 250 short, intensive training courses, including courses in radio engineering, designed to meet the shortage of engineers threatened by the demands for National Defense duty. (P. 4880.)

An informal engineering conference for the department of transmitting equipment for higher frequency broadcast stations, was held this week at the FCC. (P. 4883.)

Both the Army and Navy Reserves will consider deferment in calling to active duty reserve officers who are key employees in industries related to National Defense. (P. 4884.)

Samuel J. Henry, Jr., of the NAB Radio of Advertisers, addressed the Rochester Advertising Club on December 9. (P. 4884.)

A list of the Army Camps at which will be trained those summoned under the Draft is published on page 4885.

The FCC this week announced 199 domestic radio stations now schedule broadcasts in one or more foreign languages. (P. 4885.)

Note on NRDGA request for promotion subscriptions further considered. (P. 4886.)

## BMI

### DIRECTORS' STATEMENT

The Board of Directors at its meeting Friday, December 6, unanimously expressed satisfaction with the progress being made in the industry's fight against the demand of the music monopoly that it be allowed to levy tribute on all radio programs including those which do not use any music whatsoever.

The Board drew attention to the fact that this fight was begun only after the broadcasters had struggled vainly for years to induce the American Society of Composers, Authors and Publishers to cease taxing such non-musical programs and also to consent to some form of payment which would enable broadcasters to use

*(Continued on page 4874)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

## DIRECTORS' STATEMENT

*(Continued from page 4873)*

music not controlled by the monopoly without paying a double tax by so doing.

## DISTRICT MEETINGS

A series of District meetings which will bring together a numerical majority of the broadcasters is now in progress.

On Monday, December 9, Director Clifford Chafey called the Third District broadcasters together at the Benjamin Franklin Hotel in Philadelphia. President Neville Miller, Joseph L. Miller, Labor Relations Director of NAB, and Carl Haverlin, Stations Relations Manager of BMI, were present.

Discussion of music problems occupied the District 3 broadcasters most of the day. Joseph Miller gave a brief talk about Wage and Hour Act problems. Those present were:

Neville Miller, NAB; Carl Haverlin, BMI; A. W. Dannenbaum, Sr., and A. W. Dannenbaum, Jr., WDAS; Murray Arnold and Edwin A. Davies, WIP; Raymond A. Saul, WRAW; Clifford M. Chafey, WEEU; George D. Coleman and R. E. McDonald, WGBI; Hal Seville, WBAX; C. G. Moss, WKBO; J. R. Gulick, WORK; Walter O. Miller and Clair McCollough, WGAL; Benedict Gimbel, Jr., WIP; Jim Allen, WFIL; Paul C. Rodenhauser, WGAL; George E. Joy, WRAK; J. C. Burwell, WMBS; James P. Begley, KYW; John Holman, KDKA; J. C. Tully, WJAC; Leonard Kapner and R. Clifton Daniel, WCAE; Paul J. Breedy, and Robert G. Magee, WEEU; Arthur W. Chafey, WRAW; Milton Laughlin, WHAT; Roy Thompson, WFBG; Roger W. Clipp, WFIL; Mike Lahr, WKOK; James M. Hughes, WJAS; H. K. Brennan, KQV; Ed Kroen, WKPA; Louis Baltimore, WBRE; Pete Wasser, WJAS; Isaac Levy, Leon Levy and Stanley Broza, WCAU; Douglas Hibbs, WTEL; Victor Diehm, WAZL; Henry N. Locker, WTEL; Pat Stanton, WDAS; E. C. Anderson, WEST; A. W. Graham, WKST; Sam Townsend, WKST; Arthur Simon, WPEN; Gorman Walsh, WDEL.

On Tuesday, the 10th, Neville Miller and Carl Haverlin went to Orlando, Florida, to join the Fifth District broadcasters, called into session by Director Walter Tison. A full report of this meeting will be carried in next week's REPORTS.

At Worcester, Massachusetts, on Thursday, the 12th, Director Paul Morency has called the First District broadcasters—embracing all of New England—into session. The next meeting, in point of time, will be that of the Fourth District, to be held at the Willard Hotel in Washington, D. C., on Friday the 13th. (Director John Kennedy isn't superstitious.) This District, which is the largest in point of numbers in the Association, is expected to produce a rousing meeting in the National Capital.

Directors John Fetzer of the Eighth District, embracing Michigan and Indiana, and J. H. Ryan, Director of the Seventh District, embracing Ohio and Kentucky, will collaborate in holding a meeting at the Fort Shelby Hotel, Detroit, on Thursday, December 19. Again, President Miller and Carl Haverlin will be on hand. To wind up this whirlwind series of conferences, Director Clarence Wheeler has asked the Second District broadcasters to meet at the Onondaga Hotel in Syracuse on Friday, December 20, at 10 a. m.

Thus, before Christmas, meetings will have been held in which broadcasters in 22 states, Puerto Rico and the District of Columbia will participate. Within the areas embraced in these District meetings there are 405 broadcasting stations and all stations, regardless of membership in NAB or BMI have been invited to sit in and consider the industry's problems.

At the Board meeting, the Directors from several of the other Districts stated their intention to hold meetings after the first of the year and schedules for these meetings are now being worked out. Announcements will be made later.

## FCC STAYS OUT

FCC will not mediate the ASCAP situation, Chairman James Lawrence Fly of the Commission told E. F. Hummert of New York City this week in the following communication:

> "This will acknowledge receipt of your letter of November 27, 1940, with enclosures, addressed to the Commission, Commissioner T. A. M. Craven, and myself, referring to the present controversy between the American Society of Composers, Authors and Publishers and the radiobroadcast industry. It is noted that you suggest that the Commission attempt to mediate this controversy.
>
> "The existing controversy between ASCAP and the radiobroadcast industry has not been presented to the Commission by any of the interested parties, and consequently no position has been taken in that regard. It is accordingly suggested that any proposal for mediation should be made to the parties in interest.
>
> "The information in your letter is appreciated by the Commission, and you may be assured that it has been given thoughtful consideration."

## NEBRASKA CASE

The U. S. Supreme Court last Monday agreed to review the decision of the Nebraska district court holding unconstitutional the Nebraska statute purporting to regulate so-called music copyright pools. A summary of the district court's decision was carried in NAB REPORTS, January 5, 1940 (p. 3935).

## BMI FEATURE TUNES

### December 16-23

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON
8. AN OLD-FASHIONED CHRISTMAS

Of the ten biggest money makers in the coin machines as listed in *Variety* this week, three are BMI songs, *Practice Makes Perfect, There I Go,* and *I Give You My Word,* and *Billboard's* "Record Buying Guide" puts *There I Go* at the head of the list. *There I Go* and *Practice Makes Perfect* both stand higher this week than last on the national list of sheet music best sellers, and *So You're the One* appears for the first time on the regional lists for the east and for the west coast. *Frenesi,* of the Southern Music Publishing Co., Inc., which will be covered by the BMI license next month, appeared last week on the Hit Parade, and Artie Shaw's record of it shows up this week for the first time on the national list of best selling phonograph records. *Frenesi* and six BMI numbers make up seven of the top eight on two lists of leaders on the air. *Frenesi* and five BMI numbers account for six of the first eight on the third list. BMI's newest hit, *So You're the One,* heads all lists on the air.

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BMI's acquisition of the performing rights in the catalogue of the E. B. Marks Music Corporation, the additional music of Southern Music Publishing Co., Inc., United Publishing Company and the Argentine Performing Rights Society, which BMI has now acquired through a new contract with the American Performing Rights Society, Inc., have received nationwide prominence in the newspapers. As of January 1, 1941, the BMI license will give BMI members their choice of more than 200,000 compositions. The BMI license carries the radio performing rights to the following catalogues:

Alpha Music
American Performing Rights Society, Inc.
  Peer International Corporation (music from Southern Music Publishing Co., Inc., and United Publishing Company)
  Sociedad Argentina de Autores, Compositores de Musica de Buenos Aires, Argentina
  Sindicato de Autores, Compositores y Editores de Musica de Mexico
  Institucion Nacional de Autores, Compositores y Editores de Cuba
D. Appleton-Century Company
Coast to Coast Music Corporation
M. M. Cole Publishing Company
Colonial Music Publishing Company, Inc.
O. B. Clow
Donald H. Gabor (Csardas Phono Company)
Hinds, Hayden & Eldredge
Edward B. Marks Music Corporation
New Era Music Corporation
G. Ricordi & Company—Milan
E. C. Schirmer Music Company

The new BMI hymnal containing 492 selections is expected to be ready for distribution on December 21st. In addition, BMI has secured non-exclusive broadcasting rights in the American Catholic Hymnal, published by P. J. Kenedy & Sons, in the *Union Hymnal—Songs and Prayers for Jewish Worship,* published by the Central Conference of American Rabbis, and in the *Hymns of the Spirit,* published by the Beacon Press, a hymnal of the Universalist and Unitarian churches. Negotiations are pending for similar arrangements as to the hymnals of other denominations.

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Following the recent meetings in Philadelphia, Pennsylvania, and Orlando, Florida, new subscriptions and pledges to Broadcast Music, Inc., brings the total number of stations backing BMI to 527.

At both meetings Neville Miller, President of NAB and also of BMI, was present. The enthusiasm and strong unity of spirit and purpose shown at the meetings paid tribute to his inspiring leadership. BMI's position and the record of BMI achievement were set forth by Carl Haverlin, BMI's Director of Station Relations. Much attention was given to ways and means of avoiding copyright infringements after the first of the year and clear, specific directions on this matter were presented.

The Philadelphia meeting represented the third district and the Orlando meeting represented the Florida Broadcasters Association and a few stations in Georgia. The results of the former meeting were that all stations in Pennsylvania except two are now with BMI. After the Florida meeting every station in the state was written into the BMI column with one exception and that station was not represented at the meeting.

We welcome to the BMI list the following (including the stations signed or pledged at these meetings):

KFBC—Cheyenne, Wyo.
KTRI—Sioux City, Iowa
KEUB—Price, Utah
KINY—Juneau, Alaska
KVGB—Great Bend, Kans.
WDOD—Chattanooga, Tenn.
WGBI—Scranton, Pa.
WNBZ—Saranac Lake, N. Y.
WCBT—Roanoke Rapids, N. C.
WSLS—Roanoke, Va.
WAIR—Winston-Salem, N. C.
WEED—Rocky Mount, N. C.
WKEU—Griffin, Ga.
WBAX—Wilkes-Barre, Pa.
KLCN—Blytheville, Ark.
WMBO—Auburn, N. Y.
WPAB—Ponce, Puerto Rico
WAPO—Chattanooga, Tenn.
WDMJ—Marquette, Mich.
WLAV—Grand Rapids, Mich.
WDWS—Champaign, Ill.
WTAD—Quincy, Ill.
WIBA—Madison, Wis.
WEMP—Milwaukee, Wis.
KGBX—Springfield, Mo.
KYSM—Mankato, Minn.
KOBH—Rapid City, S. D.
KOAM—Pittsburg, Kans.
KHBG—Okmulgee, Okla.
KOME—Tulsa, Okla.
KGFI—Brownsville, Tex.
KOCA—Kilgore, Tex.
KPAB—Laredo, Tex.
KRLH—Midland, Tex.
KMAC—San Antonio, Tex.
KTEM—Temple, Tex.
KID—Idaho Falls, Ida.
KWAL—Wallace, Ida.

KGEZ—Kalispell, Mont.
KGU—Honolulu, Hawaii
KTOH—Lihue, Hawaii
KLAH—Carlsbad, N. M.
WHEB—Portsmouth, N. H.
WFBG—Altoona, Pa.
WHP—Harrisburg, Pa.
WTEL—Philadelphia, Pa.
WMBS—Uniontown, Pa.
WMFR—High Point, N. C.
WRAL—Raleigh, N. C.
WMFD—Wilmington, N. C.
WGTM—Wilson, N. C.
WCOS—Columbia, S. C.
WMRC—Greenville, S. C.
WALA—Mobile, Ala.
WFTL—Fort Lauderdale, Fla.
WJAX—Jacksonville, Fla.
WLAK—Lakeland, Fla.
WKAT—Miami Beach, Fla.
WTMC—Ocala, Fla.
WLOF—Orlando, Fla.
WDBO—Orlando, Fla.
WDLP—Panama City, Fla.
WCOA—Pensacola, Fla.
WFOY—St. Augustine, Fla.
WSUN—St. Petersburg, Fla.
WTSP—St. Petersburg, Fla.
WSPB—Sarasota, Fla.
WTAL—Tallahassee, Fla.
WFLA—Tampa, Fla.
WKGA—Tampa, Fla.
KXO—El Centro, Calif.
KGBU—Ketchikan, Alaska
KOL—Seattle, Wash.
WEBC—Duluth, Minn.
WHLB—Virginia, Minn.
WEAU—Eau Claire, Wis.
KDAL—Duluth, Minn.
KRMC—Jamestown, N. D.
WARM—Scranton, Pa.
KWBG—Hutchinson, Kans.
WJHL—Johnson City, Tenn.

Twelve new BMI records are announced for immediate release:

| | | |
|---|---|---|
| *COLUMBIA* | | |
| *I Can't Remember to Forget* | Kay Kyser | Col. 35847 |
| *To Be Continued* | Kay Kyser | Col. 35847 |
| *I Hear a Rhapsody* | Michael Loring | Col. 35825 |
| *My Heart's on Ice* (Hellzapoppin') | The Charioteers | Col. 35851 |
| *OKEH* (Columbia) | | |
| *Because of You* | Tommy Tucker | Okeh 5899 |
| *High on a Windy Hill* | Gene Krupa | Okeh 5883 |
| *It All Comes Back to Me Now* | Gene Krupa | Okeh 5883 |
| *VICTOR* | | |
| *So You're the One* | Hal Kemp | Victor 27222 |
| *Walkin' by the River* | Hal Kemp | Victor 27222 |
| *There I Go* | Kenny Baker | Victor 27207 |
| *You Walk By* | Wayne King | Victor 27206 |
| *BLUEBIRD* (Victor) | | |
| *Let's Dream This One Out* | Tony Pastor | B-10938 |

## NAB BOARD MEETING

The Board of Directors held a two-day session in New York last Thursday and Friday, the 5th and 6th. It was a fully attended meeting.

After lengthy discussion of the music controversy in which the entire subject was reviewed, the following statement was issued:

> "The Board of Directors of the National Association of Broadcasters at its meeting yesterday (Friday, Dec. 6) unanimously expressed satisfaction with the progress being made in the industry's fight against the demand of the music monopoly that it be allowed to levy tribute on all radio programs including those which do not use any music whatsoever. The Board drew attention to the fact that this fight was begun only after the broadcasters had struggled vainly for years to induce the American Society of Composers, Authors and Publishers to cease taxing such non-musical programs and also to consent to some form of payment which would enable broadcasters to use music not controlled by the monopoly without paying a double tax by so doing."

The Board voted the 1941 convention to the mid-west, with preferences expressed for St. Louis, Chicago, and French Lick, Indiana. The final decision with reference to convention place rests upon the making of proper arrangements with respect to accommodations and dates.

Another matter which received the Board's attention was that of Associate Membership. A sub-committee consisting of Messrs. Gillin, Gammons, and O'Fallon, recommended a plan which was approved by the Board, the details of which will shortly be announced.

The Board further approved the applications for membership of the following stations which brought the membership of the Association to the total of 498:

KHSL—Chico, Calif.
KVCV—Redding, Calif.
KWIL—Albany, Ore.
KYAN—Cheyenne, Wyo.
WDEF—Chattanooga, Tenn.
WFCI—Pawtucket, R. I.
WGAC—Augusta, Ga.
WGAN—Portland, Me.
WMRN—Marion, Ohio
WWDC—Washington, D. C.
W1XOJ (FM)—Paxton, Mass.
Call letters not yet assigned (FM)—Mt. Washington, N. H.

Since the Board meeting the application of KHBG, Okmulgee, Oklahoma, has come in. We now have 499 members and from the pledges which we have received from various sources, we know we are going over the 500 mark before the close of 1940.

A letter from the Federal Communications Commission requesting the designation of an NAB representative upon the Defense Communications Board was read. The Board authorized President Neville Miller to serve as NAB's representative on both the International and Domestic sections of the Defense Communications Board.

The report of the Association's financial operations for 1940 and the budget for 1941 were submitted and approved. These showed that in the current year the Association had operated well within the appropriations made and the budget for 1941 is on approximately the same basis as that of 1940.

## PIB REQUEST FOR UNIT REPORTS

Under date of November 29, 1940, Publishers' Information Bureau addressed radio stations with a request for press releases and a copy of the monthly business report to NAB which is being used by the Research Department for compilation of the monthly unit reports. Many requests on the subject have been received from member stations. A letter from PIB is as follows:

> *"IMPORTANT REQUEST*
>
> "Will you please put us on your mailing list to receive promptly your Press Releases starting with December 1st.
>
> "We are making an important study for a client and we need the Press Releases promptly.
>
> "It also would be of great advantage to us in making a complete picture, if you could send us a carbon copy of the reports you send to the National Association of Broadcasters.
>
> "Thank you for your cooperation.
>
> *Sincerely yours,*
>
> s/ A. R. Edgerly,
> *President."*

Publishers' Information Bureau, Inc., is an organization engaged in the business of procuring and publishing dollar volume figures on advertising placed in magazines and radio. The current monthly reports of PIB include detailed advertising expenditures to national networks. A quarterly report is published on spot radio broadcasting and, for the first six months of 1940, included the spot business of 134 stations.

The NAB undertaking, called the Unit Measurement of Broadcast Advertising, was approved by the 1940 San Francisco Convention to accomplish two things: 1. to provide for the industry a complete advertising analysis, including national network, regional network, national spot and local advertising, and—2. to eliminate dollar volume estimates in favor of time unit measurements.

It is not clear as to what practical use PIB can make of press releases from stations. The object of their letter, therefore, seems to center in the request of a carbon copy of the reports to NAB.

# FM

## FM APPLICATION FORM REVISED

The FCC this week announced the adoption of a revised form of application for construction permits for new high frequency (FM) broadcast stations, simplifying and clarifying the information requirements.

The new form (FCC No. 319), which is expected to be available within a few days, was adopted following a series of conferences with representatives of the industry. At the invitation of the Commission, a committee was formed to represent the National Association of Broadcasters, the National Independent Broadcasters, and a specially constituted FM Broadcasters Committee on Application Forms, as well as the Commission.

The result was not only simplification of the form so as to stimulate the development of FM broadcasting, but a better mutual understanding of the problems of the industry and the Commission in presenting and determining facts on which decision must be based. It was recognized that developments in this new commercial broadcast field may at some future time indicate the advisability of future changes in the form. The way was left open for meeting subsequent needs through like exchange of views.

Following completion of the committee's work and adoption of the revised form by the Commission, the following statement was made on behalf of the industry group:

> "We think the form has been greatly simplified and clarified from the point of view of the applicant. It should be understood, of course, that in all our discussions we were not dealing with any fundamental questions as to the extent of the powers of the Commission. Our committee was well pleased with the results of the conferences."

The usefulness of joint discussion and cooperation was again demonstrated at the recent conferences. In this instance it was possible to so far meet the views of the industry that the changes made were received with expressions of satisfaction by the participants. At the same time no requirement essential to furnishing information needed by the Commission in its licensing work was sacrificed.

It is anticipated that at an early date the revisions made in form 319, other than of engineering questions, will correspondingly be made in forms 301 and 304 wherever applicable.

The NAB Committee is made up of: Eugene C. Pulliam, WIRE, Chairman; W. C. Alcorn, WBNX, Vice-Chairman; H. W. Batchelder, WFBR; Harold A. Lafount, WCOP; Kenneth E. Raine, CBS; Reed T. Rollo, MBS; Philip J. Hennesey, Jr., NBC; and Paul F. Peter and Russell P. Place of the NAB staff.

## ADDITIONAL FM SERVICE AUTHORIZED

The states of Connecticut and Rhode Island, about half of Massachusetts, a section of southeastern New York State, part of Tennessee, and the Pittsburgh, Chicago and New York metropolitan districts are scheduled to receive regular FM (frequency modulation) broadcast programs from seven additional stations authorized by the FCC. The prospective service areas of these new stations aggregate nearly 50,000 square miles embracing more than 20,500,000 potential listeners.

The slice of New England referred to, plus southeastern New York including nearly all of Long Island, constitutes the 6,100 square miles of territory with 1,118,000 population to be served by WDBC, Inc., of Hartford, Conn., through the medium of a transmitter located on the west peak of Meriden Mountain, near Meriden, that state. It will operate on 46,500 kilocycles.

Twelve million people are in the 8,500 square miles of the potential metropolitan service area of Metropolitan Television, Inc., and Bamberger Broadcasting Service, Inc., both of which received grants to broadcast from New York, the former on 47,500 kilocycles and Bamberger on 47,100 kilocycles. Metropolitan's transmitter will be atop the Hotel Pierre. Bamberger will have its station at 444 Madison Avenue.

Four and one-half million persons are in the 10,800 square miles of the Chicago area scheduled for service under grants to the National Broadcasting Co. and WGN, Inc. National Broadcasting Co., operating from the Civic Opera House, will use 46,300 kilocycles (or another adequate frequency). WGN will have a transmitter on a 485-foot downtown office building, using 45,900 kilocycles (or another adequate frequency).

About 2,100,000 persons will be in the 8,400-square-mile service radius of the Walker-Downing Radio Corp., which will operate from 341 Rising Main Street, Pittsburgh. This applicant will specify a frequency adequate for such coverage.

An area of 16,000 square miles, with 819,000 population, is to be served by the National Life & Accident Insurance Co. of Nashville, from a transmitter near Franklin, Tenn. This applicant will use 44,700 kilocycles.

These grants are in addition to those announced last month as assuring regular FM programs for Detroit, Los Angeles, Schenectady, Evansville (Ind.), Binghamton (N. Y.), Mt. Washington (N. H.), Baton Rouge, Columbus (Ohio), Salt Lake City, Milwaukee, Chicago and New York.

Applications by the Yankee Network and the Worcester *Telegram* Publishing Company to serve an identical widespread area from practically the same site near Worcester, Mass., on the frequencies 44,300 and 43,100 kilocycles respectively, were designated for joint hearing.

## DISTINCTIVE CALLS FOR FM

To provide distinctive calls for FM (frequency modulation) broadcast stations, the FCC has adopted a new system of call letters with interposed numbers for this now commercially recognized broadcast service.

Under international agreement, to which the United States is a party, the first letter (in some cases the first two letters) of a call signal indicates the nationality of a station. The United States is assigned the use of three letters—N, K, and W. Hence the present domestic assignment of combinations beginning with these letters. Call letters beginning with N are reserved for the exclusive use of the Navy and Coast Guard. Call letters beginning with K are assigned to broadcast stations located west of the Mississippi River and in the territories. Call letters beginning with W are assigned to stations east of the Mississippi River. Any existing call letters not in accordance with this procedure is due to the fact that the station was licensed before the allocation plan was adopted.

Consequently, the first call letter of an FM station must be K or W, depending on its geographical location.

A second letter for an FM station will be assigned in alphabetical order (with exception of E, which will be reserved for non-commercial educational stations using frequency modulation) to each station on a given frequency as licensed, thus providing 25 stations in each area for a given frequency. If more than 25 stations are assigned on a given frequency, an additional letter will be necessary.

However, between the initial letter and supplemental letter (or letters) two numbers will be utilized. These numbers will indicate the frequency assignment. This is possible because all FM stations are in the 42,000-50,000 kilocycle band, and because all FM frequencies are assigned on the odd hundreds in kilocycles. Thus, the first figure and the last two figures of the frequency assignment can be dropped.

In addition, and where possible, the city or area will be indicated by the second letter or a combination of second and third letters. Letter combinations of this mnemonic character have been assigned to each of the metropolitan trading centers. Thus, stations in Boston will terminate with the letter B, while stations in New York City will terminate with NY. Similarly, stations in the District of Columbia will be identified with the suffix DC.

In brief, here is how the system works: W41B would indicate an FM station in the eastern section of the country (Boston) operating on the frequency of 44,100 kilocycles. By the same token, K43SF would apply to an FM station in the western part of the United States (San Francisco) on the 44,300 kilocycle frequency.

The letter E in the alphabetical arrangement will identify non-commercial educational broadcast stations employing FM on the new high frequency broadcast band. Five channels (42,000 to 43,000 kilocycles) are available to these educational stations.

There is no international regulation to bar the use of this FM identifying system. In fact, a like principle is followed by Chile in assigning calls to standard broadcast stations in that country. The arrangement provides ample source of calls for future FM stations. It is about the only source of new call combinations which can be adapted, inasmuch as other types of calls are assigned by treaty to stations and services other than broadcast. It has the additional advantage of permitting identification of the frequency actually used, and for that reason should be popular with listeners as well as broadcasters.

Further, it will not disturb the approximately 15,000 remaining four-letter call combinations which are being assigned to the older services at the rate of between 40 and 50 a week. Even if this average does not increase, such a reservoir will not last more than six years. It should also be noted that under international treaty, ship stations have priority in the assignments of radio call letters from the four-letter group.

## 50 MILLION SETS BY CHRISTMAS

All four Washington, D. C., stations are cooperating in "50,000,000 Radio Sets by Christmas." Announcements over WRC, WAL, WMAL, and WJSV, are scheduled several times daily straight through to Christmas.

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Mailing of "50,000,000 Radio Sets by Christmas" was arranged for delivery on approximately the same date in all sections of the country. Reactions from a goodly number of station managers have been received. First to arrive by air mail was Kay Pyle's, general manager, KFBI, Wichita, Kan:

> "We are in receipt of your folder dated December 6, on '50,000,000 Radio Sets by Christmas,' and wish to assure you that KFBI will gladly cooperate."

There is every reason to believe that at the conclusion of this industry-wide effort to increase circulation facilities that the total number of sets in use will be at least 50 million.

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Substantial assistance to the broadcasting industry's promotion for "50,000,000 Radio Sets by Christmas" has been given by *Movie-Radio Guide*. The December 7-13 issue carried four pages of reproductions of current model radio receivers. Caption on first of the four pages was: "A Radio Is Your Best Christmas Gift". Copy which followed read:

> "If you want to give a Christmas gift which will be remembered for each moment of happiness it brings to the recipient, make it a radio set. If you want to give something practical, a gift which can be used and enjoyed every day of the year, make it a radio. If you want to give something permanent, make it a sturdy 1941 radio. On these pages *Movie-Radio Guide* displays a gift selection of radio sets which are guaranteed to meet all of the above requirements. There's one for every person on your list!
>
> "FOR YOUR FAMILY . . .
>
> "Beautiful consoles and combinations—instruments which will make your living-room a real gathering-place for members of the family, young and old—are available in cabinets which will harmonize with your room, whatever may be its decorative scheme.
>
> "FOR YOUR FRIEND . . .
>
> "For your mother, father, daughter, son, or just for a good friend, there are the intimate, new personal radios, on this page, which may be carried about as easily as a miniature camera—or the equally useful portables. There are fine, new table models, and the smaller, economical radio-phones, too.
>
> "FOR YOURSELF . . .
>
> "Yes, treat yourself this Christmas to one of the personal radios, or to any other model which may suit your need. Examine the radio sets pictured on these pages and solve each of your gift problems with a marvelous 1941 radio!"

## 20TH BIRTHDAY

The grapevine brings news that KVOO's powerful transmitter, Tulsa, was put to work during Radio's 20th Birthday, with telling effect. The series of programs were custom built and broadcast under the personal direction of Program Director Edward C. Coontz.

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KROW, Oakland, saluted Radio's 20th Birthday on November 30 with a 75-minute cavalcade written by Lee McLendon, Elizabeth Pennell and Don Logan. Keith Kerby and John K. Chapel were narrators and music was under the direction of Eddie House.

Tieing up with the promotion developed by NAB, the KROW program traced the development of broadcasting and stressed the necessity of a free radio as being as important as freedom of the press, freedom of speech and freedom of religion. The theme of the program was thoroughly that of democracy.

Short talks were made by Tom Tyrell, radio editor of the San Francisco-Oakland Shopping News, Irving Terrell of the Oakland Chamber of Commerce, and Philip G. Lasky, KROW's general manager.

Though network salutes were released, this was the only local production in the San Francisco area, according to KROW.

## NATIONAL DEFENSE

How individuals may help in the present emergency is being forcefully told through the medium of radio by the Legislative Advisory Committee on National Defense and Employment of the State of California.

The Committee operates under authority granted by the State Legislature and its Radio Chairman is Richard F. Connor, Los Angeles.

According to Mr. Connor the first broadcast over the Pacific Coast Mutual-Don Lee Broadcasting System took place Friday, November 29, 3:30 to 4:00 p. m.

Next Sunday the Committee will broadcast its program over Mutual Broadcasting System, coast to coast, at 3:00 p. m., EST.

An analysis of the opening script indicates that the Californians have evolved a forceful technique for attracting and holding an audience and for getting across a particular national defense idea.

After the opening fanfare there is a four voice opening announcement:

> "Men wanted . . . men wanted . . . men wanted.
> "Skilled men needed for defense.
> "Men wanted for the Army, Navy and Marine Corps.
> "Uncle Sam needs men to study and train under the vocational educational program of, 'Skills for Defense.'
> "Men wanted . . . men wanted . . . men wanted."

Then after "stout hearted men" the announcer said:

> "Good afternoon . . . from coast to coast the Legislative Advisory Committee on Defense and Employment of the State of California, presents a broadcast to the nation, with the hope that young men everywhere will heed the appeal to join and take advantage of the educational facilities now being offered them to prepare as skilled trades-men. Today's program features the remarks of nationally famous educators, naval and military authorities and civic leaders . . . and brings you the music and melody of the two-hundred fifty voice Los Angeles civic chorus under the direction of J. Arthur Lewis and the Los Angeles Police Department Band under the baton of Captain Harry Signor."

Following John C. Austin, civic leader and member of the Legislative Advisory Committee on Defense and Employment, explained that the group came into being to marshal the resources of the state back of national defense.

Next speaker was Commander R. Bolton, who, in one hundred and fifty words, sold naval enlistment.

Dr. Robert A. Millikan, using the same amount of copy, stressed the development of our human resources—"trained brains and skilled hands." He said that the country must have a total defense program and "war today is won in the first instance in the laboratory, in the work shop, on the drafting board and in the factory.

The states as such will make their largest contribution to the national defense by keeping their educational machinery running at its maximum efficiency in providing an adequately trained personnel for the foregoing occupations."

The part of labor was handled by R. A. McMullen, president of the Los Angeles Building and Construction Trades Council. He asserted that the American Federation of Labor favored a well regulated apprenticeship program. He began his remarks with "our nation is engaged in a great national defense program the purpose of which is to assure continuance of our democratic way of life and if it becomes necessary to defend our freedom with force, we will be prepared to do an adequate job."

Colonel John Pirie, United States Army and former commander of March Field, Riverside, Calif., said:

> "From time immemorial, whenever other factors were equal, success in battle has been had by the forces able to utilize the latest developments in arms and equipment . . . the present emergency will demand an ever increasing number of workmen with a high degree of intelligence and training, and will require the closest cooperation among military, naval, industrial and school authorities throughout the nation. . . ."

Former State Superintendent of Schools, Vierling Kersey, and now superintendent of the schools in the City of Los Angeles, said:

> "Educational leadership recognizes that there can be no adequate national preparedness except as education meets its full responsibility. This responsibility in times of stress is twofold. Education must train men and women for the essential and the normal jobs which produce commodities and perform services that make defense strong. And even greater responsibility for education to meet is that which has to do with the strengthening of national morale. . . ."

## MAN POWER

"Station KUSD of the University of South Dakota, Vermillion, has for some time been using Man Power Announcements," writes Ed LaGrave, Jr., student director.

Counting KUSD, at least 655 stations are cooperating in recruiting skilled workers, on behalf of the United States Civil Service Commission, for jobs in National Defense.

Aircraft needs remain urgent.

## TOP THIS ONE

George Patterson, program director, WAVE, Louisville, today offers the record of his station as claimant of longest remote pick-up honors in the broadcast of a high school football game.

Challenge was issued last week by J. E. Reynolds, commercial manager, WJRD, Tuscaloosa, Ala., after the station, on November 21, had broadcast, by remote from St. Louis, the football game between the Tuscaloosa and University high schools.

Mr. Patterson bases his claim to the DX championship on the broadcast, December 31, 1938, of the National Championship football game between New Britain, Connecticut, and duPont Manual of Louisville. The game was played in Baton Rouge, La. By leased lines, railroad or as the crow flies, Mr. Patterson believes that it is further from Louisville to Baton Rouge than it is from Tuscaloosa to St. Louis.

## ENGINEERING COLLEGES ANNOUNCE DEFENSE TRAINING COURSES

### *Includes Radio*

Sixty-four American engineering colleges in 35 States, the District of Columbia, and Puerto Rico are today announcing 250 short, intensive training courses, including radio engineering, designed to meet the shortage of engineers for service as designers, inspectors, and supervisors with the industries and Government agencies engaged in the National Defense program.

The all-clear signal for these announcements, which will be followed by others as additional needs and courses are developed, was given when John W. Studebaker, U. S. Commissioner of Education, reported formal approval of the proposals submitted by these institutions to Federal Security Administrator Paul V. McNutt.

### *25,000 To Enroll*

Prospective students must satisfy the engineering school giving the instruction that they have the requisite technical training and experience to understand the subject and that they are employable in defense work. Applicants will be considered by the schools individually. Those accepted will have their tuition costs paid by the Federal Government. Congress recently appropriated $9,000,000, to be administered by the U. S. Office of Education, for this purpose.

Since the Engineering Defense Training program is intended both to prepare new workers for defense occupations and to fit those already so employed in engineering positions for greater responsibilities, many of the courses will be given after working hours and at locations in or near industrial areas. In many cases key men in defense industries will serve as instructors.

A list of the institutions whose plans are already approved and the courses which each will give is appended. Prospective students who wish further information are urged to communicate directly with the school giving the desired course, since it has the final responsibility for admission. Prompt action is urged. Instruction will begin as soon as the necessary number of students enroll.

## ENGINEERING DEFENSE TRAINING PROGRAM

### *Courses Approved to December 11, 1940*

**Alabama**

| | |
|---|---|
| University of Alabama<br>University | Correlation Course for Ordnance Inspectors<br>Industrial Safety and Safety Administration<br>Mechanics and Strength of Materials<br>Mechanisms and Elementary Machine Design |

| | |
|---|---|
| University of Alabama<br>*(Continued)* | Tool and Die Design<br>Industrial Organization and Management; Time and Motion Study<br>Physical Metallurgy and Metallurgy of Iron and Steel<br>Industrial Practice, Steel Industry<br>Industrial Practice, Electric Power Industry<br>Industrial Practice, Cast Iron Pipe and Fittings Industry |

### Arkansas

| | |
|---|---|
| University of Arkansas<br>Fayetteville | Engineering Drawing |

### Colorado

| | |
|---|---|
| Colorado State College of Agricultural and Mechanical Arts<br>Fort Collins | Machine Design<br>Engineering Drawing<br>Materials Inspection and Testing |
| University of Colorado<br>Boulder | Engineering Drawing and Machine Design (4 courses)<br>Technology of Heavy Chemicals Industry<br>Advanced Electronic Instruments |
| University of Denver<br>Denver | Testing of Chemicals and Other Defense Materials |

### Connecticut

| | |
|---|---|
| Yale University<br>New Haven | Applied Mechanical Design<br>Engineering Drawing<br>Inspection of Materials<br>Metallurgy<br>Production Control<br>Welding Supervision |

### District of Columbia

| | |
|---|---|
| George Washington University<br>Washington | Surface and Aerial Navigation<br>Concrete Inspection and Testing<br>Construction Materials, Properties, Tests and Specifications<br>Map Making and Interpretation<br>Structural Steel Design<br>Ship Construction<br>Radio Communication |
| Howard University<br>Washington | Engineering Drawing |

### Illinois

| | |
|---|---|
| Bradley Polytechnic Institute<br>Peoria | Engineering Drawing |
| Illinois Institute of Technology<br>Chicago | Design of Tools and Testing Equipment<br>Tool and Fixture Design<br>Machine Design<br>Testing Methods<br>Inspection Methods<br>Welding Engineering<br>Structural Designing and Drafting<br>Design of Bombproof Shelters<br>Time and Motion Study<br>Industrial Management<br>Metallurgy<br>Drafting and Elementary Design<br>Strength of Materials and Steel Design<br>Testing and Inspection of Concrete<br>Diesel Engines<br>Production Planning Routing |

### Indiana

| | |
|---|---|
| Purdue University<br>Lafayette | Aeronautical Engineering<br>Tool Design (2 courses)<br>Production Engineering (2 courses)<br>Production Supervision (2 courses)<br>Engineering Drafting<br>Materials Inspection<br>Machine Design<br>Metallurgy |
| Purdue University<br>*(Continued)* | Applications of Electronics<br>Materials Testing and Inspection (2 courses)<br>Explosives Inspection |
| Rose Polytechnic Institute<br>Terre Haute | Materials Inspection and Testing<br>Engineering Drawing and Machine Design |
| University of Notre Dame<br>South Bend | Chemical Analysis of Metallurgical Materials<br>Physical Metallurgy<br>Tool and Die Design |

### Iowa

| | |
|---|---|
| Iowa State College<br>Ames | Tool Engineering<br>Materials Inspection and Testing |

### Kansas

| | |
|---|---|
| Kansas State College<br>Manhattan | Engineering Drawing<br>Tool Engineering<br>Explosives |
| University of Kansas<br>Lawrence | Aeronautical Engineering<br>Engineering Drawing<br>Machine Design<br>Materials Inspection and Testing<br>Production Engineering and Supervision |

### Kentucky

| | |
|---|---|
| University of Louisville<br>Louisville | Aerial Photographic Mapping<br>Ferrous Physical Metallurgy<br>Non-Ferrous Physical Metallurgy<br>Strength of Materials<br>Elementary Unified Mathematics |

### Louisiana

| | |
|---|---|
| Louisiana Polytechnic Institute<br>Ruston | Engineering Drawing |
| Southwestern Louisiana Institute<br>Lafayette | Engineering Drawing |

### Maryland

| | |
|---|---|
| Johns Hopkins University<br>Baltimore | Plastics<br>Mechanical Design for Radio Engineers<br>Radio Engineering<br>Materials Inspection and Testing |
| University of Maryland<br>College Park | Aircraft Inspection<br>Aircraft Tool Engineering<br>Aeronautical Drafting and Design |

### Massachusetts

| | |
|---|---|
| Harvard University<br>Cambridge | Engineering Drawing |
| Massachusetts Institute of Technology<br>Cambridge | Ordnance Inspection<br>Dynamic Analysis of Servomechanisms<br>Textile Testing<br>Exterior Ballistics<br>Applied Mathematics<br>Engineering Fundamentals<br>Aeronautical Engineering<br>Aircraft Engines<br>Application of Metallography<br>Instrumentation and Vibration Measurement<br>Vibrations and Their Applications |
| Northeastern University<br>Boston | Machine Design<br>Materials Inspection and Testing<br>Production Engineering and Supervision |
| Tufts College<br>Medford | Chemistry in National Defense<br>Concrete Inspection and Construction<br>Machine Design<br>Radio Engineering<br>Theory and Practice of Welding |

### Michigan

| | |
|---|---|
| Michigan College of Mining and Technology<br>Houghton | Machine Design<br>Materials Inspection and Testing<br>Engineering Drawing |
| University of Detroit<br>Detroit | Materials Inspection and Testing<br>Drawing, Descriptive Geometry, and Shop Mathematics<br>Aeronautical Engineering<br>Production Supervision<br>Production Engineering |
| University of Michigan<br>Ann Arbor | Production Engineering and Supervision<br>Machine Design<br>Materials Inspection and Testing<br>Tool Engineering |

### Minnesota

| | |
|---|---|
| University of Minnesota<br>Minneapolis | Optical Engineering |

### Mississippi

| | |
|---|---|
| Mississippi State College<br>State College | Engineering Drawing<br>Tool Engineering<br>Materials Inspection and Testing |

### Nevada

| | |
|---|---|
| University of Nevada<br>Reno | Civil Engineering Drawing |

### New Hampshire

| | |
|---|---|
| University of New Hampshire<br>Durham | Engineering Drawing |

### New Jersey

| | |
|---|---|
| Newark College of Engineering<br>Newark | Machine Design<br>Engineering Drawing<br>Materials Inspection and Testing |
| Rutgers University<br>New Brunswick | Machine Design |
| Stevens Institute of Technology<br>Hoboken | Introduction to Engineering<br>Elements of Engineering Drawing |

### New Mexico

| | |
|---|---|
| New Mexico College of Agricultural and Mechanical Arts<br>State College | Engineering Drawing<br>Materials Inspection and Testing<br>Machine Design |

### New York

| | |
|---|---|
| Cornell University<br>Ithaca | Mechanics and Elementary Aircraft Design |
| New York University<br>New York City | Marine Engineering<br>Aerial Bombardment Protection<br>Time and Operation Study<br>Gaging and Inspection Methods<br>Production Control |
| Union College<br>Schenectady | Chemistry of Metals<br>Design of Highly Stressed Structures and Apparatus<br>Drafting and Drafting Room Practice<br>Electron Tubes and Their Applications<br>Elementary Electrical Theory and Practice<br>Elementary Mechanics and Strength of Materials<br>Engineering Materials & Manufacturing Methods<br>Engineering Problems and Their Mathematical Solution<br>Industrial Applications of Optics<br>Industrial Chemistry<br>Internal Combustion Engines<br>Principles and Practice of Radio Communication<br>Production and Cost Control<br>Tool Design |

### North Carolina

| | |
|---|---|
| Agricultural and Technical College of North Carolina<br>Greensboro | Materials Inspection and Testing |
| Duke University<br>Durham | Machine Design<br>Communication Engineering |
| North Carolina State College<br>Raleigh | Diesel Engineering<br>Production Engineering<br>Machine Design<br>Experimental Electronics<br>Materials Inspection and Testing<br>Aircraft Inspection<br>Chemical Testing and Inspection |

### North Dakota

| | |
|---|---|
| University of North Dakota<br>University | Engineering Drawing<br>Materials Inspection and Testing |

### Oklahoma

| | |
|---|---|
| Oklahoma Agricultural and Mechanical College<br>Stillwater | Tool Engineering<br>Production Engineering<br>Machine Design<br>Materials Inspection and Testing<br>Engineering Drawing |
| University of Oklahoma<br>Norman | Engineering Drawing (2 courses) |

### Ohio

| | |
|---|---|
| Case School of Applied Science<br>Cleveland | Industrial Instrumentation<br>Explosives<br>Electrical Maintenance and Control<br>Internal Combustion Engine Testing<br>Elements of Motion Economy<br>Fundamentals of Machine Design<br>Machine Detailing<br>Inspector and Metallurgical Technician Training |
| University of Cincinnati<br>Cincinnati | Materials Inspection and Testing<br>Production Supervisor |

### Pennsylvania

| | |
|---|---|
| Bucknell University<br>Lewisburg | Engineering Drawing<br>Materials Inspection and Testing |
| Carnegie Institute of Technology<br>Pittsburgh | Engineering Drafting (2 courses)<br>Production Engineering<br>Elements of Metallurgical Engineering<br>Testing and Inspection<br>Machine Design<br>Production Supervision |
| Drexel Institute of Technology<br>Philadelphia | Production and Tool Engineering<br>Machine Design<br>Chemical Plant Operation<br>Electrical Circuit Theory, Machines and Instruments |
| Grove City College<br>Grove City | Engineering Drawing |
| Pennsylvania State College<br>State College | Fuel Technology<br>Pyrometry<br>Physical Testing of Materials (2 courses)<br>Elementary Engineering Drafting<br>Elementary Machine Design<br>Elementary Tool Design<br>Electronics and Electron Tubes<br>Operation Inspection<br>Petroleum Refinery Control<br>Physical Metallurgy<br>Pre-Foremanship Training in Production Supervision<br>Production Engineering (2 courses)<br>Test Calculations and Instrumentation<br>Time and Motion Study<br>Diesel Engineering |

**Tennessee**

| | |
|---|---|
| Vanderbilt University<br>Nashville | Engineering Drawing<br>Machine Design<br>Materials Inspection and Testing |

**Texas**

| | |
|---|---|
| Southern Methodist University<br>Dallas | Engineering Drawing<br>Production Supervision |
| Texas College of Arts and Industries<br>El Paso | Engineering Drawing |
| University of Texas<br>Austin | Engineering Drawing<br>Soil Mechanics Laboratory Technique<br>Structural Drafting<br>Materials Inspection and Testing (2 courses) |

**Utah**

| | |
|---|---|
| University of Utah<br>Sale Lake City | General Metallurgy<br>Materials Inspection and Testing<br>Mechanical Drawing and Descriptive Geometry<br>Machine Design |

**Vermont**

| | |
|---|---|
| Norwich University<br>Northfield | Engineering Drawing |

**Virginia**

| | |
|---|---|
| University of Virginia<br>Charlottesville | Engineering Drawing |

**Washington**

| | |
|---|---|
| State College of Washington<br>Pullman | Engineering Drawing |

**West Virginia**

| | |
|---|---|
| West Virginia University<br>Morgantown | Process Engineering (Chemical)<br>Testing and Inspection<br>Production Supervisors<br>Drafting and Designing<br>Metallurgy |

**Wisconsin**

| | |
|---|---|
| Marquette University<br>Milwaukee | Materials Inspection and Testing<br>Production Engineering |

**Wyoming**

| | |
|---|---|
| University of Wyoming<br>Laramie | Engineering Drawing |

**Puerto Rico**

| | |
|---|---|
| University of Puerto Rico<br>Mayaguez | Communication Engineering |

# Engineering

## FCC HOLDS CONFERENCE ON HIGH FREQUENCY EQUIPMENT

An informal Engineering Conference was held at the FCC on Monday, December 9, for the purpose of discussing transmitting equipment for high frequency broadcast stations.

Two principal subjects were discussed and these were:

1—Maximum power rating and operating power range of standard high frequency (FM) transmitters

and

2—Performance characteristics of audio amplifying equipment when obtained separately and as a complete unit.

The Conference was conducted by Andrew D. Ring, Chief Engineer of the broadcast division. William C. Boese, Commission Engineer and William H. Bauer assisted Mr. Ring in conducting the Conference. Also present at the Conference table were the following:

> Mr. C. M. Srebroff, Radio Engineering Laboratories; Mr. Frank A. Gunther, Radio Engineering Laboratories; Mr. C. A. Priest, General Electric Company; Mr. John B. Coleman, RCA Manufacturing Company; Mr. Raymond F. Guy, National Broadcasting Company; Mr. J. E. Young, RCA Manufacturing Company; Mr. R. N. Harmon, Westinghouse Electric & Manufacturing Company; Major Edwin H. Armstrong, Columbia University; Mr. J. F. Morrison, Bell Telephone Laboratories and Mr. M. A. MacNari, Bell Telephone Laboratories.

During his introductory remarks, Mr. Ring outlined the purposes of the Conference as contained in FCC public notice of November 23 entitled, "Notice To Manufacturers Of High Frequency Broadcast Equipment." (See November 29 NAB Reports.)

Mr. Ring asked the various representatives what they thought the proper steps in maximum transmitter power rating should be and what the operating power range for each transmitter should be.

John Morrison, of the Bell Telephone Laboratories, suggested that the successive steps in power be about three to one. He suggested that the maximum power ratings be .3, 1, 3, 10, 30 and 100 KW. Mr. Morrison discussed a plan for licensing FM stations using standard steps of power. He pointed out that the 50 microvolt contour distance varies a small amount over a power range of three to one. As a procedure for using standard steps of power, Mr. Morrison said that the power needed in an antenna with a gain of one could be calculated and then the next lowest standard transmitter power could be selected and the efficiency of the antenna then raised up to the required amount. He also suggested approval of a station using a good antenna and a standard power transmitter provided the transmitter power was within 25% of the required value.

C. A. Priest of the General Electric Company suggested power increments of not less than three to one. He suggested maximum power ratings of .25, 1, 3, 12 and 50 KW with the power variable on the smallest transmitter from 50 to 250 watts and provision for power reduction on the other transmitters down to the next lowest step. Mr. Priest said that most of the available tubes for UHF would allow these steps.

Mr. John B. Coleman of the RCA Manufacturing Company, favored the power steps outlined by Mr. Morrison with the exception of the first step where he suggested 250 watts.

Mr. C. M. Srebroff of Radio Engineering Laboratories, said that they approved the steps outlined by General Electric Company.

Mr. R. N. Harmon of the Westinghouse Electric & Manufacturing Co., said that they were willing to go along with the consensus of opinion so far as the low power steps were concerned and that he was not prepared to make a statement on the high-powered steps.

Mr. Ring led a discussion of the various proposals and finally the following maximum power ratings and operating power ranges were agreed on.

250 watts variable from 100 watts; 1,000 watts variable from 250 watts; 3,000 watts variable from 1,000 watts; 10,000 watts variable from 3,000 watts; and 50,000 watts variable from 12,500 watts.

It was recognized that there may be a need in the future for an intermediate power in the neighborhood of 25,000 watts and for a higher power of 100 KW.

It was agreed by the representatives of the companies present, that they would adhere to the manufacture of transmitters of the powers outlined above, and further that a company desiring to produce another model would give 6 months notice to all of the other companies.

Mr. Ring indicated that the Commission would not allow the installation of a transmitter in excess of four times the operating power.

The Conference took up the discussion of power loss on transmission lines at ultra high frequencies and the power gain of various antennas. Mr. Ring said it would be desirable to have a set of values which could be used in calculating UHF broadcast coverage. Due to lack of detailed information on these two subjects, Mr. Ring requested that the Director of Engineering of NAB coordinate the collecting of available data. Eight men were asked to serve on a Committee to further this work and these were:

> H. P. Thomas, General Electric Company; J. F. Morrison, Bell Telephone Laboratories; R. N. Harmon, Westinghouse Electric & Manufacturing Company; Frank A. Gunther, Radio Engineering Laboratories; William B. Lodge, Columbia Broadcasting System; R. D. Duncan, RCA Manufacturing Company; Paul deMars, Yankee Network; and Andrew Alford, Mackay Radio and Telegraph Company.

Mr. Ring said that it was up to the Engineering Department of the FCC to see that specific audio-response requirements are met. The group then discussed the difficulties involved in obtaining the over-all requirements of the Commission. It was brought out that there may be some difficulty in obtaining the required response, even though the characteristics of the components did indicate that the response could be obtained. It was the consensus of the group that it would be more difficult to obtain the required performance if the audio-amplifying equipment components were obtained separately than if obtained as a factory wired unit.

The problem of transmitting up to 15,000 cycles over telephone lines was considered next. There was also discussion concerning frequencies suited for the use of relaying programs from the studio to the transmitter.

Mr. Ring said that the subject material of the Conference would most likely be covered in an FCC release in the immediate future.

Approximately 50 interested parties attended the Conference and at times some of those not at the Conference table joined in the discussion.

# Labor

## RESERVE OFFICERS

Both the Army and Navy Reserves will consider deferment in calling to active duty reserve officers who are key employees in industries related to national defense.

In the case of a naval reserve officer called up:

He should ask for deferment in a letter addressed to the Chief of the Bureau of Navigation, U. S. Navy Department, Washington, D. C. The letter should state his importance to the operation of the station. It should be accompanied by a letter from the station manager stating the importance of the officer to the operation of the station. These letters should be submitted to the officer's commanding officer.

The Army outlined its procedure as follows:

### OFFICE OF THE ASSISTANT SECRETARY OF WAR

### Washington, D. C.

Transfer of Members of Officers' Reserve Corps Who Are Key Employees in Industry

(October 7, 1940)

The primary value of the reserve military organization—and the justification of the effort and expense involved in training and military education lies in its immediate availability in an emergency.

Only one valid reason will excuse a member of a reserve military organization from the obligation stated—his greater service to the nation in his civilian status.

The conception of modern warfare recognizes the vital role of the civilian effort. The requirement for availability of civilian employees, essential to industry in the national defense program, is comparable to that for armed forces. A civilian employee, however, who holds an important position in an industry related to national defense, and who is at the same time enrolled in a military organization, occupies a dual position incompatible with availability in an emergency. The inconsistency of this dual status can only be corrected by timely decision as to which status better serves the national interest.

*Reserve Officers, who are key men in industries related to national defense* and whose retention is absolutely necessary, may be transferred to the War Department Reserve Pool upon the request of the head of the concern. *It must be clearly shown that the officer cannot be replaced and that his absence on active duty would seriously jeopardize production.* The War Department reserves the right in all such cases to approve or disapprove the request or to return the officer to eligible status at any time that he is considered necessary in the military service. While in this Pool, the officer is not eligible for promotion, assignment, or active duty.

A separate request for transfer to the War Department Reserve Pool must be submitted for each officer. *It must be signed by the head of the firm and submitted to the Assistant Secretary of War, Washington, D. C., in duplicate.* The following information must be supplied in each case:

*a. Name of reserve officer:* (e.g., John H. Smith, *not* J. H. Smith).
*b. Rank and Military Organization:*
*c. Home address:*
*d. Date of birth:*
*e. Marital status and number of dependents:*
*f. Present position:*
*g. Length of time in present position:*
*Total time with firm:*
*h. Statement in justification of classification of reserve officer as key employee:* (Include information as to availability of replacement, or time required to train replacement if not available).
*i. In what respect the operations of the firm are related to national defense:*

Each change in the occupational status of a reserve officer classified as a key employee and transferred to the War Department Reserve Pool will be reported by his firm at the time and the report will include sufficient information upon which to permit reclassification of the officer or a continuation of his key employee status.

Reconsideration of adverse action in an individual case may be requested at any time. The request should follow the form hereinbefore outlined, and should contain such additional information as the firm desires to submit.

It should be noted that the above procedure refers *exclusively* to key employees who are commissioned in the Officers' Reserve Corps of the United States Army, and *not* to National Guard Officers, members of the Enlisted Reserve Corps, or key employees who are not members of the military establishment.

# Miscellaneous

## ROCHESTER AD CLUB DISCUSSES RADIO

Pointing out that America is one of the few countries where business men have access to the power and influence of radio as an advertising medium, Samuel J. Henry, Jr., of the NAB Bureau of Radio Advertising addressed the Rochester Ad Club December 9 on the subject of "Local Radio Advertising." More than 75 sales and advertising executives heard the discussion, and later asked questions of the radio officials present. From WHEC were Clarence Wheeler, vice-president, Gunnar Wiig, general manager, and L. C. Wheeler, commercial manager. WHAM was represented by William Fay, manager, and Jack Kennedy, commercial manager.

Mr. Henry cited some typical experience stories, as gathered by the NAB Bureau, to illustrate local radio's flexibility and all-round effectiveness in employing many types of programs to sell many different products and services. "Consult with the station experts," he concluded, in offering a 7 point plan of approach to the most profitable use of the broadcast medium.

### IRNA COMMITTEE MEETS

The regular quarterly meeting of the IRNA network negotiating committees took place Wednesday, December 4, at Hotel Waldorf Astoria, New York. Present were Samuel R. Rosenbaum WFIL, Mark Ethridge WHAS, Edwin W. Craig WSM, Paul W. Morency WTIC, Don S. Elias WWNC, I. R. Lounsberry WGR, George W. Norton, Jr., WAVE, Martin B. Campbell WFAA.

Ethridge and Rosenbaum reported fully on the brief and arguments presented on behalf of IRNA before the FCC this week, in which IRNA took exception to the recommendations in the so-called Monopoly report and the proposed new regulations projected by the FCC for limitations on contracts between affiliates and networks.

The IRNA committees unanimously approved and endorsed the IRNA brief and the arguments presented before the Commission by Messrs. Segal and Rosenbaum.

The committee meetings are continuing this week for the completion of discussions with the networks regarding network practices.

### ADDITIONAL ADVISERS

The Defense Communications Board today announced that Carl D. Brorein, president of the United States Independent Telephone Association, has been appointed to the board's Industry Advisory Committee, and that the American Municipal Association, 1313 East 60th Street, Chicago, has been invited to designate a representative to serve on the State and Municipal Facilities Committee.

### ARMY TRAINING CAMPS

Beauregard, Camp, Alexandria, La., Maj. Gen. Campbell B. Hodges.

Benning, Fort, Fort Benning, Ga., Maj. Gen. Charles L. Scott.

Bliss, Fort, Fort Bliss, Texas, Maj. Gen. Robert C. Richardson, Jr.

Bragg, Fort, Fort Bragg, N. C., Maj. Gen. Jacob L. Devers.

Dix, Fort, Fort Dix, N. J., Col. John W. Downer, F. A.

Hamilton, Fort, Brooklyn, N. Y., Col. Eley P. Denson, 18th Inf.

Harrison, Fort Benjamin, Fort Benjamin Harrison, Ind., Maj. Gen. Joseph M. Cummins.

Houston, Fort Sam, Fort Sam Houston, Texas, Maj. Gen. James L. Collins.

Jackson, Fort, Columbia, S. C., Maj. Gen. Philip B. Peyton.

Knox, Fort, Fort Knox, Ky., Lt. Col. J. J. Bethurum Williams, Armored Force (F. A.).

Lewis, Fort, Fort Lewis, Wash., Maj. Gen. Charles F. Thompson.

McClelland, Fort, Anniston, Ala., Maj. Gen. William N. Haskell (N. G. Officer).

McKinley, Fort William, Rizal, Luzon, P. I.

Ord, Fort, Fort Ord, Calif., Maj. Gen. Joseph W. Stilwell.

Schofield Barracks, Schofield Barracks, T. H., Maj. Gen. William H. Wilson.

Shelby, Camp, Hattiesburg, Miss., Lt. Col. John N. Robinson.

Sill, Fort, Fort Sill, Okla., Brig. Gen. Donald C. Cubbison.

Snelling, Fort, Fort Snelling, Minn., command temporarily vacant.

## FEDERAL COMMUNICATIONS COMMISSION

### FOREIGN LANGUAGE BROADCASTS

A total of 199 domestic radio stations now schedule broadcasts in one or more foreign languages, and 57 additional stations, while not now broadcasting in any foreign language, have done so in the past six months. This is revealed in an analysis of responses by broadcast stations to a recent questionnaire of the FCC.

Thirty-one foreign languages are represented on 1,721 current weekly programs, representing nearly 1,330 hours of foreign language programs a week. Approximately three-fourths of this broadcast time is in the Italian, Polish, Spanish, Jewish and German languages, the proportions decreasing in the order listed.

The smaller stations appear to predominate in the foreign language field, 108 of the 199 stations having power not in excess of 250 watts. However, a substantial number of the stations which devote a considerable amount of time to foreign language programs have greater power. There are 43 stations which broadcast 10 or more hours a week in one or more foreign languages.

A preponderance of the stations using foreign languages are located in areas with considerable foreign-born populations, and assert that broadcasts in native tongues are popular with their listeners and their advertisers.

### BROADCAST RULES AMENDED

Section 3.22(c) of the Rules Governing Standard Broadcast Stations were amended by FCC by adoption of the following amendment:

"The Commission today amended Section 3.22(c) of the Rules Governing Standard Broadcast Stations by adding the following footnote: '1a. The term "metropolitan district" as used in this subsection is not limited in accordance with the definition given by the Bureau of the Census but includes any principal center of population in any area.' "

## TIME EXTENSION ON MONOPOLY BRIEFS

The FCC has granted the petition of the National Broadcasting Co. for extension of time to December 24, within which to file supplementary brief in Docket No. 5060 in re investigation of chain broadcasting. The extension to December 24 will apply to all parties.

## 876 STATIONS

The Federal Communications Commission issued operating licenses to ten stations, and granted nine permits for the construction of new stations during the month of November, 1940. One station was deleted. A comparative table by months follows:

| | Dec. 1 | Jan. 1 | Feb. 1 | Mar. 1 | Apr. 1 | May 1 | June 1 | July 1 | Aug. 1 | Sept. 1 | Oct. 1 | Nov. 1 | Dec. 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Operating | 755 | 765 | 769 | 771 | 775 | 779 | 783 | 791 | 799 | 806 | 810 | 816 | 825 |
| Construction | 57 | 49 | 48 | 51 | 48 | 47 | 53 | 56 | 58 | 57 | 54 | 52 | 51 |
| | 812 | 814 | 817 | 822 | 823 | 826 | 836 | 847 | 857 | 863 | 864 | 868 | 876 |

## PAYNE BROADCASTS

George Henry Payne, member of the FCC, spoke last Sunday afternoon on the Universal Bible Sunday, under the auspices of the American Bible Society and the Federal Council of Churches over the red network of the National Broadcasting Company.

Addresses were made on this occasion in previous years by Bishop James E. Freeman, Senator James J. Davis, Professor William Lyon Phelps, and others.

## PROPOSED FINDING

Eight hundred and thirty kilocycle frequency can be used for broadcast purposes at night in Boston simultaneously with its employment in Denver, the FCC held in proposing to amend its rules to permit more efficient use of this frequency.

In proposed findings of fact and conclusions, the Commission proposes to grant the application of Matheson Radio Co., Inc., for a permit to increase the power of its station WHDH, at Boston, from 1 to 5 kilowatts for unlimited time operation on the 830 frequency, using directional antenna at night. According to the proposed findings, this will not cause interference to the primary service of any station, and any interference which such operation may reasonably be expected to cause National Broadcasting Company's station KOA at Denver, will be limited to interference with intermittent reception upon receivers located in the eastern part of the United States.

"The granting of a permit therefor and operation of station WHDH as proposed by applicant," declares the proposed findings, "will enable it to deliver service of primary signal quality to an area having a population of 3,093,000, or to 621,000 more people than are now included within the primary service area of the station. The hours of operation of applicant station will be extended two and one-half hours during summer months, and a maximum of five and one-half hours during winter months. This will provide a new primary service to 94.9 per cent of the Boston metropolitan area, including a population of 2,185,000. In addition to the aforementioned improvements and extension of service to residents in the Boston area, there will be an improvement of service which applicant station now endeavors to render over the fishing banks situated off the New England coast."

Accordingly, the Commission proposes to amend Section 3.25(a) of its rules which now limits the use of the frequency 830 kilocycles by one full-time station.

The proposed findings were concurred in by Commissioners Thompson, Walker, and Payne, with Commissioners Case and Craven voting in the negative, and Chairman Fly not participating. Commissioners Case and Craven issued a statement setting forth the findings which they believe should have been proposed.

## NRDGA SALES PROMOTION

On page 4843 of the Reports (issue of December 6) stations who have received from NRGDA Promotion Department an invitation to become Associate Members were asked to advise NAB headquarters of their decision in this matter. We now ask that before any action is taken upon this request NAB headquarters be consulted with regard to possible developments in this matter which may affect the decision you might otherwise make.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled before the Commission for the week beginning Monday, December 16. It is subject to change.

### Monday, December 16

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., **630 kc.**, 1 KW night, 1 KW day, unlimited, DA night and day.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

### January 15

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, **1080 kc.**, 5 KW, limited to WBT and KFAB. Present assignment: **1080 kc.**, 5 KW, limited to WBT, share WCBD.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.**, 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

### January 17

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.,** 50 KW night, 50 KW LS, specified hours.

### January 22

WMBD—WMBD Broadcasting Co., Assignor, Peoria, Ill.—Voluntary assignment of license of WMBD and portable-mobile stations WAIN, WEKH, WPEO and WEKI to Peoria Broadcasting Co. (a Delaware corporation), Assignee. Operating on: WMBD—**1440 kc.,** 1 KW night, 5 KW day, unlimited; WAIN—**1622, 2058, 2150, 2790 kc.,** emission A-3, 25 watts night, 25 watts day, Sec. 4.24; WEKH—**1622, 2058, 2150, 2790 kc.,** emission A-3, 50 watts night, 50 watts day, Sec. 4.24; WPEO—**33380, 35020, 37620, 39820 kc.,** emission A-3, 1 watt night, 1 watt day, Sec. 4.24; WEKI—**33380, 35020, 37620, 39820 kc.,** emission A-3, 10 watts night, 10 watts day, Sec. 4.24.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### FM APPLICATIONS GRANTED

WDRC, Inc., Hartford, Conn.—Granted construction permit for new FM station to operate on frequency **46500 kc.,** 6,100 square miles, population 1,118,000 (B1-PH-35).

Metropolitan Television, Inc., New York City.—Granted construction permit for new FM station to operate on frequency **47500 kc.,** 8,500 square miles, population 12,000,000 (B1-PH-52).

Bamberger Broadcasting Service, Inc., New York City.—Granted construction permit for new FM station to operate on frequency **47100 kc.,** 8,500 square miles, population 12,000,000 (B1-PH-46).

WGN, Inc., Chicago, Ill.—Granted construction permit for new FM station to operate on frequency **45900 kc.,** 10,800 square miles, population 4,500,000 (B4-PH-7).

National Broadcasting Co., Inc., Chicago, Ill.—Granted construction permit for new FM station to operate on frequency **46300 kc.,** 10,800 square miles, population 4,500,000 (B4-PH-31).

Walker-Downing Radio Corp., Pittsburgh, Pa.—Granted construction permit for new FM station to operate on frequency to be requested, 8,400 square miles, population 2,100,000 (B2-PH-24).

The National Life & Accident Insurance Co., Nashville, Tenn.—Granted construction permit for new FM station to operate on frequency **44700** (or other) **kc.,** 16,000 square miles, population 819,000 (B3-PH-44).

### APPLICATIONS GRANTED

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted modification of license to change time of operation from sharing with WBRB and WGBB to sharing with WGBB and simultaneously with WBRB; **1210 kc.,** 250 watts (B1-ML-1030).

W2XOY—General Electric Co., New Scotland, N. Y.—Granted modification of (FM) license to increase power from 1000 to 2500 watts (B1-MLHB-27).

WCAB—WCAU Broadcasting Co., Newtown Square, Pa.—Granted application for modification of international broadcast station license to add frequencies **9650** and **11830 kc.,** on a time-sharing basis with WCBX (B2-MLIB-43).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special temporary experimental authority for period of 90 days to add frequencies **11890** and **15150 kc.** and delete **17780 kc.,** in order to improve program service to Central and South America during evening hours, subject to condition no interference (B1-MLIB-44).

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of international broadcast station license to add frequency **17780 kc.,** sharing with WPIT, make changes in equipment, and operate with an effective operating power of 70 KW on **9670 kc.,** using separate power amplifier and directive antenna (B1-MLIB-45).

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted extension of special experimental authorization to operate an additional 35 KW power amplifier to feed a separate directive antenna, for the period ending May 1, 1941, to enable applicant to simultaneously on the same frequency provide a program service to Central and South America, using frequency **9670 kc.** (B1-SAIB-3).

W8XAL—The Crosley Corp., Mason, Ohio.—Granted extension of special experimental authority for the period ending Nov. 1, 1941, to operate a 1-KW transmitter on **6080 kc.,** A0 and A1 emission for identification only, sharing time with WLWO, to provide signals to the National Bureau of Standards in Washington for continuous ionosphere studies made by that Bureau (B2-SAIB-2).

W3XPY—Bell Telephone Labs., Inc., Whippany, N. J.—Granted modification of developmental broadcast station license to change frequencies to **43100, 43700** and **44300 kc.,** for the purpose of testing and developing equipment manufactured by applicant for (FM) broadcast stations. The Commission's Order No. 69 was amended to cover this change (B1-MLEX-10).

### DESIGNATED FOR HEARING

The Yankee Network, Inc., Paxton, Mass.—Construction permit for new FM station to operate on **44300 kc.,** 19,230 square miles, 6,600,000 population (B1-PH-51).

Worcester Telegram Pub. Co., Worcester, Mass.—Construction permit for new FM station to operate on **43100 kc.,** 20,437 square miles, 6,600,000 population; 10 hours day, 6 hours night (B1-PH-29).

### RENEWAL OF RELAY STATION LICENSES

The following relay broadcast stations were granted renewal of licenses for the period ending December 1, 1941:

WEGS, Muncie, Ind.; WEGW, Charleston, W. Va.; WALM, WALN, WAUJ, Louisville, Ky.; KDAS, Fresno, Cal.; WEGX, Charleston, W. Va.; KAOH, Kansas City, Mo.; KEJM, Sioux City, Iowa; KEJO, St. Louis, Mo.; WEOH, Richmond, Va.; KEGZ, Spokane, Wash.; WEOE, Fargo, N. Dak.; WELN, Hartford, Conn.; WEHY, Bristol, Tenn.

### MISCELLANEOUS

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with WIBW and WCHS, with power of 1 KW, from 7:25 to 9:25 p. m., Dec. 6 and 20; from 7:55 to 9:55 p. m., Dec. 23; from 7:45 to 9:45 p. m., CST, Dec. 31, in order to broadcast basketball games only.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 10 p. m., CST, Dec. 6, 7, 11, 17, 20 and 21, in order to broadcast Purdue University basketball games only.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (Dec. 4:15 p. m., EST) to 4:45 p. m., EST, Dec. 8, 15, 22 and 29, in order to broadcast program on behalf of the Massachusetts Federation of Music Clubs only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 to 6 p. m., EST,, Dec. 8, 15, and 22, in order to broadcast the "Rosary Hour" only.

WICA—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate from local sunset (Dec. 5 p. m. and Jan. 5:15 p. m., EST) to 6 p. m., EST, Dec. 8, 15, 22 and 29, and Jan. 5, in order to broadcast Father Justyn's Rosary Hour only.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7 to 9 p. m., Dec. 8, in order to broadcast incidental sustaining music, and from 9 p. m., Dec. 8, to 2 a. m., EST, Dec. 9, in order to broadcast testimonial dinner to be given for Bill Robinson by Negro Actors Guild from Mecca Temple only.

KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, T. H.—Denied special temporary authority to operate from 10:45 p. m. to 11:15 p. m., LST, for a period not to exceed 30 days (not to commence before Dec. 2), in order to broadcast news for benefit of the U. S. fleet and government employees in the station service area.

W2XMN—Edwin H. Armstrong, New York City.—Granted special temporary authority to retransmit the transmissions of experimental high frequency broadcast station W1XPW for a period not to exceed 30 days in order to conduct experiments.

WAPI—Alabama Polytechnic Inst., University of Alabama, Birmingham, Ala.—Continued hearing on application for renewal of license now scheduled for Dec. 3 to Jan. 15, 1941.

KWKH—International Broadcasting Corp., Shreveport, La.; WOV—Greater New York Broadcasting Corp., New York City.—Granted petitions filed by KWKH and WOV for rehearing directed against the action of the Commission August 14, 1940, granting the application of Dr. George W. Young (WDGY) for construction permit to change frequency from **1180** to **1100 kc.**, and increase power from 1 KW night, 5 KW day, to 10 KW day, 5 KW night, unlimited time, using directional antenna.

W1XTG—Worcester Telegram Publishing Co., Worcester, Mass.—Granted extension of license of experimental high frequency station W1XTG for a period of 60 days from January 1, 1941, upon condition that no interference is caused to any high frequency broadcast station, and that it is subject to cancellation by the Commission at any time without advance notice or hearing if the need arises.

Metropolitan Television, Inc., New York City.—Approved a minute entry in re grant of construction permit for experimental television station of November 15, to show aural and visual power as 250 watts instead of 1 KW.

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; KFAB—KFAB Broadcasting Co., Lincoln, Nebr.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG—Norfolk Daily News, Norfolk, Nebr.—Denied joint petition filed by WBT, KFAB, WBBM and WJAG to reconsider action in designating for hearing and to grant without a hearing the applications of these stations now pending in hearing docket for change in facilities.

Keys Broadcasting Co., Key West, Fla.—Denied as in default the application for construction permit for new station to operate on **1310 kc.**, 250 watts, unlimited time (B3-P-2773).

Central Broadcasting Corp., Miami, Fla.—Denied as in case of default the application for a new station at Sanford, Fla., to operate on **1370 kc.**, 250 watts, unlimited time (B3-P-2800).

Carl Sholtz, Miami, Fla.—Denied as in case of default application for a new station at Fort Pierce, Fla., to operate on **1420 kc.**, 250 watts, unlimited time (B3-P-2748).

Atlantic Broadcasting Corp., Miami, Fla.—Denied as in default application for new station at West Palm Beach, Fla., to operate on **780 kc.**, 500 watts night, 1 KW day, unlimited time (B3-P-2853).

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-571).

KSEI—Radio Service Corp., Pocatello, Idaho.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-600).

WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-595).

KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-598).

WOSU—Ohio State Univ., Columbus, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-590).

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-592).

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of construction permit (B1-P-2319), which authorized changes in antenna system) for extension of commencement date to January 1, 1941, and completion date to July 1, 1941 (B1-MP-1107).

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Granted license to cover construction permit (B3-P-2775, which authorized a new station on **1200 kc.**, 250 watts, unlimited time), and approval of studio site at 111 So. Pentz St., Dalton, Ga. (B3-L-1226); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-596).

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted license to cover construction permit (B-P-2220), which authorized change of frequency from **1320** to **590 kc.**, increase in power from 1 to 5 KW, installation of new transmitter and vertical antenna and move of transmitter and studio; also granted authority to determine operating power by direct measurement of antenna input (B-Z-601).

KFRU—KFRU, Inc., Columbia, Mo.—Granted license to cover construction permit (B4-P-2322), which authorized change of frequency from **630** to **1370 kc.**, decrease in power from 500 watts night, 1 KW day, to 250 watts, and change in time from S-WGBF to unlimited (B4-L-1275); also granted authority to determine operating power by direct measurement of antenna input (B4-Z-572).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted construction permit to make changes in equipment (B3-P-3000).

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted license to use old composite transmitter for auxiliary purposes only, using 500 watts power (B1-L-1271).

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-P-2996), which authorized reinstatement of construction permit (B1-P-2601) for new equipment, antenna changes, increase in power from 1 KW, to 1 KW night, 5 KW day on **570 kc.**, and move of transmitter to Belleville Turnpike, Kearny, N. J. (B1-L-1278); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-574).

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted license to cover construction permit (B1-P-2654), which authorized installation of directional antenna for night use and increase in power from 1 KW night, 5 KW day, to 5 KW day and night, on **1360 kc.**, using directional antenna (B1-L-1295). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-586).

KODL—Western Radio Corp., The Dalles, Ore.—Granted license to cover construction permit (B5-P-2838), which authorized a new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time (B5-L-1283). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-579).

W1XK—Westinghouse E and M Co., Boston, Mass.—Granted license to cover construction permit (B1-PH-B-76), for new high frequency broadcast station; frequency **42,600 kc.**, 1000 watts, special emission for frequency modulation (B1-LHB-68).

WEKW—The Travelers Broadcasting Service Corp., Portable-Mobile (area of Hartford, Conn.).—Granted license to cover construction permit (B1-PRE-366), which authorized decrease in power of relay broadcast station from 25 to 15 watts, and installation of new equipment (B1-LRE-336).

WELU—WDZ Broadcasting Co., Portable-Mobile (area of Tuscola, Ill.).—Granted license to reinstate relay station WELU, to be used with broadcast station WDZ; frequencies **30820, 33740, 35820, 37980 kc.**, 2 watts (B4-LRE-335).

WENJ—WJW, Inc., Portable-Mobile, area of Akron, Ohio.—Granted license to cover construction permit (B2-PRE-351), which authorized installation of a new transmitter in relay broadcast station (B2-LRE-330).

WFHR—William F. Huffman, Wisconsin Rapids, Wis.—Granted license to cover construction permit (B4-P-1902) for a new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time (B4-L-1282). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-578).

WLAC—J. T. Ward, d/b as WLAC Broadcasting Service, Nashville, Tenn.—Granted motion to accept amendment to application for construction permit to comply with Commission station assignments (Mimeo. Nos. 43242 and 43252) to request a Class I-B station (Docket No. 4137), (B3-P-1250).

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted petition to intervene and to enlarge issues in re hearing on application of William H. Amesbury, Minneapolis, Minn., for construction permit for new station to operate on **630 kc.**, 1 KW, unlimited, directional antenna night and day (Docket No. 5920), (B4-P-2746).

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted motion for continuance of hearing now set for December 11, 1940, on application for modification of license to use hours of operation being used by WCBD when WCBD is assigned a different frequency, until after such time as the Commission may act on application of WCBD (Docket 5865), (B4-ML-926).

WMBD—WMBD Broadcasting Co. (assignor), Peoria, Ill., Peoria Broadcasting Co. (assignee).—Granted petition for continuance of 30 days of hearing now set for December 18, 1940, on application for voluntary assignment of license of WMBD, WAIN, WEKH, WPEO and WEKI (Docket 5911), (B4-AL-282).

WWL—Loyola University, New Orleans, La.—Granted petition for postponement of hearing date (hearing now set for December 12, 1940), on application for renewal of license, until further action on pending petition for reconsideration and grant without hearing (Docket 5819), (B3-R-447).

KFXM—Lee Brothers Broadcasting Co., San Bernardino, Cal.—Granted construction permit to install a new transmitter (B5-P-3017).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted construction permit to install a new transmitter (B2-P-3001).

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted modification of construction permit (B1-P-2643, which authorized installation of new transmitter and antenna, increase in power and move of transmitter) for extension of completion date to January 14, 1941 (B1-MP-1108).

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted modification of construction permit (B2-P-2451, which authorized installation of new transmitter, directional antenna, increase in power, change in frequency and move of transmitter) for change in type of transmitting equipment (B2-MP-1106).

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted modification of construction permit (B5-P-2437, which authorized new transmitter, installation of directional antenna, increase in power from 1 to 10 KW and move of transmitter), for extension of completion date from December 16, 1940, to June 16, 1941 (B5-MP-1102).

WKBB—Sanders Bros. Radio Station, Dubuque, Iowa.—Denied petition for rehearing directed against the action of the Commission, September 4, 1940, granting the application of Telegraph Herald (KDTH) for modification of construction permit to increase power from 500 watts to 1 KW, hours of operation from daytime only to unlimited time, using a directional antenna at night.

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted special temporary authority to operate from 2 a. m. to 3 a. m. CST, on December 14, 1940, in order to broadcast a DX program only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to remain silent on Christmas Day, December 25, 1940, in order to permit station employees to observe the holiday.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted special temporary authority to remain silent on Christmas Day, December 25, 1940, in order to permit station employees to observe the holiday.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 8 p. m. to 10 p. m. EST, December 9, 1940, in order to broadcast a political rally only.

WPIT—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted special temporary authority to operate the equipment of International Broadcast station WPIT, authorized in a construction permit (File No. B1-PIB-23) with a power of 50 KW, using WL 893R tubes in final amplifier stage in lieu of Federal 124R tubes, for a period not to exceed 30 days.

W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency broadcast station W2XMN for the period December 7, 1940, to not later than January 5, 1941.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9 p. m., EST, December 7, 1940, to conclusion of program in order to broadcast special program on National Preparedness and Defense only.

W2XWV—Allen B. duMont Laboratories, Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on the frequencies **60000-86000 kc.**, at 515 Madison Avenue, New York City, for the period December 10, 1940, to not later than January 8, 1941, in order to conduct field tests.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate high frequency broadcast station W1XSO on frequency **43.7 mc.** instead of **43.2 mc.**, for the period December 10, 1940, to not later than December 31, 1940, in order to eliminate certain interference.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast programs received from high frequency broadcast stations W1XER, W1XPW and W2XMN, for a period not to exceed 30 days.

W1XER—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast programs received from high frequency broadcast stations W1XOJ, W1XPW and W2XMN, for a period not to exceed 30 days.

The Evening News Association, Detroit, Mich.—Denied special temporary authority to operate the 3-KW transmitter at 645-7 Griswold St., Detroit, Mich., on **44500 kc.**, for a period not to exceed 30 days pending filing and action on formal application for such authority.

Thomas J. Watson and The Hampden-Hampshire Corp.—Dismissed joint petition requesting Commission to dismiss the application of Citizens Broadcasting Corp. for a new station in Schenectady, N. Y. This application was denied by the Commission December 30, 1938, and no petition for rehearing or appeal from the decision has been filed.

W10XF-W10XR—National Broadcasting Co., Inc., Portable-Mobile.—The Commission adopted orders removing developmental broadcast stations from the terms of Order No. 69, inasmuch as the operating assignments of the two stations now conform to Commission regulations.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate from 6:30 p. m., EST, to conclusion of Rose Bowl football game January 1, 1941, in order to broadcast said football game only.

WAGF—John T. Hubbard, Julian C. Smith, and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 4:45 p. m. to 7 p. m., CST, for the period December 7, 1940, to not later than December 24, 1940, in order to broadcast Charity Drive programs only.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 7 p. m., December 16, 1940, to 1 a. m., EST, December 17, 1940, in order to broadcast the Hearst Diamond Belt Boxing Finals from Madison Square Garden, and incidental sustaining music.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m., CST, December 20, 1940, and January 10, 1941, in order to broadcast basketball games only.

WOI—Iowa State College of Agriculture and Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, December 21, 1940, in order to broadcast basketball game only. Also granted special temporary authority to operate from 7 p. m. to 9 p. m., CST, January 6, 18, and 25, 1941, in order to broadcast basketball games only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 4:15 p. m. to 4:30 p. m., EST, December 8, 15, 22, and 29, 1940, in order to broadcast religious program from the Greek Cathedral sponsored by the New England Helenic Association only.

WIBL—Carolina Advertising Corp., Columbia, S. C.—Granted special temporary authority to operate equipment described in telegram received November 26, 1940, on frequency **2058 kc.**, between 8 p. m. and 9 p. m., EST, December 18, 1940, in order to relay broadcast house-to-house interview program of Santa Claus nature to Radio Station WCOS.

Essex Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to pick up and transmit for broadcast by Station CKLW program originating at the Detroit Stock Yards, from 12 to 12:30 p. m., EST, December 12, 1940, for the benefit of the 4-H Clubs.

WAAB-WEAN-WICC-WNAC—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to pick up and rebroadcast certain programs received from high frequency broadcast station W1XOJ for a period not to exceed thirty days (B1-S-189, 161, 137, 192, respectively).

W9XA—Everett L. Dillard, tr/as Commercial Radio Equip. Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26300 kc.,** using maximum power of 1000 watts, special emission (FM) in cooperation with the licensee of high frequency broadcast station W2XJI, for the period December 9, 1940, to not later than January 1, 1941, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.,** employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted special temporary authority to operate from 2 a. m. to 3 a. m., CST, December 14, 1940, in order to broadcast a DX program only.

KOWH—World Publishing Co., Omaha, Nebr.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., CST) to the conclusion of the Rose Bowl football game on January 1, 1941, in order to broadcast said game only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted request for special temporary authority in so far as it requests authority to operate additional time as follows: December 11, 1940, from 7:45 p. m. to conclusion of basketball game between Modesto Junior College and Stockton Junior College, to broadcast said game only; December 13 and 14, 1940, from 7:30 to 9 p. m., to broadcast a Hobby Show only; December 15, 1940, from 8 p. m. to conclusion of event, to broadcast the town's annual presentation of the "Messiah" only; and January 9, 10 and 11, 1940, to broadcast the State basketball tournament at Modesto Junior College only, from 7 p. m. to conclusion of games each night; denied said request in so far as it requests the following: December 15, 1940, from 7:30 to 8 p. m., for the purpose of building an audience, and December 17, 21 and 23, 1940, from 7 p. m. to conclusion of event for special Christmas programs.

WHA—State of Wisconsin, University of Wisconsin, Madison, Wis. —Granted special temporary authority to remain silent on December 25, 1940, in order to observe Christmas holiday.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to remain silent on December 25, 1940, and January 1, 1941, in order to observe the holidays.

Robert Nielson, Detroit, Mich.—Granted special temporary authority to transmit Christian Science Lecture from 8 p. m. to 9 p. m., EST, Feb. 4, 1941, from the Third Church of Christian Science at Detroit, Mich., to Radio Station CKLW.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

WDEV—Lloyd E. Squier & William G. Ricker, d/b as Radio Station WDEV, Waterbury, Vt.—Authority to determine operating power by direct measurement of antenna power.

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y. —Transfer of control of corporation from Donald J. Flamm to Edward J. Noble, 100 shares common stock.

### 680 Kilocycles

NEW—David Rosenblum, trading as Butler Broadcasting Co., Butler, Pa.—Construction permit for a new station to be operated on **680 kc.,** 250 watts, daytime, Class II.

WLAW—David Rosenblum, trading as Butler Broadcasting Co., Butler, Pa.—Authority to determine operating power by direct measurement of antenna power.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—License to cover construction permit (B1-P-2712) for new transmitter and directional antenna for night use, increase power and change hours of operation.

### 770 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Special experimental authorization to operate simultaneously with WBBM from 6 a. m., CST, until local sunrise at Chicago, Ill., during those months when sunrise at Chicago is later than 6 a. m. for period to 3-1-41.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Special experimental authorization to operate simultaneously with KFAB from 6 a. m., Central Standard Time, until local sunrise at Chicago, Ill., during those months when sunrise at Chicago is later than 6 a. m., for period to 3-1-41.

### 790 Kilocycles

WGY—General Electric Co., Schenectady, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter, change frequency from **1040 to 1340 kc.,** increase power from 250 watts to 1 KW, hours of operation from daytime to unlimited time, install directional antenna for day and night use. Amended: To change type of requested transmitting equipment.

### 1180 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit to change frequency from **1180 kc.** to **940 kc.,** under North American Regional Broadcasting Agreement, increase power from 1 KW night, 5 KW day to 5 KW day and night, change hours of operation from limited time to unlimited time, install directional antenna for day and night use and move transmitter from Napier Ave., Macon, Ga., to Forsyth Road, Macon, Ga.

### 1210 Kilocycles

WGAC—The Twin States Broadcasting Co., Augusta, Ga.—License to cover construction permit (B3-P-2891) as modified for a new station.

WGAC—The Twin States Broadcasting Co., Augusta, Ga.—Authority to determine operating power by direct measurement of antenna power.

WATN—Watertown Broadcasting Corp., Watertown, N. Y.—Modification of construction permit (B1-P-809) as modified for a new station, to change type of transmitter, and extend commencement and completion dates.

### 1220 Kilocycles

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Authority to determine operating power by direct measurement of antenna power.

### 1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Modification of construction permit (B3-P-2497), which authorized installation of new transmitter and directional antenna, increase in power, further requesting move of transmitter from approximately 8 miles N.E. of Fort Worth, Birdville, Texas, to ½ mile N.W. of Birdville, Texas, extend commencement and completion dates from 11-17-40 and 5-17-41 to date of grant and 120 days thereafter.

### 1300 Kilocycles

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Construction permit to change frequency from **1300 kc.** to **630 kc.,** power from 1 KW to 1 KW night, 5 KW day, install new transmitter make changes in directional antenna for day and night use and move transmitter from Myrtle Ave., and Emerald St., St. Paul, Minn., to ½ mile N.W. of Bloomfield, Minn. Amended: To give transmitter site as North Side of West 66th St., west of Lyndale Ave., South, Richfield, Minn.

### 1330 Kilocycles

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Modification of construction permit (B3-P-2230) for increase in power, move of transmitter, installation of new transmitter, requesting authority to install new transmitter, approval of antenna and transmitter site at Ocean Drive, Corpus Christi, Texas (present site and antenna).

### 1350 Kilocycles

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

NEW—Paul E. Horton, Mrs. Fred Horton, Noble W. Young, R. D. Kerr, Mrs. Luzelle Kerr and J. L. Collins, d/b as Hunt Broadcasting Association, Greenville, Tex.—Construction permit for a new station to be operated on **1200 kc.,** 100 watts, unlimited time. Amended to make changes in proposed equipment, change frequency from **1200** to **1370 kc.,** increase power from 100 watts to 250 watts, change location of transmitter, and change applicant from an association to a partnership, changes antenna system.

WIBM—WIBM, Inc., Jackson, Mich.—Authority to determine operating power by direct measurement of antenna power.

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Construction permit to change frequency from **1370 kc.** to **630 kc.,** Class III-A station; increase power from 250 watts to 5 KW; install a new transmitter; install directional antenna for day and night use; and move transmitter from northwest corner Syndicate St. and St. Anthony Ave., Lot 10, Block 4, Midway Industrial Division, St. Paul, Minn., to Penn Avenue South, Bloomington, Minn.

### 1420 Kilocycles

WMVA—William C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Modification of construction permit (B2-P-2226) as modified for a new station, to move transmitter and studio from Hotel Henry, Church St., Martinsville, Va., to Thomas Jefferson Hotel, Church St., Martinsville, Va., and make changes in equipment; extend commencement and completion dates 30 and 90 days, respectively.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new station to be operated on **1420 kc.,** 250 watts, unlimited time, Class IV. Amended re antenna, and change location of transmitter from Johnson City, N. Y., to Binghamton, N. Y.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—License to cover construction permit (B5-P-1339) as modified for a new station.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Authority to determine operating power by direct measurement of antenna power.

### 1450 Kilocycles

NEW—West Allis Broadcasting Co., West Allis, Wis.—Construction permit for a new station to be operated on **1450 kc.,** 250 watts, daytime.

### 1500 Kilocycles

KNOW—Frontier Broadcasting Co., Inc., Austin, Tex.—Construction permit to install new transmitter, directional antenna for night use; change frequency from **1500** to **740 kc.** under North American Regional Broadcasting Agreement; increase power from 250 watts to 10 KW; and move transmitter from East 5th and Tillery Sts., Austin, Tex., to 3 miles east of Pflugerville, Tex.

WSLS—Roanoke Broadcasting Corp.. Roanoke, Va.—License to cover construction permit (B2-P-3018) to install new transmitter.

### 1550 Kilocycles

NEW—Orange Broadcasting Corp., Orange, Tex.—Construction permit for a new station to be operated on **1550 kc.,** 1 KW, unlimited time, Class III.

## FM APPLICATIONS

NEW—KOIN, Inc., Portland, Ore.—Construction permit for a new high frequency broadcast station to be operated on **44500 kc.;** coverage, 8,175 square miles; population, 608,611.

NEW—Star-Times Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **43100 kc.;** coverage, 9,900 square miles; population, 1,640,000. Amended to change frequency from **43100** to **44700 kc.,** coverage from 9,900 to 12,480 square miles, population from 1,640,000 to 1,748,733, and change type of transmitter.

NEW—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-PH-3) for a new high frequency broadcast station, requesting approval of transmitter and antenna, change coverage from 8.500 to 8,200 square miles, and population from 13,950,852 to 12,074,192.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit for a new high frequency broadcast station to be operated on **43300 kc.;** coverage, 3,025 square miles; population, 116,119. Amended to change requested frequency from **43300** to **44700 kc.**

NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.;** coverage, 16,100 square miles; population, 6,431,310. Amended to change type of transmitter.

NEW—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Construction permit for a new high frequency broadcast station to be operated on **43900 kc.;** coverage, 11,488 square miles; population, 3,473,432.

## MISCELLANEOUS

W1XER—The Yankee Network, Inc., Sargents Purchase, N. H.—Construction permit to change frequency from **42340 kc.** to **43900 kc.,** increase power from 500 watts to 1000 watts, emission from A3 to Special for frequency modulation, and change transmitter.

W1XER—The Yankee Network, Inc., Sargents Purchase, N. H.—License to cover above construction permit.

WAUY—Evansville on the Air, Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-369) for a new relay broadcast station. Amended: Sections 5(f) and 7(a) re frequency monitor.

NEW—Paducah Broadcasting Co., Inc., Mobile, area of Hopkinsville, Ky.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 15 watts, A-3 emission.

NEW—Bremer Broadcasting Corp., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **47100 kc.;** coverage, 8,500 square miles; population, 11,325,000.

WBKY—University of Kentucky, Beattyville, Ky.—Reinstatement of construction permit (B2-PED-12) with change in frequency from **41900 kc.** to **42900 kc.**

KGEI—General Electric Co., San Francisco. Calif.—Construction permit to move transmitter from Treasure Island, San Francisco, Calif., to near Belmont, Calif.

WCZR—Zenith Radio Corporation, Portable-Mobile (area of Chicago, Ill.)—License to cover construction permit (B4-PRE-358) for a new relay station.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Cinchona Products Institute, Inc.,** a corporation chartered, organized and existing under the laws of the State of New York, with its principal office located at 10 Rockefeller Plaza, New York City, is charged in a complaint with misrepresentation.

The respondent is a wholly-owned subsidiary and American agent and representative of the Cinchona Institute of Amsterdam, Holland, a foreign corporation engaged in the sale and distribution in the United States and elsewhere of the drug quinine.

As the agent of the Holland concern, the complaint continues, the respondent has for more than two years disseminated advertisements with respect to its principal's product, recommended by the respondent and the Holland concern, for use in the treatment of malaria. In these advertisements in newspapers, periodicals and other media, the respondent is alleged to have represented that "Quinine is the only cheap, safe and certain remedy," and "* * * the only dependable treatment for malaria is quinine * * *."

The complaint alleges that these representations are false and misleading, and that, while quinine possesses therapeutic value in the treatment of malaria, it is not effective in all cases and is not in all cases safe for use, as it may cause in some cases toxic conditions manifested by skin rashes, ringing in the ears, and dizziness. According to the complaint, the use of quinine by women in the latter stages of pregnancy may precipitate miscarriage. Quinine is not, the complaint continues, the only treatment for malaria which is inexpensive and dependable, there being other drugs and medicinal preparations which constitute dependable treatments for malaria and which are inexpensive.

The respondent further represents, the complaint continues, through use of the word "Institute" in its corporate name and by other representations, that it is a non-profit organization whose purpose is the promotion of learning and research. In truth, the complaint alleges, the respondent is a commercial enterprise whose sole purpose is the promotion of the sale of its principal's product. (4398)

**Clayton Candy Company**—Alleging the use of lottery methods in the sale of candy a complaint has been issued against C. T. Clayton, trading as Clayton Candy Co., Phenix City, Ala.

According to the complaint, the respondent, in selling his merchandise to wholesalers, jobbers and retail dealers, furnishes certain assortments of candy so packed and assembled as to involve the operation of lottery schemes when sold and distributed to ultimate consumers.

The respondent is alleged to furnish various push cards for use in the sale and distribution of his candy by means of games of chance or gift enterprises.

Charging that use of the respondent's sales plan is a practice of a sort which is contrary to established public policy of the Federal Government and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4395)

**William Demuth & Company, Inc.**—See S. M. Frank & Company, Inc.

**Empire State Candy Company**—Alleging the use of lottery methods in the sale of merchandise, complaints have been issued against B. M. Bennett, trading as Empire State Candy Co., Athens, Ga., and The Briarwood Corporation, 2810 Superior Avenue, Cleveland.

According to the complaint, the respondent Bennett, in the sale of candy, and The Briarwood Corporation, in the sale of smoking pipes, furnish dealers with assortments of their products so arranged as to involve the operation of lottery schemes when such merchandise is sold or distributed to ultimate consumers. (4400-4401)

**Euclid Rubber & Manufacturing Company**—Frank G. Huntington, Joseph Posterhofer, Herman Posterhofer and Louis Walton, doing business under the name Euclid Rubber & Manufacturing Company, 19730 Tyrome Ave., Cleveland, manufacturers and distributors of electrical devices, are charged in a complaint issued by the Commission with misrepresentation of their products and with disparagement of their competitors.

In advertisements in trade catalogues, circulars and other ways, the complaint charges, the respondents have represented that their products have been approved by certain laboratories. Among the statements so circulated are: "For the past 10 years we have specialized in the manufacture of these products, have our own molding equipment and machine shop facilities for their complete fabrication" and "Our products have been approved by the Underwriters Laboratories, Electrical Testing Laboratories, and the Hydro-Electric Commission of Ontario." The respondents also place on certain of their products, the complaint continues, letters and designs indicating that such products have been tested by Underwriters Laboratories or Electrical Testing Laboratories.

The respondents have also represented, the complaint alleges, that a competitor of the respondents is a small, insignificant concern not worthy of mention as a competitor; that the use of a name by this concern indicating that it is a manufacturer is false and misleading; that the concern has circulated falsehoods concerning the respondents' business and that it has no machinery of any kind for the manufacture of the products sold by it.

The complaint charges that the foregoing representations are misleading and deceptive, as the respondents' products have not been submitted to, or inspected, tested or approved by, the laboratories named, and the representations concerning its competitor are false and misleading and falsely defame and disparage that company and its products. (4394)

**Francke Company**—Eugene John Francke, trading as Francke Company and as E. J. Francke Company, Merriam, Kans., distributor of medicinal preparations for chickens and turkeys designated "Francke's Turkey and Chicken Tablets," "Francke's Turkey and Chicken Powder," and "Francke's 'SS' Worm Tablets," is charged in a complaint with misrepresentation of his products.

The complaint charges that in periodicals, circulars and other advertising literature, the respondent has represented that his turkey and chicken tablets and powder constitute competent and effective treatments for blackhead in turkeys and coccidosis in chickens, and that the preparations will prevent such conditions, and also represents that Francke's 'SS' Worm Tablets constitutes a competent and effective treatment for worms in chickens and turkeys.

The complaint alleges that the representations are false and misleading in that the preparations do not constitute competent or effective treatments for such ailments in turkeys and chickens. (4396)

**S. M. Frank & Company, Inc.**—Alleging the use of lottery methods in the sale of smoking pipes and other articles, a complaint has been issued against S. M. Frank & Co., Inc., and its subsidiary, Wm. Demuth & Co., Inc., both of 133 Fifth Ave., New York.

According to the complaint, the respondents, in selling their merchandise to wholesalers, jobbers and retail dealers, furnish various devices and plans of merchandise which involve the operation of lottery schemes when used to sell or distribute such merchandise to ultimate consumers.

Charging that use of the respondents' sales plan is a practice of a sort which is contrary to established public policy of the Federal Government and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4393)

**H. H. Hayssen Company**—Charles W. Hayssen, trading as H. H. Hayssen Company, Mobile, Ala., engaged in the sale and distribution of certain preparations containing drugs, described by him as "Dr. Hayssen's Eureka Goitre Balsam," "Dr. Hayssen's Eureka Goitre Ointment," and "Hayssen's Supreme Rheumatism Tablets," is charged in a complaint with misrepresentation.

The complaint charges that in advertisements in newspapers, periodicals and in other advertising literature, the respondent has represented that the goitre balsam and ointment constitute competent and effective treatments for simple goitre, tonsillitis, tumors and other ailments, and that the rheumatism tablets constitute a cure or remedy or effective treatment for rheumatism, diabetes, obesity and other ailments. The respondent further represents, the complaint continues, that all of his preparations are safe for use.

The complaint charges that the preparations do not constitute cures or remedies for the ailments enumerated, nor are they in all cases safe for use, as they contain the drug potassium iodide in a quantity sufficient to cause, in some instances, serious injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaint charges that the respondents' advertisements are false in that they fail to reveal that use of his preparations by persons having any form of goitre other than simple, colloid goitre, or having tuberculosis, may result in serious injury to health. (4402)

**Herolin Company, Inc.**—A complaint has been issued against Herolin Company, Inc., and Bert H. Rubin, its president, 201 Mitchell St., S. W., Atlanta, alleging misleading representations in the sale of various cosmetics and medicinal preparations, "Mystic Charms," toilet articles and related items.

In advertisements disseminated through the mails and by other means in commerce, the respondents, according to the complaint, made misleading representations concerning "Original Herolin Beautifier Hair Dressing," "Herolin Tetter Salve," "Herolin Blood Tonic," "Herolin Moonbeam Tonic," and other cosmetic and medicinal preparations.

According to the complaint, the respondents advertised "Lucky Charm Mystic Curios," "Lucky Charm Mon Jon Incense," "Magnetic Lodestone in Love Oil," and other items, as having mystic and supernatural powers to drive off evil spirits and bring luck and success.

The complaint alleges that the respondents' cosmetic or medicinal preparations do not generally accomplish the results claimed, although some of the latter may give temporary relief.

The complaint further alleges that the respondents disseminated false advertisements because they failed to reveal therein that use of "Herolin Blood Tonic" under conditions prescribed in the advertisements, or under customary or usual conditions, may cause sub-acute or chronic mercury poisoning and that the preparation should not be used by those having tuberculosis or goitre. The respondent also failed to reveal, according to the complaint, that "Herolin Healing Oil" used under prescribed or customary conditions may cause severe dermatitis and that the preparation is highly inflammable.

The complaint further alleges that "Herolin Blood Tonic" would be definitely harmful because of containing bichloride of mercury and potassium iodide.

The respondents are also charged with misleading use of the words "Manufacturer," "Creators of Guaranteed Beauty Aids" and "Manufacturing Chemists." (4399)

**Quality Products Company**—See Spors Company.

**Spors Company**—Frank Spors, trading as Spors Company and as Quality Products Company, Le Center, Minn., engaged in the sale and distribution of a medicinal preparation designated "Corn-Go," intended for use in the treatment of corns, calluses and bunions, is charged in a complaint with misrepresentation of his product.

The complaint charges that the respondent has disseminated advertisements by the United States mails, and in circulars, leaflets, catalogues and pamphlets in the various States, representing that Corn-Go "Safely and cleanly removes soft and hard corns, calluses and bunions." These representations are false and misleading, the complaint alleges, as the respondent's preparation is wholly incapable of removing bunions. While the preparation will effect the temporary removal of corns and calluses, the complaint continues, it will not prevent the recurrence of such conditions and has no effect upon the underlying causes of corns and calluses. (4397)

**Victoria Chemical Company,** 887 Broad St., Newark, N. J., and four New Jersey and New York corporations and nine individual officers are charged in a complaint with misrepresentation of a drug preparation designated "Anti-Drink" distributed by them.

The other respondents are Schwarz Druggists, Inc., located with the Victoria Chemical Company at 887 Broad St., Newark; Schwarz Drug Company, Bloomfield, N. J.; Schwarz Drug Stores, Inc., 457 Clinton Ave., Newark; Hiram Schwarz, Inc., White Plains, N. Y.; and Sarah Schwarz, Esther Schwarz, Joel J. Schwarz, Samuel Schwarz, Ira I. Schwarz, Sylvan Schwarz, Hiram Schwarz, Oscar Katz and Jacob Eisen, all officers or executives of the chemical and drug companies.

The complaint charges that all of the respondents have acted in conjunction and cooperation with each other in carrying out the acts and practices set forth in the complaint.

The complaint charges that the respondents have been engaged in the business of compounding, selling and distributing the preparation designated "Anti-Drink" and recommended by the respondents for use as a treatment and cure for alcoholism and the liquor habit. The complaint declares that the respondents have disseminated false advertisements of their product by the United States mails and other means in commerce. Through use of these statements and representations, the respondents, according to the complaint, have represented, directly or by implication, that Anti-Drink is a cure or remedy and a competent and effective treatment for alcoholism and the liquor habit; that by its use the desire for alcoholic stimulants is eradicated, and that the preparation is safe for use.

The complaint charges that these representations are false and misleading, as the preparation is not a cure or remedy or a competent or effective treatment for the liquor habit, and that it is not safe for use as it contains the drug tartar emetic in a quantity sufficient to cause serious injury to health if the preparation is used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaint further alleges that the respondents' advertisements constitute false advertisements in that they fail to reveal that use of the preparation under these conditions may result in serious injury to the stomach, intestinal tract, heart and nervous system. (4403)

## STIPULATIONS

During the past week the Commission has entered into the following stipulations:

**Benson & Dall, Inc.**—See F. A. Stuart Company.

**Burgess Seed & Plant Company,** trading as V. & M. Products Company, Galesburg, Mich., distributor of a rat-killing preparation, has entered into a stipulation in which it agrees to cease certain representations in the sale of its product.

The respondent company agrees to desist from representing that its product "Black Cat" will kill gophers, or mice of a species or class other than house mice; and that it kills rats and mice quickly. (02675)

**Smith Brothers Drug Company,** 524 Prescott St., Greensboro, N. C., engaged in selling two drug preparations designated "Digesto-Pep" and "Coldlax," has entered into a stipulation in which it agrees to cease representing, directly or by implication, that "Digesto-Pep" is a competent treatment or remedy for stomach disorders, or will do anything more than give temporary relief to stomach discomforts associated with gastric hyperacidity; that "Digesto-Pep" will enable a person to eat whatever may be desired without discomfort; and that "Coldlax" will attack a cold at the cause or at the seat of a cold, or will do anything more than give temporary relief from the symptoms of a cold. (02673)

**F. A. Stuart Company,** 117 South Jefferson St., Marshall, Mich., engaged in selling an antacid medicinal preparation designated "Stuart's Tablets," and Benson & Dall, Inc., 327 South La Salle St., Chicago, engaged in the business of conducting an advertising agency which disseminated advertisements for the preparation of F. A. Stuart Company, have agreed to cease and desist from disseminating or causing to be disseminated any advertisements which represent, directly or by implication, that the tablets are a remedy for any dysfunction of the stomach; that they are more efficacious as an antacid than other preparations with like ingredients in similar proportions for the same or similar purposes, or have any action upon the stomach other than to relieve, temporarily, gastric acidity; that the tablets prevent the occurrence of any dysfunction of the stomach, or check or prevent the formation of acid in the stomach; that the effervescent types of stomach antacids lose their alkalizing properties before taking, or that any premium which is offered in connection with the sale of the respondents' products is finished with gold, when such premium has no gold finish. (02674-02677)

**V. & M. Products Company**—See Burgess Seed & Plant Company.

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Atlas Health Appliance Company**—Jacob L. Goldman, alias J. L. Coleman, trading as Atlas Health Appliance Company, 2430 West Sixth St., Los Angeles, engaged in the sale and distribution of a device or apparatus designated "Atlas Short Wave Diathermy," has been ordered to cease and desist from certain misrepresentations.

In the United States District Court for the Southern District of California, Judge Hollzer, on petition of the Federal Trade Commission, recently issued an order restraining the respondent from further dissemination of certain advertisements of the device pending issuance and final disposition of a complaint by the Commission under its regular procedure.

The respondent is ordered to cease and desist, in connection with the offering for sale, sale or distribution of his device, or any other device of substantially similar construction, from disseminating or causing to be disseminated any advertisement in commerce which represents, directly or through inference, that the respondent is trained or experienced in physical therapy or in the technique of diagnosing or treating pathological conditions; that the respondent's device, when used by the unskilled lay public, constitutes a scientific, safe, harmless or effective means or method for the treatment of sinusitis, neuralgia and numerous other ailments, or that the device aids in killing bacteria, or which advertisements fail to reveal that the unsupervised use of the device by persons not skilled in the diagnosis, analysis, and methods of treatment of disease may result in serious and irreparable injury to health. (4291)

**Bauer & Black**—See Kendall Company.

**House of Royalsun**—An order has been issued requiring Samuel R. Israel and Al Goldstein, trading as House of Royalsun, 25 Essex St., New York, to cease and desist from misleading representations in the sale and distribution of textile fabrics and knitting yarns.

Commission findings are that the respondents misleadingly represented the constituent fiber or material of which its various products were made. Such misrepresentation, the findings continue, appeared on labels which bore brand names such as "New Pigment Crepe," "Cashmere Sport Yarn," "Zephyr Tweed," "Oriental Tweed," "Lustre Wool," "Rainbow Tweed," "Tropical Tweed," "Scotch Tweed," and "Royalsun Yarns." (3849)

**Howard E. Jones & Company**—H. Stanley Jones, H. Edwin Jones and Maurice C. Berkeley, trading under the names Howard E. Jones & Co., King Foods Company, Baltimore Sales Service Company, Baltimore Macaroni Company, and Ocono Company, 206 South Broadway St., Baltimore, are in the business of acting as brokers in the sale of food products, particularly canned fruits and vegetables, carrying on such business principally under the name of Howard E. Jones & Co. They also engage in buying and selling such food products for their own account, principally under the name King Foods Company, but also under the firm names of Howard E. Jones & Co., Baltimore Sales Service Company, Baltimore Macaroni Company and Ocono Company.

The Commission's findings in a cease and desist order are that the respondents have received from numerous sellers brokerage fees, or allowances or discounts in lieu thereof, on many of the purchases made for their own account.

The order directs that they cease and desist from making purchases of commodities for their own account at a price or on a basis which reflects a deduction or a reduction, or is arrived at or computed by deducting or subtracting, from the prices at which sellers are selling commodities to other purchasers thereof, of any amount representing or reflecting, in whole or in part, brokerage currently being paid by sellers to their brokers on sales of commodities made for such sellers by, or by such sellers through, their brokers.

The order also directs that the respondents cease accepting from sellers in any manner, directly or indirectly, anything of value as a commission, brokerage or other compensation, or any allowance and discount in lieu thereof, upon purchases of commodities made for the respondents' own account. (4215)

**Kendall Company**, with headquarters in Boston, and operating a manufacturing division in Chicago under the trade name Bauer and Black, has been ordered to cease and desist from certain representations concerning its products, sold under the brand name "Blue Jay" and consisting of "Blue Jay Corn Plaster," "Blue Jay Bunion and Callus Plasters," and "Blue Jay Liquid Corn Remover."

The Commission finds that the respondent's products do not constitute a cure for corns, calluses and bunions, since such growths will return after temporary removal unless the pressure and irritation which caused them in the first instance is eliminated. The respondent refers to the cone-like apex of corns as a "root" and represents that its products will remove corns, "roots and all." The findings declare that, in fact, this part of the corn is not a "root" in the ordinary meaning of the term and is actually the part of the corn which is formed last. Furthermore, treatment with the respondent's products cannot always be relied upon to remove entirely the cone-like portions of corns which project into the dermis.

The respondent is ordered to cease and desist from representing that corns have a root or roots; that the respondent's products will prevent the formation or recurrence of corns or calluses; that any of the respondent's products constitute a new treatment for corns, calluses or bunions; and that the respondent's products will instantly stop the pain caused by corns or calluses. (3320)

**Lo-Well Company**—James R. Kaye, trading as The Lo-Well Pencil Company and The Lo-Well Company, 40 West 24th St., New York City, and engaged in the sale of pencils, carbon paper and other merchandise, in the course of which the respondent gives premiums to his customers as an inducement for their purchasing his products, has been ordered to cease and desist from misrepresentations.

The respondent is ordered to cease and desist from representing, in connection with the sale and distribution of pencils, carbon paper, and various types of premiums, that the pencils are of first quality, unless such pencils are in fact of a kind and quality usually sold at retail as and known as 5¢ pencils; that a line of pencils is "better," unless such pencils are of a higher quality than those which have theretofore been sold by the respondent; that the pencils will outwear ordinary pencils, unless such pencils possess wearing qualities greater than those of pencils usually sold at retail as 5¢ pencils; that the pencils are being sold at reduced prices, unless in fact such pencils are being offered for sale at a price lower than the prices at which they are usually and customarily sold by the respondent; and that the quality, grade or material of the respondent's products or of the various premiums offered are superior to or different from the actual quality, grade or material of such products or premiums. (4318)

**Scholl Manufacturing Company, Inc.**, 211 West Shiller St., Chicago, engaged in the manufacture and distribution of devices known as "Dr. Scholl's Zino-Pads" and "Dr. Scholl's Kurotex Foot Plasters," designed for the treatment of corns, bunions and other foot ailments, has been ordered to cease and desist from certain misrepresentations of the products.

The respondent is ordered to cease and desist from disseminating or causing to be disseminated any advertisement in commerce which represents, directly or through inference, that the use of "Dr. Scholl's Zino-Pads" stops pain instantly or in one minute; that corns or callouses can be lifted out after the application of "Dr. Scholl's Zino-Pads" without the use of surgery or other aids; that the use of "Dr. Scholl's Zino-Pads" is a cure or remedy for corns, callouses or bunions; that "Dr. Scholl's Zino-Pads" have healing properties; or that the use of "Kurotex Foot Plasters" instantly relieves the pain caused by corns, sore toes, callouses, bunions or tender spots on the feet caused by new or tight shoes, or gives any degree of relief from such condition in excess of that which follows from the protection from outside pressure and friction, or gives any relief from such conditions except during the time that the "Kurotex Foot Plasters" are worn. (4241)

**Thomas Roberts & Company**—An order to cease and desist from violation of the brokerage provision of the Robinson-Patman Act has been issued against Walter W. Thrasher, Willoughby J. Rothrock, Linton A. Thrasher and Wainwright Churchill, trading as Thomas Roberts & Co., 135 South Second St., Philadelphia, who purchase canned fruits and vegetables for their own account and resell them to jobbers, wholesalers, retail chain stores and other purchasers.

Commission findings are that in connection with such purchases for their own account, the respondents have received and accepted from sellers substantial brokerage fees and commissions or allowances and discounts in lieu thereof, and that usually the receipt and acceptance of the allowances and discounts in lieu of brokerage has been accomplished by the respondents by purchasing commodities at prices lower than those at which such goods were being sold to other purchasers—lower by an amount which reflected all or a portion of the brokerage which was currently being paid by sellers of such commodities to their respective brokers for effecting sales to other purchasers.

In connection with the sale of such commodities, the findings continue, the respondents have granted and allowed substantial brokerage fees and commissions or allowances and discounts in lieu thereof to the purchasers.

The order directs that the respondents cease and desist from making purchases of commodities for their own account at a price or on a basis which reflects a deduction or reduction, or is arrived at or computed by deducting or subtracting, from the prices at which sellers are selling commodities to other purchasers thereof, any amount representing or reflecting, in whole or in part, brokerage currently being paid by sellers to their brokers on sales of commodities made for such sellers by, or by such sellers through, their brokers. The order also directs the respondents to cease accepting from sellers in any manner any commission, brokerage or other compensation or allowance and discount in lieu thereof on purchases of commodities made for their own account.

The order further directs that the respondents cease granting or making any allowances or discounts in lieu of brokerage to any purchaser by selling commodities to any such purchaser at a price reflecting a reduction from the prices at which sales of the commodities are currently being effected by the respondents to other customers, such reduction being an amount representing, in whole or in part, brokerage currently being paid by the respondents to local brokers for brokerage services rendered to the respondents in effecting sales of such commodities to other purchasers.

The order also directs that the respondents cease granting or allowing, in any manner, directly or indirectly, any commission, brokerage or other compensation or allowance or discount in lieu thereof to any purchaser in such transactions. (4282)

**Albert W. Sisk & Sons**—Six concerns who act as field brokers in the sale and purchase of canned fruits and vegetables and who also purchase commodities for their own account for resale, have been ordered to cease and desist from violations of the brokerage provision of the Robinson-Patman Act.

The respondents are A. Fletcher Sisk, Theodore E. Fletcher and Harold E. Stark, trading as Albert W. Sisk & Son, Preston, Md.; Charles F. Unruh and Robert A. Harris, Jr., trading as C. F. Unruh Brokerage Company, Kinsale, Va.; Cecil G. Reaburn, trading as C. G. Reaburn and Company, Roanoke, Va.; H. Weldon Ruff, trading as H. M. Ruff & Son, York, Pa.; American Brokerage Company, Inc., Roanoke, Va., and William E. Silver, trading as William Silver & Company, Aberdeen, Md.

The respondents, according to findings, have been engaged in the business of field brokers, acting as the agents of sellers in transactions of sale and purchase of canned fruits and vegetables between sellers thereof and jobbers, wholesalers, retail chain stores and other purchasers.

Commission findings are that the respondents have effected sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondents; that for their services to the sellers the respondents have received from the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where such sales are effected through the aid and assistance of local brokers a portion of this brokerage fee is paid by the respondents to such local brokers for such sales assistance. Further findings are that where the respondents have effected sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the respondents, such allowance and discount usually being the equivalent of the brokerage paid by the respondents to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the findings, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondents.

The Commission finds that in connection with the respondents' purchase of canned products for their own account for resale to jobbers, wholesalers, retail chain stores and other purchasers, they have received and accepted from the sellers and have granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The orders direct that the respondents cease granting or making any allowances or discounts in lieu of brokerage to any purchaser by selling commodities to any such purchaser at a price reflecting a reduction from the prices at which sales of the commodities are currently being effected by the respondents to other customers, such reduction being an amount representing, in whole or in part, brokerage currently being paid by the respondents to corresponding or local brokers for brokerage services or sales assistance rendered to the respondents in effecting sales of such commodities to other purchasers.

The orders also direct that the respondents cease granting or allowing, in any manner, directly or indirectly, any commission, brokerage or other compensation or allowance or discount in lieu thereof to any purchaser in such transactions.

The orders further direct that the respondents cease and desist from making purchases of commodities for their own account at a price or on a basis which reflects a deduction or reduction, or is arrived at or computed by deducting or subtracting, from the prices at which sellers are selling commodities to other purchasers thereof, any amount representing or reflecting, in whole or in part, brokerage currently being paid by sellers to their brokers on sales of commodities made for such sellers by, or by such sellers through, their brokers.

The orders also direct the respondents to cease accepting from sellers in any manner any commission, brokerage or other compensation or allowance and discount in lieu thereof on purchases of commodities made for their own account.

In connection with the proceeding against William E Silver, trading as William Silver & Co, the Commission dismissed the complaint as to Francis S. Silver, named in the complaint as a respondent, who, it appears, prior to issuance of the complaint, dissociated himself from the business. (4275, 4283, 4284, 4292, 4298, and 4340)

**Vulcan Lamp Works, Inc.,** 125 Jersey St., Harrison, N. J., manufacturer and distributor of flashlight bulbs and other incandescent electric light bulbs, has been ordered to cease and desist from misrepresentation of its product.

The Commission finds that the respondent is also engaged in the business of importing glass bulbs from Japan and assembling such bulbs, along with other parts, into flashlight lamps. When received by the respondent, the findings continue, the imported bulbs have imprinted on the neck thereof the words "Made in Japan" or "Japan." In assembling the finished flashlight bulbs, the findings continue, the respondent places such glass bulbs into bases which are purchased by the respondent from manufacturers in the United States and which bear thereon the legend "Made in U. S. A." As a result of such process, the words "Made in Japan" or "Japan" are entirely concealed and there remains visible only the legend "Made in U. S. A." Such finished lamps are then sold by the respondent to retail dealers without any marking thereon to indicate that the bulbs of such lamps, which constitute the basic part thereof, are of Japanese or foreign origin rather than domestic origin.

The respondent is ordered to cease and desist from representing in any manner that flashlight or other incandescent lamps are made or manufactured in the United States, when in fact such lamps or the basic parts thereof are manufactured in countries other than the United States; from representing, through failure to disclose that the basic parts of flashlight lamps or other incandescent electric lamps are manufactured in countries other than the United States, that such flashlight lamps or other incandescent electric lamps are wholly of American manufacture; and from using the words "Made in U. S. A." or "American Made for American Trade," or any other words of similar meaning, to designate, describe or refer to any flashlight bulbs or other incandescent electric light bulbs the basic parts of which are manufactured in any country other than the United States. (3987)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 51, December 20, 1940

## THE WEEK IN WASHINGTON

The Supreme Court this week upheld the right of broadcasters to use phonograph records they had purchased in the open market. The court's decision is effective everywhere but in Pennsylvania. (P. 4897.)

Twenty-one of the 34 most popular tunes of the day will be available to broadcasters after the expiration of their ASCAP licenses. BMI now has 555 members. Neville Miller calls victory "assured." (P. 4898.)

Numerous stations have cooperated in the NAB's "Fifty million radio sets by Christmas" drive. (P. 4900.)

Time "chiseling" falls off, the Bureau of Radio Advertising reports. (P. 4900.)

The FCC will authorize sixty day extensions of experimental FM licenses expiring January 1. (P. 4901.)

## Supreme Court Upholds Record Broadcast Decision

Last summer the broadcasters hailed as the most important radio decision of the year the decision of the Circuit Court of Appeals for the Second Circuit, which reversed the Trial Court and held that broadcasters were free to use phonograph records they had purchased in the open market. (NAB Reports, p. 4465.) The United States Supreme Court on Monday, December 16th, finally disposed of the controversy by denying the petitions for writs of certiorari filed by Paul Whiteman and RCA Manufacturing Co., Inc.

The Circuit Court of Appeals decision can now be fairly said to represent the law of the forty-eight states, except Pennsylvania, where a different rule prevails by reason of the State Supreme Court's decision in Waring v. WDAS. The decisions of the Circuit Court of Appeals for the Second Circuit are generally followed throughout the country.

The Circuit Court of Appeals decided that if the record manufacturer and the recording artist had common law rights, they were lost by the sale of the records in the ordinary channels of trade.

It further decided that the restrictive notice on the records—"Not Licensed for Broadcast"—did not prevent the loss of the alleged common law rights upon the public sale of the records and was not binding upon the purchaser. The Court went on to say that the broadcasting by Station WNEW of phonograph records did not amount to unfair competition.

A further angle considered by the Court was that the station did not interfere with the terms of the record manufacturer's contract with its distributor, which provided that the records were to be sold only for home use. Notice of the distributor's agreement was stamped on the record envelopes.

The decision is of vital importance to almost all broadcasters and particularly independent stations having no network affiliations.

The RCA Manufacturing Company, it will be recalled, following its successful decision in the Trial Court, initiated a licensing system whereby the stations would have paid substantial royalties to the manufacturer. When WNEW appealed the case, RCA Manufacturing Company suspended its licensing activities pending the determination of the appeal. The National Association of Performing Artists, which financed the litigation for Paul Whiteman, was expected to initiate a licensing system had it been successful.

The expense of the defense of the suit by the station was underwritten by NAB, which retained as counsel, Crawford & Sprague, represented by Stuart Sprague, and White & Case, represented by Colonel Joseph M. Hartfield.

### BMI FEATURE TUNES
### December 23-30

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON
8. AN OLD-FASHIONED CHRISTMAS
9. HIGH ON A WINDY HILL

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place. *Counsel;* Lynne C. Smeby, *Director of Engineering*

## BMI DEVELOPMENTS

Of the thirty-four numbers listed by the New York *Enquirer* as song leaders on the air for last week, nineteen were BMI numbers and two were published by the Southern Music Company and will be included in the music licensed by BMI next month.

*There I Go* reached the number one spot on the Hit Parade last week as the acknowledged top hit of the country. Also on the Parade were BMI's *I Give You My Word* and *So You're the One* and Southern's *Frenesi*. *There I Go* is mounting toward the leaders among the national sheet music best sellers, standing at number four on the *Variety* list and at number seven in *Billboard*. *I Give You My Word* and *So You're the One* also appear on the best seller lists, while *There I Go* and *I Give You My Word* show up among the biggest money makers on the coin machines. It is interesting to note that Southern's *Frenesi* has recently joined all of these lists also.

The M. M. Cole Publishing Company sends us word that they have theme songs on three leading radio programs: Gene Autry's Melody Ranch on Sundays; the Tom Mix program, daily; and Pappy Cheshire program from Missouri, daily.

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The continued rush of radio stations to enlist in the support of BMI gives conclusive proof both of the solidarity of the entire broadcasting industry of the United States in its determination to adjust the matter of radio music on a new and equitable basis and also of the success which BMI has already achieved in meeting the musical needs of broadcasters. ASCAP's shop-worn thesis that BMI was a project only of the major networks and their affiliates is conclusively answered by the fact that a large majority of all independent stations in the country are now aligned with BMI. During the time since ASCAP's Paine announced 420 as the probable limit of the BMI membership, additional stations have joined the BMI ranks at such a rate that it has been at times difficult to keep the newspapers up to date. As of December 18th the BMI stations, pledged and subscribed, number 555. We welcome the following newcomers to the list:

WDEF—Chattanooga, Tenn.
KELD—Eldorado, Ark.
WIBM—Jackson, Mich.
WKAQ—San Juan, Porto Rico
WJRD—Tuscaloosa, Ala.
WSVA—Harrisonburg, Va.
KRLD—Dallas, Texas
WJBY—Gadsden, Ala.
WHBB—Selma, Ala.
WRDO—Augusta, Maine
WCHV—Charlottesville, Va.
KGKY—Scottsbluff, Nebr.
WBML—Macon, Ga.
KGNF—North Platte, Nebr.
KWIL—Albany, Ore.
KFPW—Fort Smith, Ark.
KSCJ—Sioux City, Iowa

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Writers of some of the leading BMI hits entertained the advertisers at luncheon on December 18th. M. E. Tompkins, BMI's vice president and general manager, introducing the performers, said, "To me and to the rest of us who are at work up there in our shop the most thrilling, exciting part of the job is the chance to find these talented youngsters, to help them develop, and to watch them achieve such success with the public."

Milton Rettenberg, well-known pianist who is chief of BMI's Editorial Board, played a medley of BMI best-sellers. Joan Whitney sang three of her own songs, "Got a Letter from my Kid Today," "So You're the One," and "High on a Windy Hill." She was accompanied at the piano by Alex Kramer, who collaborated with her in writing the songs. Ernest Gold, composer of "Practice Makes Perfect," played his own instrumental number, "The Shining Hour," and accompanied by Don McCray when the latter sang "You're a Mystery to Me," a new number by Gold for which McCray wrote the words.

Mr. Rettenberg and Robert Sour, head of the lyrics division of the Editorial Board, illustrated the work of revision done on one song before publication. Rettenberg told the audience that "in 99% of the cases" where the BMI staff does such work it is done as a part of the editorial service and no BMI staff member is "cut in" on the royalties or given credit in the by-lines.

Others introduced to the audience were Hy Zaret, author of "There I go," and Norman Weiser, associate editor of *Radio Daily,* whose song "Here's My Heart," is published by BMI.

The cash prize awarded to the holder of the lucky number drawn at the end of the luncheon went to BMI's Ernest Gold.

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The National Council of State Liquor Dealers' Associations, which last spring at its National Convention appointed a committee to explore ways and means of combating the practices of ASCAP which its members felt to be arbitrary and oppressive, held its mid-year meeting at Philadelphia on November 19. The meeting unanimously adopted the following resolution:

> WHEREAS, under the United States copyright laws, the American Society of Composers, Authors and Publishers, commonly called "ASCAP," is permitted to and in fact does levy arbitrary and unreasonable "fees" upon the users of copyrighted musical works, proprietors of entertainment places, restaurants, inns, cafes, hotels, theatres, radio stations, and other establishments wherein are operated amusements and entertainments involving the use of copyrighted musical works, and
>
> WHEREAS, there is at present no statutory limit to the "fees" which may be charged by the American Society of Composers,

Authors and Publishers for the use of copyrighted musical works, and

WHEREAS, the affiliated associations of this Council are in accord with the premise that the author of a copyrighted musical work should receive proper and adequate compensation, and

WHEREAS, it is the belief of this Council that the fairest method of insuring such proper and adequate compensation to the author would be the establishment of an equitable system of fees to be paid in compensation for the use of copyrighted musical works, and

WHEREAS, an organization known as Broadcast Music, Inc., has endeavored to establish such an equitable system between the authors and users of copyrighted musical works,

THEREFORE BE IT RESOLVED by the Board of Directors of the National Council of State Liquor Dealers' Associations, assembled this 19th day of November, 1940, at Philadelphia, that this Council petition the manufacturers and distributors of phonograph machines by means of which recorded music is played in taverns to cooperate to the fullest extent with Broadcast Music, Inc., and install wherever possible BMI records, and

BE IT FURTHER RESOLVED that this Council urge the tavern operators of the country to request the installation of BMI records in phonograph machines on their premises.

What does the general listening public think about BMI? Here are extracts from twelve-page letter from Detroit: "Popular music has been my hobby since 1934. I watch new songs shoot up and pass others. It's fun and is just like a race. Last August I was listening as usual and then out of nowhere came two grand tunes, *Practice Makes Perfect* and *The Same Old Story*. That same month I was at Wurlitzer Music House in Detroit and found (they) were published by Broadcast Music, Inc. That was a new firm to me. I left the store praising Broadcast Music, Inc., as turning out miracle songs all at once over night. Then this fall I've been reading all about BMI and its purpose. I'm 100 per cent for you. BMI can handle the music situation."

## District Meetings

### DISTRICT 1

District One broadcasters met Thursday, December 12, in Worcester, Massachusetts, to review the whole music situation. Neville Miller and Carl Haverlin, BMI Station Relations Director, explained how ASCAP was "on the run" and, in some detail, how the average station could operate successfully without ASCAP music after December 31. Their talks were received enthusiastically. Paul W. Morency, WTIC, District President, presided.

Among those present:

Sterling V. Couch and Walter Haase, WDRC; R. W. Davis and Ralph Kanna, WNBC; C. Glover DeLaney and L. H. Martineau, WTHT; Thomas C. McCray, Paul W. Morency and Grace Sapsuzian, WTIC; Edwin J. Morey and Gerald J. Morey, WNLC; James T. Milne. Jimmy Morgan and Charles H. Wright, WELI; Jack Henry, WBRY; James Parker and Harold Thomas, WATR; Philip G. Daniels and Creighton E. Gatchell, WGAN; Albert W. Smith, WCSH; John McNamara, WBZ-A; Del Castillo, WEEI; R. L. Harlow, Yankee Network; Warren M. Greenwood and James L. Spates, WHAI; Haskell Bloomberg and Robert Danahue, WLLH; Albert M. Hiorne and Irving Vermilya, WNBH; Quincy A. Brackett, William W. Harvey and Wayne H. Latham, WSGR; A. W. Marlin and Paul Pelletier, WMAS; William T. Cavanagh, E. E. Hill, George H. Jaspert and Katherine Norsten, WTAG; Earle Clement and Sherwin Greenlaw, WLNH; Carl Haverlin, B.M.I.; Cy Langlois, Lang-Worth Feature Programs, Inc.; Bill Gartland, NBC Thesaurus; T. F. Allen, WFCI; John J. Boyle, WFAR; H. William Koster, WPRO; Neville Miller, NAB.

### DISTRICT 4

How a broadcasting station should prepare to operate without an ASCAP license after December 31 was the theme that ran through the entire meeting of District Four in Washington, D. C., on Friday, December 13. John A. Kennedy, District President, was in the chair. Neville Miller and Carl Haverlin, BMI Station Relations Director, spoke at length, and Mr. Haverlin answered dozens of questions raised by the broadcasters attending.

Among those present:

Harry C. Butcher, CBS; Wilfred H. Wood, WMBG; A. D. Willard. Jr., WJSV; Frank Blair, WOL; George H. Roeder, WCBM; John Elmer, WCBM; Madeline Ensign, WOL; Joseph L. Miller, NAB; G. Richard Shafto. WIS; K. H. Berkeley, WMAL; George W. Smith, WWVA; Waughn M. Bradshaw, WTAR; Edward E. Bishop, WGH; Bevo Whitmire. WFBC; Joseph Imbrogulio, WFBR; Fred Johnstone, WSLS; E. D. Naff, WRVA; C. T. Lucy, WRVA; W. P. Heffernan, WBTM; Edwin M. Spence, WWDC; Lewis M. Milbourne, WCAO; Lloyd Dennis. WJSV; Joseph B. Matthews, WGKV; G. C. Blackwell, WBLK; E. J. Gluck. WSOC; Dan Crosland, WMRC; Paul J. Miller, WWVA; Kathryn Riddich, WJLS; Ruth Cohn Tepping, WJSV; F. M. Russell, WRC; Alden Aarve, WCHV; Mike Layman, WSAZ; A. Rauch, WPAR; Bob Van Camp, WSTP; Wilbur M. Havens, WMBG; Gill Murray, WRAL; Fred Fletcher, WRAL; R. J. Stratton, WBNC; Irvin G. Abeloff, WRVA; Jack Weldon, WDBJ; J. Robert Beadles, WRVA; H. W. Batchelder, WRBR; Bert Hanauer, WFBR; Flem Evans, WCHS; Robert B. Bingham, WWNC; Don S. Elias, WWNC; Andrew W. Bennett, NAB; Charles G. Hicks, Jr., WSOC; Dyke Cullum, WWDC; James L. Howe, WBTM; Howard Wolfe, WMMN; John W. Shultz, WSTP; Charles Klaton, WAIR; Willis Conover, WTBO; Frank V. Becker, WTBO; G. Mallory Freeman. WRNL; E. S. Whitlock, WRNL; Howard L. Chernoff, WCHS; Fred Shawn, NBC; J. F. Skinnell, WMBG; Robert E. Mitchell, WMBG; Jack Hooper, WMBG; E. D. Johnston, attorney; George L. Filling, WCAO; W. A. Wynne, WEED; Ray P. Jordan, WDBJ; Eric F. Lund, WLVA; John D. Langlois, Lang-Worth; "Cy" Langlois, Lang-Worth; Carl Haverlin, BMI; Graham B. Poyner, WPTF; John A. Kennedy, WPAR, WCHS, WBLK; Sterling Wright, WSPA-WORD; A. E Joscelyn, WBT.

### DISTRICT 5

The Florida Association of Broadcasters were host to the Fifth NAB District at Orlando on Tuesday, December 10, for a meeting called by W. Walter Tison, District Director. Special guests were President Neville Miller of NAB, Washington, and Carl Haverlin of BMI, New York.

Florida Association explained to the assembled group status of Florida anti-monopoly suit now before the supreme court. Director Tison presided and presented NAB story. Neville Miller gave BMI story and Carl Haverlin gave BMI working arrangement and explained library.

I. T. Cohen, of Atlanta office, represented ASCAP and was afforded opportunity to speak to the group.

President Frank King, of the Florida Association, introduced each station head from participating groups during the session. Those attending the meeting were:

Walter Tison, WFLA; Ralph Rogers, WDBO; Fred Mizer, WQAM; J. M. Pedrick, WDBO; Hal Davis, WTMC; John C. McCloy, WKAT; Louis J. Link, WSUN; James W. Young, WJHP; Henry G. Wells, WJHP; Victor J. Andrew, Chicago; Jerry A. Wigley, WSUN; Jack Maxey, WTSP; J. Leonard Reinsch, WSB; Don Ioset, WAGA; W. Wright Esch, WMFJ; C. O. Langlois, Lang-Worth; Mr. and Mrs. Gilbert Freeman, WTAL; Millie Williams, WTAL; James E. Wetherell, Andrew Engineers; Westar E. Britt, WCOV; E. Caldwell Stewart, WSFA; W. E. Benns, Jr., WFTM; F. W. Borton, WQAM; Bob Brown, INS; K. G. Marshall, WBRC; Paul M. Jones, WFLA; Truman Green, Tampa Tribune & WFLA; S. P. Willis, WJNO; Geo. A. Hazlewood, WLOF, Orlando; Henry Bryan, WFTL, Ft. Lauderdale; R. M. Tigert, WFTL, Ft. Lauderdale; John Van Cronkhite, WLOF, Orlando; H. P. Danforth, WDBO; Fred P. Pfahler, WTOC; Weldon Herrin, WTOC; Robt. R. Feagin, WBML, Macon, Ga.; Chas. W. Pittman, WBML, Macon, Ga.; John Fulton, WGST, Atlanta, Ga.; Bert Arnold, WLAK, Lakeland; Arch Robb, WIOD, Miami; Jack Hopkins, WJAX; Harry E. Cummings, Station Repr.; L. S. Mitchell, WDAE; Ken Skelton, WDAE; Neville Miller, NAB; Frank King, WMBR; Glenn Marshall, WMBR; Charlie Stone, WMBR; I. T. Cohenm, A.S.C.A.P.; Geo. C. Johnston, WDBO; Joe Sears, WLOF, Orlando.

## DISTRICTS 7 AND 8

Districts Seven and Eight held a joint meeting Thursday, December 19, in Detroit. More than 100 broadcasters, representing 50 stations, attended. C. E. Arney, Jr., assistant to the President, represented the NAB, while Carl Haverlin, BMI Station Relations Director, outlined the accomplishments to date of that organization.

## DISTRICT 9

The broadcasters of Illinois and Wisconsin held a meeting at the Stevens Hotel in Chicago, Wednesday, December 18. This is the area covered by the Ninth NAB District, and Director William H. West of WTMV, East St. Louis, called the meeting to order with seventy in attendance. Twenty-six Illinois and 10 Wisconsin stations were represented by one or more persons.

Carl Haverlin, Stations Relations Manager of BMI, and C. E. Arney, Jr., of the NAB staff, were present.

A full discussion of the music situation was had and as a result of the session, six stations previously unsigned with BMI either executed the agreements or indicated their intention to do so.

At the conclusion of the meeting a motion was unanimously passed in which complete confidence in BMI was expressed.

A further resolution requested BMI to assist the broadcasters of Illinois and Wisconsin in setting up a central copyright clearance bureau, and Director West was called upon to appoint a committee to negotiate with respect to this matter with BMI.

Those present agreed that the meeting was the most successful and enthusiastic held in Ninth District history.

## 50 MILLION SETS BY CHRISTMAS

WLS, the Prairie Farmer Station, Chicago, Ill., is participating aggressively with the "50,000,000 Radio Sets by Christmas" idea. On December 10, Harold A. Safford, program director, wrote:

> "Glad to have your folder on '50,000,000 Radio Sets by Christmas' and you may be sure that we will give this campaign every possible support on WLS. In fact we have started using the announcements already."

WTMA, Charleston, S. C., is well started on a program of "spreading radios throughout our listening area," according to W. D. Workman, Jr., station manager.

A $14.95 Zenith is awarded every day on the "Wiz-Quiz," locally produced show. The contest is based on answers submitted in writing to three questions daily.

Because the program has been so successful, Mr. Workman expects that "Wiz-Quiz" will run far beyond its original expiration date, December 21.

## MAN POWER

A special Man Power announcement was mailed stations in nine states on December 17 at the request of the United States Civil Service Commission.

It sought inspectors for mechanical engineering materials. Jobs are open in Chicago and Milwaukee and their need was declared "most urgent" by the Commission.

Station executives in Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin received the "SOS."

## FREE OFFERS "OFF"

Maybe it's an early manifestation of the Christmas spirit, but the NAB Bureau of Radio Advertising notes with gratification that the business of time-chiseling has been notably "off" during the past few weeks. Only one actual "free offer" has been reported by members, while several others have sought to place "cost-per-inquiry" advertising on stations.

In keeping with the custom established last year, this will be the last actual listing of free offers until 1941, in deference to the spirit of the holiday season.

### Free Offers

The Cook's Digest, New York City.

### Cost-Per-Inquiry

De Soto Chemical Company, Arcadia, Fla.

Casper Pinsker, 150 Nassau St., New York City (Caxton House, Inc.).

Thos. B. Sammons, Jr., Weslaco, Texas (Flavor-Tex Fruit).

Jacques F. Goulde, 2131 John R. Street, Detroit, Mich. (Waltham Pens and Pencils).

The Bureau of Radio Advertising has sent the usual letter of explanation to the above concerns, inviting them to buy time on the regular basis and thus maintain the continued goodwill and cooperation of the broadcasting industry, at the same time obtain a full measure of radio's ability to sell their wares.

### COST OF LIVING

The Labor Department reports that the cost of living in large cities dropped 0.1 per cent from October 15 to November 15.

### FEDERAL LEGISLATION

H. R. 10720 (Voorhis, D., Calif.) ADVERTISING—To provide funds for the national defense; to prevent avoidance of taxes by unlimited investment in advertising; to control uneconomic advertising expense engaged in by the liquor, tobacco, and luxury trades; to discourage advertising on the public highways and to derive revenue therefrom; and for other purposes. Referred to the Committee on Ways and Means.

## FEDERAL COMMUNICATIONS COMMISSION

### AID FOR FM

To assist FM during its transition from experimental to a commercially recognized broadcast service, the FCC on Thursday announced that it will authorize, on appropriate request, a 60-day extension of experimental licenses which are due to expire January 1.

Under previous arrangement, all frequency modulation experimental station licenses were to automatically expire on that date. It is indicated, however, that more time is needed in which to switch over from the experimental to the regular program phase in this high frequency service.

At the same time, the Commission indicated that it will deny request of permittees for temporary authority to broadcast commercially unless it is shown that the permittee has complied substantially with the terms of his permit. Special temporary authority will, however, be granted for bona fide technical experimental work in connection with construction of FM stations.

Up to the present time the Commission has granted a total of 25 commercial FM licenses, and there are 33 experimental FM licenses outstanding.

### BROADCAST ENGINEERING STANDARDS NOW AVAILABLE IN PRINTED FORM

For the first time, the FCC's "Standards of Good Engineering Practice Concerning Standard Broadcast Stations" are available in printed form. The Commission is unable to make free distribution to other than broadcast licensees, but copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 30 cents each.

The standards interpret and elaborate on the Rules and Regulations, which form the basis of good engineering practice as applied to broadcasting on the 550 to 1600 kilocycle band. First made effective on August 1, 1939, these principles have been revised to July 20, 1940, in the printed edition.

Such compilation is published for the convenience of those interested in standard broadcast station operation. Familiarity with the standards is essential in the construction and operation of standard broadcast stations, to meet the requirements of technical operation in the public interest along lines not specifically enunciated in the regulations.

These standards represent the consensus of opinion of the broadcast industry as expressed in conferences with radio engineers and manufacturers, augmented by extensive field surveys conducted by the Commission's field technicians.

It is not expected that material deviation will be made from fundamental principles, since the standards are sufficiently flexible to accommodate new developments and other progress.

### GENERAL MEETING CALLED

Following a recent meeting, the Defense Communications Board announced that a general meeting of the Board with its various committees will be held on Monday, January 6, at 10:30 a. m., in Hearing Room A, Interstate Commerce Commission Building, to discuss general policies and procedure.

Individual meetings of the various committees will be held in the afternoon for the purpose of electing committee chairmen and secretaries, and also to consider tentative agenda of work.

None of these sessions will be open to the public, admission being limited to members and their accredited representatives.

The Board also announced that the following companies have been added to the membership of Committee II (Aviation Radio Committee) to represent wire telegraph interests:

American Telephone and Telegraph Co.
Postal Telegraph, Inc.
Western Union Telegraph Co.

### FCC BROADCAST MEASUREMENTS

During the month of November FCC experts measured 707 broadcast stations leaving 162 not measured.

Of those measured 650 showed a maximum deviation within 0-10 cycles; 52 a maximum deviation within 11-25 cycles; 4 a maximum deviation within 26-50 cycles. No stations showed a maximum deviation over 20 cycles, while one station showed a maximum deviation of over 50 cycles.

# FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are set before the Commission for the week beginning Monday, December 23, because of the holiday.

## FUTURE HEARINGS

During the past week the Commission has announced the following dates for future broadcast hearings. They are subject to change.

### January 17

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.,** 50 KW night, 50 KW LS, specified hours.

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., **630 kc.,** 1 KW night, 1 KW day, unlimited, DA night and day.

### January 27

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., **1340 kc.,** 1 KW night, 1 KW day, unlimited, DA day and night.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., **1340 kc.,** 1 KW night, 1 KW day, unlimited, DA day and night.

### January 29

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Inc., Trenton, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Inc., Trenton, N. J.—C. P., **1230 kc.,** 1 KW night, 1 KW day, unlimited, DA day and night.

NEW—Trent Broadcast Corporation, Trenton, N. J.—C. P., **1230 kc.,** 1 KW night, 1 KW LS, unlimited time, DA day and night.

### February 3

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla. —C. P., **1420 kc.,** 250 watts night, 250 watts day, unlimited.

NEW—Atlantic Broadcasting Corp., Miami, Fla.—C. P., **1280 kc.,** 500 watts night, 1 KW day, unlimited.

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—C. P., **1530 kc.,** 1 KW night, 1 KW day, unlimited.

NEW—Robert V. Lee, Bradenton, Fla.—C. P., **1500 kc.,** 250 watts night, 250 watts day, unlimited.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## NEW STATIONS GRANTED

Albert Joseph Meyer, Powell, Wyo.—Granted construction permit for new station to operate on **1200 kc.,** with 250 watts night and day, unlimited time; exact transmitter site to be determined subject to Commission's approval (B5-P-2593).

C. T. Sherer Co., Inc., Worcester, Mass.—Granted construction permit for new station to be located in Worcester, Mass., to operate on **1200 kc.,** 250 watts, unlimited time, with three 100-watt amplifier stations to be located near Auburn, Whitinsville, and Marlborough, Mass. (B1-P-2963).

R. G. LeTourneau, Toccoa, Ga.—Granted construction permit for new station to operate on **1420 kc.,** 250 watts, unlimited time (B3-P-2767).

Oscar C. Hirsch, Cairo, Ill.—Granted construction permit for new station to operate on **1500 kc.,** 250 watts, unlimited time, transmitter location and antenna system to be determined subject to Commission's approval (B4-P-3022).

## RELAY LICENSES RENEWED

Renewal of licenses for the following relay broadcast stations were granted for the period ending Dec. 1, 1941:

KEJN, Tacoma, Wash.; KEHR, Kalispell, Mont.; and WELK, Springfield, Ill.

The following licenses for relay broadcast stations were further extended upon a temporary basis only, pending receipt and determination upon application for renewal for the period ending Feb. 1, 1941:

WEGV, Champaign, Ill.; WENW, Champaign, Ill.; WEIX, Memphis, Tenn.; KIJG, Brownsville, Tex.; KEMA, Shenandoah, Iowa.

Licenses for the following stations were extended upon a temporary basis for the period ending Feb. 1, 1941, pending determination upon applications for renewal, with the following condition: That the frequency **2022 kc.** be deleted and **2074 kc.** be substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels:

WAHJ, WBGN, Champaign, Ill.; WABG, Memphis, Tenn.

## POWER, FREQUENCY, ETC., CHANGES GRANTED

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted modification of license to increase time of operation from daytime to unlimited, using 100 watts power, day and night; frequency **1200 kc.** (B2-ML-1024).

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted construction permit to increase power from 5 KW to 50 KW, move transmitter location, install new transmitter, install directional antenna for day and night use; **1480 kc.** (B1-P-2902).

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted construction permit to increase power from 1 KW night, 2½ KW LS, to 1 KW night, 5 KW day; install new transmitter; **1410 kc.,** unlimited time (B3-P-2969).

WELI—City Broadcasting Corp., New Haven, Conn.—Granted construction permit to increase night power from 250 watts to 500 watts and day power from 500 watts LS to 1 KW, and make changes in directional antenna for nighttime operation; **930 kc.** (B1-ML-868).

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of construction permit for approval of directional antenna for day and night use and approval of transmitter site at Roosevelt Road, Baton Rouge, La., 1.6 miles from the center of the city; **1120 kc.,** 5 KW day using directional antenna, 5 KW night, unlimited time (B3-MP-1122).

## ASSIGNMENT OF LICENSE GRANTED

WNBF—Howitt-Wood Radio Co., Inc. (Assignor), Binghamton, N. Y., Wylie B. Jones Advertising Agency (Assignee).—Granted consent to voluntary assignment of license from Howitt-Wood Radio Co., Inc., to Wylie B. Jones Advertising Agency; **1500 kc.,** 250 watts, unlimited time (B1-AL-289).

## DESIGNATED FOR HEARING

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Construction permit to change frequency from **1450 kc.** to **590 kc.;** increase power from 1 KW day, 500 watts night, to 1 KW night, 5 KW LS; move transmitter location; install new equipment and directional antenna for night use (B3-P-2938).

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction permit to install new transmitter, change antenna system, change frequency from **1500 kc.** to **1450 kc.**, and increase power from 250 watts, unlimited, to 500 watts night, 1 KW LS (contingent on WAGA changing to **590 kc.**) (B3-P-2966). The above two applications will be heard together.

Worcester Broadcasting, Inc., Worcester, Mass.—Construction permit for new station to operate on **1200 kc.**, 250 watts night and day, unlimited time, with two 100-watt amplifier stations to be located in Marlborough, Mass., and Whitinsville, Mass. (B1-P-2929).

Butler Broadcasting Corp., Hamilton, Ohio.—Application for construction permit for new station to operate on **1420 kc.**, with 250 watts power, unlimited time; exact transmitter site and antenna system to be determined subject to Commission's approval (B2-P-2937).

Old Colony Broadcasting Co., Inc., Brockton, Mass.—Application for construction permit for new station to operate on **1160 kc.**, with 500 watts power, daytime only (B1-P-2448).

## MISCELLANEOUS

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted modification of construction permit (B1-P-2200, which authorized installation of new transmitter, directional antenna for night use, change in hours of operation, increase in power and move of transmitter) for change in type of transmitting equipment, changes in directional antenna for night use and extension of commencement and completion dates to 30 and 180 days after grant, respectively.

WELL—Federated Publications, Inc., Battle Creek, Mich.—Granted license to cover construction permit (B2-P-2689 which authorized installation of new transmitter), changes in antenna system and increase in power to 250 watts (B2-L-1289).

WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-PSB-13), which authorized new equipment, antenna, increase in power from 1 to 5 KW, and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna power (B1-L-1277 and B1-Z-573).

WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-2992) which authorized changes in directional antenna system; also granted authority to determine operating power by direct measurement of antenna power (B2-L-1288 and B2-Z-604).

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted license to cover construction permit (B3-P-2688), which authorized changes in equipment and increase in power to 250 watts on **1200 kc.** (B3-L-1290).

KRJN—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile, Area of Sioux City, Iowa.—Granted construction permit to decrease power in relay broadcast station to 1.2 watts, and change equipment (B4-PRE-375).

Juan Piza, San Juan, P. R.—Granted construction permit for new relay broadcast station; frequencies **156750, 158400, 159300, 161100 kc.**, 20 watts; to operate as relay broadcast station to transmit programs of WNEL to transmitter of said station only in event regular wire line circuit is not available (B-PRE-374).

WAFK—A. Frank Katzentine, Portable-Mobile, area of Miami Beach, Fla.—Granted license to cover construction permit (B3-PRY-207), which authorized a new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, 40 watts; to be used with applicants broadcast station WKAT (B3-LRY-209).

WOL—American Broadcasting Co., Washington, D. C.—Granted construction permit to move formerly licensed transmitter from 1111 H St. N. W., to Ager Road, near Chillum, Md., for use as an auxiliary transmitter using 100 watts power.

KRLC—H. R. Studebaker, Lewiston, Idaho.—Granted construction permit to make changes in equipment.

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Granted modification of construction permit (B2-P-2582) which authorized a new station, for approval of transmitter and studio sites, vertical antenna and change in type of transmitting equipment.

WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—Granted modification of construction permit (B1-P-1701, which authorized a new station) to change type of transmitting equipment and approving antenna and transmitter site at Canal St., So. Hadley, Mass.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted modification of construction permit (B3-P-2476) to change type of requested transmitting equipment and extend commencement and completion dates to 30 and 180 days after grant, respectively.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted modification of construction permit (B4-P-1990 which authorized increase in night power and changes in directional antenna for day and night use) to install a new transmitter.

WITH—The Maryland Broadcasting Co., Baltimore, Md.—Granted modification of construction permit (B1-P-2792, which authorized a new station) to change type of requested transmitting equipment and extend commencement date from December 29 to 30 days after grant and completion date to 180 days thereafter.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted modification of construction permit (B4-P-900 which authorized changes in equipment, installation of directional antenna, change frequency, hours of operation and move of transmitter) for move of transmitter to west side of Ironwood Road, between Jackson Road and Kern Road, and extend commencement and completion dates to 60 and 180 days after grant, respectively.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from State-Lake Bldg., Chicago; 100 watts for visual 25 watts for aural; in order to conduct tests, for period December 20 to January 18, in accordance with construction permit.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted request for waiver of Sec. 3.71 and special temporary authority to operate from 8 a. m. to 2:30 p. m. and 5 to 6:45 p. m., CST, December 25th, conditionally.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate from 5:15 p. m. EST, to the conclusion of East-West football game on January 1, in order to broadcast said game only.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 4:45 to 5 p. m., EST, December 15, in order to broadcast speech by Dr. Boynton Merrill, Chairman of Congressional Christian Committee for Assistance to War Victims only.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8 to 10 p. m., EST, on December 11, in order to broadcast special ASCAP Musical Festival only.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., CST) to 6:15 p. m., CST, January 1, in order to broadcast East-West All Star football game only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from 8 p. m., EST, to conclusion of East-West football game on January 1, in order to broadcast said game only.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 to 11 a. m., from 1 to 3 p. m., and from 8 to 12 p. m., EST, on December 25, and January 1, in order to broadcast programs of a holiday character (provided WOSU remains silent).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 11:30 p. m., EST, until conclusion of Christmas Mass December 24, in order to broadcast said program only.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted authority to determine operating power by direct measurement of antenna input.

KGFX—Ida A. McNeil, Administratrix of Estate of Dana McNeil, Deceased, Pierre, S. Dak.—Granted authority to determine operating power by direct measurement of antenna input.

WBBR—Watchtower Bible and Tract Society, Inc., Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted authority to determine operating power by direct measurement of antenna input.

KRBA—Redlands Broadcasting Assn., Lufkin, Texas.—Granted authority to make changes in automatic frequency control equipment, upon condition that said authorization shall not be construed as a finding by the Commission upon revocation proceedings pending and awaiting final decision.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted authority to install new automatic frequency control equipment.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate on frequency **44.1** instead of **43.4 mc.**, in order to continue experiments in rebroadcasting high frequency broadcast station W2XMN emissions, which are to be rebroadcast by W1XOJ, for period December 20 to January 1.

WAPI—Ala. Polytechnic Institute, etc., Birmingham, Ala.—Granted authority to determine operating power by direct measurement of antenna input, upon condition that said grant is not to be construed as finding upon application for renewal of license pending in hearing docket.

William H. Amesbury, Minneapolis, Minn.—Granted motion to continue hearing now scheduled for December 16, until January 17, 1941, in re application for new station to operate on **630 kc.**, 1 KW, unlimited time, DA night and day.

Central Carolina Broadcasting Corp., Burlington, N. C.—Granted petition to accept amendment to application for a new station so as to request frequency **890** instead of **1420 kc.**, and 250 watts daytime only, instead of 100 watts, unlimited.

KFOR—The Sidels Co. (Transferor), Star Printing Co. (Transferee), Lincoln, Neb.—Granted petition of transferor and transferee to dismiss applications for transfer of control of stations KFOR and KFAB, without prejudice.

KFAB—The Sidels Co. (Transferor), Star Printing Co. (Transferee), Lincoln, Neb.—Granted petition of transferor and transferee to dismiss applications for transfer of control of stations KFOR and KFAB, without prejudice.

KRVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with KRKO from 2 to 4 p. m., PST, on December 15, 22, 29 and January 5, 1941, in order to broadcast basketball games only.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to remain silent on December 25th, and on January 1, in order to observe the holidays; to remain silent from 7:30 to 8:30 a. m. and from 2:30 to 3:30 p. m., CST, on December 20, 21, 23, 24, 26, 27, 28, 30 and 31; January 2, 3, 4 and 6, in order to observe vacation and to operate from 10:45 to 11:30 a. m., CST, on said dates instead, in order to broadcast holiday programs only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., EST, December 23, 24, 25, 26, 27, 30, 31, 1940, and January 1, 2, and 3, 1941, in order to broadcast sustaining musical programs as described in letter of December 6 (provided WSVS remains silent).

WCAT—So. Dak. State School of Mines, Rapid City. S. Dak.—Granted special temporary authority to remain silent for the period December 21, 1940, to January 5, 1941, in order to observe Christmas vacation.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate additional time on December 16th, in order to broadcast speech by Paul Armstrong, Ill. State Director of Selective Service only.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted consent to transfer control of Knickerbocker Broadcasting Co., Inc., licensee of station WMCA, from Donald J. Flamm to Edward J. Noble for the sum of $850,000. Station operates on **570 kc.**, 1 KW, unlimited time (B1-TC-252).

The Thumb Broadcasting Co., Brown City, Mich.—Designated for hearing application for new station to operate on **600 kc.**, 250 watts, daytime only (B2-P-1886).

World Peace Foundation, Abraham Binneweg, Jr., Oakland, Cal.—Denied petition for rehearing in re application for a new developmental broadcast station which was denied by the Commission November 20, 1940.

WRBL—Columbus Broadcasting Co., Inc., Columbus, Ga.—Dismissed the protest and request for reconsideration directed against the action of the Commission November 13, 1940, granting the application of La Grange Broadcasting Company for a new station in La Grange, Ga., to operate on frequency **1210 kc.**, 250 watts, unlimited time.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Retired to the closed files the application for modification of CP granted October 10, 1939, authorizing changes in equipment and increase in power (B3-MF-856).

In the Matter of Investigation of Chain Broadcasting—Granted extension of time to January 2, 1941, to all parties for filing supplemental briefs in re the matter of Investigation of Chain Broadcasting (Docket 5060).

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with KTHS on **1060 kc.**, from 11:45 p. m., Dec. 24, to 2 a. m., EST, Dec. 25, in order to broadcast Midnight Mass from St. Ignatius Church in Baltimore.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate from midnight to 1:30 a. m., EST, Dec. 25, in order to broadcast Catholic Church program only.

WINS—Hearst Radio, Inc., New York City.—Granted modified special temporary authority to operate from 7 p. m., Dec. 16, to 11 a. m., EST, Dec. 17, in order to broadcast the Hearst Diamond Belt Boxing Finals from Madison Square Garden and music, program to be sponsored and proceeds turned over to New York City Milk Fund.

WJOB—G. E. Richardson and Fred L. Adair (a partnership), Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 4:15 to 6 p. m., CST, Dec. 28, in order to broadcast basketball game tournament only.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 10 to 10:30 p. m., EST, on Dec. 30, in order to broadcast basketball game only (provided WKBN remains silent).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted request for waiver of the requirements of Sec. 3.71 and granted special temporary authority to operate from 9 a. m. to 2 p. m., Dec. 25.

WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Metropolitan Opera programs on Saturdays, to be received from international broadcast stations WNBI and WRCA over station WNEL, for a period not to exceed 30 days.

WMOR—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 8 p. m. to 11 p. m.. December 13, 20, 27, 1940, January 3, 4, and 10, 1941, in order to broadcast basketball games only; to operate from 4:30 p. m. to 5:30 p. m., December 22, 1940, in order to broadcast religious cantata; from 8 p. m. to 12 p. m., December 24, 1940, in order to broadcast basketball game and religious music in evening; from 4:30 p. m., December 31, 1940, to 1 a. m., CST, January 1, 1941, in order to broadcast New Year's Day celebration in Aurora only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to conclusion of basketball games on Dec. 20, 28 and Jan. 3, 4, 7, 8, 10 and 11, in order to broadcast games only.

KOAC—Oregon State Agric. College, Corvallis, Ore.—Granted special temporary authority to remain silent on Dec. 25 in order to observe the holiday.

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied special temporary authority to operate from 1:30 to 4:30 p. m., MST, on Dec. 25, in order to broadcast Christmas programs only.

The following actions were taken by (Walker, Commissioner) on December 16:

KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate with power of 250 watts from local sunset (Dec. 4:45 p. m., CST), Dec. 31, to 12:30 a. m., CST, Jan. 1, in order to broadcast special New Year's services only.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 10 p. m.. CST, on Jan. 2, 6, 11, 13 and 28, in order to broadcast Purdue University basketball games only.

WEW—The St. Louis University, St. Louis, Mo.—Granted special temporary authority to operate from midnight, Dec. 24, to 1:30 a. m., CST, Dec. 25, in order to broadcast midnight Mass only.

W1XER—Yankee Network, Inc., Boston, Mass.—Granted construction permit to change frequency from **42340** to **43900 kc.**, increase power from 500 watts to 1 KW, emission from A3 to special for FM, and change type of transmitter (BH-B1-284); also granted license to cover same (LH-BL-69).

WSPR—WSPR, Inc.. Springfield, Mass.—Granted special temporary authority to operate from 10 p. m. to 10:30 p. m., EST, on December 14, 1940, in order to broadcast the Westover Fields opening Christmas Ball and incidental matters to said ball only.

KFUO—Evangelical Lutheran Synod of Mo., Etc., Clayton, Mo.—Granted special temporary authority to operate from 3 to 4 a. m., CST, on December 14, in addition to the authority granted to operate from 2 to 3 a. m., Dec. 14, in order to broadcast a DX program only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10 to 10:30 p. m., EST, on Dec. 14, in order to broadcast the Westover Fields opening Christmas Ball and incidental matters to said ball only.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-2980) to move old Composite transmitter to site of new main transmitter, emergency use only, with power of 1 KW, directional antenna day and night.

### 580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—License to cover construction permit (B2-P-2739) for increase in power and installation of directional antenna.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Authority to determine operating power by direct measurement of antenna power.

### 630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-2475) as modified, for new transmitter, directional antenna for day and night use, increase in power and move of transmitter, requesting extension of completion date from 1-27-41 to 3-27-41.

### 780 Kilocycles

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Construction permit to make changes in directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended to change name of applicant to Memphis Publishing Company.

### 830 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Pa.—Construction permit to install directional antenna for night, change hours of operation from daytime to unlimited time, using power of 1 KW day and night.

### 920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2901) to install directional antenna for night use; change hours of operation from daytime to unlimited time, using power of 1 KW day and night; move transmitter, further requesting authority to install new transmitter, increase power from 1 KW to 1 KW night, 5 KW day, and move transmitter location from Saxon Mills, S. C., to near Lowe, S. C., and extend commencement and completion dates to 30 days after grant and 180 days thereafter, respectively.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Modification of construction permit (B5-P-2577) for new transmitter, directional antenna for day and night use, increase in power, requesting move of transmitter from 5580 West 20th Ave., near Denver, Colorado, to 5350 West 20th Ave., near Denver, Colo.

### 1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Construction permit to install directional antenna for night use; change in frequency from **1050** to **780 kc.** (**790 kc.** under North American Regional Broadcasting Agreement). and hours of operation from limited to unlimited time. Amended to move transmitter.

### 1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of construction permit (B3-P-2766) for increase in power, new equipment and directional antenna for night use, requesting approval of transmitter site at Roosevelt Road, Baton Rouge, La., and approval of directional antenna for day and night use.

### 1170 Kilocycles

NEW—Capital City Broadcasting Co., Inc., Topeka, Kansas.—Construction permit for a new station to be operated on **1170 kc.,** 5 KW, daytime, Class II station. Transmitter site, Tecumseh, Kansas.

### 1180 Kilocycles

KOB—Albuquerque Broadcasting Company, Albuquerque, N. Mex.—Modification of construction permit (B5-P-2783) as modified, for changes in equipment, increase in power, requesting extension of completion date from 1-7-41 to 3-8-41.

### 1200 Kilocycles

WESX—North Shore Broadcasting Co., Salem, Mass.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—License to cover construction permit (B2-P-2871) as modified, for a new station.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WSIX—WSIX, Incorporated, Nashville, Tenn.—Construction permit to install new transmitter, directional antenna, for night use, change in frequency from **1210** to **950 kc.** (**980 kc.** under NARA), increase power from 250 watts to 1 KW, 5 KW day, and move transmitter from N. E. corner Boscubel & Third Sts., Nashville, to Buena Vista Park and Moorman Arm Road, Nashville, Tenn.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, Louisiana.—Construction permit to change frequency from **1210** to **580 kc.** (Class II-B), increase power from 250 watts to 1 KW, install a new transmitter, install directional antenna for night use, and move transmitter from upper 4th St., Alexandria, La., to Alexandria, La.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Modification of construction permit (B3-P-2893) for new antenna, move of studio and transmitter, increase power, further requesting authority to install new transmitter, and extend commencement and completion dates.

### 1300 Kilocycles

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modification of construction permit (B3-P-1849) for installation of directional antenna, for night use, increase power, requesting further changes in directional antenna system, and extension of commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively.

### 1310 Kilocycles

KUSF—New Mexico Broadcasting Company, Inc., Santa Fe, New Mexico.—Construction permit to install new transmitter, new vertical antenna, move transmitter and studio from 759 Cerrillos Road, Santa Fe, New Mexico, to South Cerrillos Road, Santa Fe, New Mexico, change frequency from **1310** to **1230 kc.,** and increase power from 100 watts to 1 KW. Contingent on granting KGGM application B5-P-2918. Amended: re transmitter site, Santa Fe, New Mexico.

WMFF—Plattsburg Broadcasting Corporation, Plattsburg, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—License to cover construction permit (B1-P-2543) as modified; for new transmitter and antenna, increase in power and move of transmitter.

### 1330 Kilocycles

WSAI—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-P-2221) as modified, for increase in power, installation of directional antenna, move transmitter to new site, requesting extension of completion date from 1-15-41 to 7-15-41.

### 1370 Kilocycles

KOKO—The Southwest Broadcasting Co., La Junta, Colo.—Authority to determine operating power by direct measurement of antenna power.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—License to cover construction permit (B2-P-3013) for new transmitter.

### 1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Construction permit to change frequency from **1390 kc.** to **1010 kc.**, under North American Regional Broadcasting Agreement; change power from 5 KW to 50 KW; install new transmitter; move transmitter; and make changes in directional antenna for night use.

### 1420 Kilocycles

WMAS—WMAS, Inc., Springfield, Mass.—Construction permit to change frequency from **1420** to **880 kc.** (**910 kc.** under North American Regional Broadcasting Agreement); install a new transmitter; install directional antenna for day and night use; and move transmitter from West Street, Springfield, Mass., to Riverdale St., opposite Morgan Road, West Springfield, Mass.; increase power from 250 watts to 1 KW night, 5 KW day.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-1939) as modified for increase in power, change in frequency, installation of new transmitter and directional antenna for night use, and move of transmitter, requesting authority to make changes in directional antenna system for night use, make changes in equipment, and extend commencement and completion dates.

### 1440 Kilocycles

KXYZ—Harris County Broadcasting Co., Houston, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 1450 Kilocycles

WHOM—New Jersey Broadcasting Corporation, Jersey City, N. J.—Construction permit to install new transmitter and directional antenna for day and night use; increase in power from 500 watts night, 1 KW day, to 10 KW day and night; change frequency from **1450** to **1560 kc.** (under North American Regional Broadcasting Agreement); and move transmitter from foot of Washington St., Jersey City, N. J., to New Town Creek, Long Island City, N. Y.

### 1470 Kilocycles

WLAC—J. T. Ward, tr. as WLAC Broadcasting Service, Nashville, Tenn.—Construction permit to install new transmitter, install directional antenna for night use, increase power from 5 KW to 50 KW, and move transmitter from near Nashville, Tenn., to near Jordonia, Tenn. Amended: To move transmitter to Nashville, Tenn., changes in directional antenna system and transmitting equipment.

### 1490 Kilocycles

NEW—Broadcasters, Inc., San Jose, Calif.—Construction permit for a new station on **1500 kc.** (**1490 kc.** under North American Regional Broadcasting Agreement), 250 watts, unlimited time.

### 1500 Kilocycles

NEW—Natchez Broadcasting Co., Natchez, Miss.—Construction permit for a new station to be operated on **1500 kc.**, 250 watts, unlimited time, Class IV. Amended to give transmitter site as Highway "61", Natchez, Miss.

WWSW—Walker & Downing Radio Corporation, Pittsburgh, Pa.—Construction permit to install new transmitter, directional antenna, day and night use; change frequency from **1500** to **940 kc.**; increase power from 250 watts to 1 KW, 5 KW day; move transmitter from 341 Rising Main St., Pittsburgh, Pa., to approximately 1½ miles north of McKees Rocks Boro, Stowe Township, Pennsylvania.

## FM APPLICATIONS

NEW—WHFC, Inc., Cicero, Ill.—Construction permit for a new high frequency broadcast station to be operated on **47500 kc.**, coverage, 2885 square miles, population 3,835,000. Amended: To change frequency from **47500** to **46700 kc.**, coverage from 2885 to 11,100 square miles, population from 3,835,000 to 4,868,500, and change type of transmitter and antenna.

NEW—WFIL Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **45300 kc.**, coverage of 10,900 square miles, population 4,760,200.

NEW—Rockford Broadcasters, Inc., Rockford, Ill.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.**, coverage 6000 square miles, population 394,500. Amended: re antenna changes.

## TELEVISION APPLICATION

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile, Area of New York, N. Y.—Modification of construction permit (B1-PVB-46), which authorized a new television broadcast station, requesting extension of completion date from 1-7-41 to 7-7-41.

## MISCELLANEOUS

WDBJ—Times-World Corporation, Roanoke, Va.—Modification of construction permit (B2-P-2522) for installation of directional antenna for night use, increase power to 5 KW, for approval of transmitter location at present licensed site and approval of directional antenna as specified under construction permit.

NEW—Columbia Broadcasting System, Inc., area of Los Angeles, Calif., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **33380, 35020, 37620, 39820 kc.**, 100 watts power, A-3 emission.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Alma's Home Made Candies**—Use of lottery methods in the sale of candy is alleged in a complaint issued against Mrs. Alma Loughran and Lee R. Loughran, trading as Alma's Home Made Candies, 2737 West Madison St., Chicago.

The respondents, according to the complaint, sell to wholesalers, jobbers and retail dealers certain assortments of candy so packed or assembled as to involve the use of a game of chance, gift enterprise or lottery scheme, when sold to the consuming public. Push card devices are used, the complaint alleges.

Charging that the respondents' practices have been of a sort which are contrary to Federal Government public policy and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4409)

**Hartig Drug Company**, trading as H. K. Pharmaceutical Laboratories, 756 Main St., Dubuque, Iowa, engaged in the sale and distribution of medicinal preparations, including treatments designated "Menstruaid Nos. 1, 2, 3, 4 and 5" is charged in a complaint with misrepresentation.

In advertisements disseminated through United States mails and other media in the various States, the complaint charges, the respondent has represented that the preparations constitute a competent and effective remedy for delayed menstruation; are harmless, and constitute a scientific remedy which is fully guaranteed.

The complaint alleges that the respondent's preparations and practices do not justify the claims made and that the products are not safe or harmless, as they contain certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the advertisements, or under such conditions as are customary or usual.

The complaint also charges that the advertisements disseminated by the respondent constitute false advertisements for the further reason that they fail to reveal that the use of the preparations under the conditions prescribed in the advertisements, or under such conditions as are customary or usual, may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in case of pregnancy, may cause uterine infection and blood poisoning. (4406)

**Health Ray Manufacturing Company, Inc.,** Deep River, Conn., in the sale of its "Twin-Arc Health Ray Sun Lamp," is alleged to disseminate advertisements in newspapers, periodicals and other advertising literature, in which it represents, directly or by implication, that its device is a sun lamp emitting ultra-violet rays of the same wave lengths and intensity as natural midsummer sunlight and giving benefits to the skin and individual health equivalent to or exceeding those given by such sunlight; that the device is suitable and safe for unsupervised use in the home in treating diseases; that such use for home treatment helps build strong bones and teeth; that it tones up the system, acts as a tonic, builds up bodily resistance, increases gland activity and serves as a cure, remedy or competent treatment for athlete's foot, acne, pimples and other skin ailments. (4408)

**Samuel H. Moss, Inc.,** 36 East 23rd St., New York, processor, manufacturer and distributor of rubber stamps, is charged with price discrimination in violation of the Robinson-Patman Act in a complaint.

The complaint alleges that among the general practices pursued by the respondent in discriminating in price is the sale to some customers of rubber stamps 3 inches or less in length of ⅜ of an inch or less in height at 4¢ a line, plus 4¢ for each additional line or any fraction thereof, while other customers purchasing the same type of rubber stamp of like grade and quality, are charged varying prices of 5¢, 7¢, 8¢, 15¢, 20¢ or 30¢ a line of the same dimensions, plus, in each instance, an additional sum for each additional line or any fraction thereof.

Among the respondent's general practices, the complaint continues, is the sale at approximately the same time of rubber stamps of like grade and quality at varying prices of 4¢, 5¢ and 15¢ a line, 2 inches or less in length and ⅜ of an inch or less in height plus, in each instance, an additional sum for each additional line or any fraction thereof.

The complaint alleges that the effect of the respondent's price discriminations has been and may be substantially to lessen competition and to injure, destroy and prevent competition between the respondent and its competitors in the sale and distribution of rubber stamps in commerce, and has been and may be to tend to create a monopoly in the respondent in the rubber stamp business. (4405)

**Rockdale Monument Company**—James J. Collins, Charles J. Hepp and Catherine Hepp, trading as Rockdale Monument Company, Joliet, Ill., engaged in the manufacture and sale of imitation granite monuments and markers, are charged, in a complaint with misrepresentation of their products.

In advertisements, in magazines, circulars and other advertising matter, the complaint charges, the respondents have represented that "You buy from us at wholesale prices.", "We are the only company offering an easy payment plan on the purchase of monuments or markers by mail at the low prices as shown in our catalog.", "A lasting memorial that will endure through the years." and "Flint-like hardness. Made of the finest grades of granite aggregates."

The complaint alleges that these representations are false and misleading, as the prices at which the respondents offer their products for sale are not wholesale prices nor special or reduced prices; that the respondents are not the only dealers offering monuments or markers for sale at low prices on the installment or partial payment plan; that the products are not of natural granite but are cast stone or artificial stone, being a mixture of cement and granite chips molded into the desired forms and ground and polished to resemble natural granite; and that the products are not of a permanent nature but deteriorate much more rapidly than natural granite. (4404)

**Royal River Packing Corp.**—Five corporations operating sardine canning plants in Maine have been served with complaints alleging violation of the brokerage provision of the Robinson-Patman Act.

Respondents are: Royal River Packing Corporation, Yarmouth, Me.; Belfast Packing Company, Belfast; North Lubec Manufacturing & Canning Company, North Lubec; Union Sardine Company, Lubec; and Booth Fisheries Corporation, Chicago, operating a sardine business through its subsidiary, Booth Fisheries Sardine Company, which has its principal office at Eastport and its canning plant at Lubec, Me.

The complaints allege that the respondents have granted and allowed substantial brokerage fees and commissions and allowances and discounts in lieu thereof to certain of their customers.

In some instances, according to the complaints, the respondents effect sales of their sardines through brokers whom they employ as selling agents. In other instances, the complaints continue, sardines are sold by the respondents directly to purchasers, among which class of purchasers are some of the respondents' brokers, who, on occasions, purchase sardines for their own account for resale. When sales of sardines are effected through brokers, the complaints allege, the respondents pay to such brokers a brokerage fee or commission usually amounting to five per cent of the price at which the respondents invoice such sardines to the purchasers.

Among the methods employed by the respondents in granting and allowing the brokerage fees or allowances, the complaints allege, is the granting of an allowance or discount in lieu of brokerage to some of their customers the sales to whom are effected directly by the respondents. This allowance or discount is alleged to be granted by selling sardines to such customers at a price which reflects a reduction from the prices at which the respondents currently sell sardines to other customers. The amount of the reduction, according to the complaints, represents brokerage currently being paid by the respondents to their brokers for effecting sales of sardines to other purchasers.

A further method employed, according to the complaints, is the granting of an allowance or discount in lieu of brokerage by the respondents to other of their customers the sales to whom are effected through brokers to whom the respondents do not pay the full brokerage customarily paid to their brokers for effecting sales of sardines. This allowance or discount, according to the complaints, is granted by selling sardines to such customers at prices reflecting a reduction from the prices at which the respondents currently sell sardines to other customers. It is alleged that the reduction reflects brokerage in an amount representing and approximately equalling the difference between the full brokerage customarily paid by the respondents to their brokers for effecting such sales and the amount of brokerage actually paid by the respondents to their brokers for effecting such sales. (4410-4414 incl.)

**Ultra-Violet Products, Inc.,** Los Angeles, Calif., in the sale of its "Life Lite," a quartz lamp device of the so-called "cold" type, whereby a mercury arc is burned in quartz, is alleged to disseminate advertisements through the mails and in newspapers and periodicals in which it represents, directly or by implication, that its device is a sun lamp giving benefits to the skin and to individual health comparable to that produced by natural sunlight, and that it is safe for unsupervised use in the home for self-treatment.

Further representations of the respondent, according to the complaint, are that use of the device provides a cure, remedy or competent and adequate treatment for, and will relieve, chronic infections and bacterial skin diseases, as well as those of fungus origin; and that it will provide such cure and relief for athlete's foot impetigo, eczema and similar ailments, and for asthma, hay fever, bronchitis and similar ailments.

The complaint alleges that the respondent represents that use of its device stimulates skin tissues, builds resistance to disease, produces a chemical reaction that keeps the blood stream in balance, aids in overcoming red or white corpuscle deficiency, stimulates the endocrine glands, soothes the nerves, acts as an antacid, improves metabolism, and relieves pain. (4407)

## STIPULATIONS

During the week the Commission has entered into the following stipulations:

**Carbola Chemical Company, Inc.,** Natural Bridge, N. Y., stipulates that it will cease representing, directly or by implication, that its preparation "CCC Rat Killer" attracts both rats and mice because it is sweetly flavored; that it attracts, will be eaten by, or kill mice of kinds other than house mice; that it kills entire families of rats or mice or is 100 per cent effective, and that the preparation is absolutely safe for use about the house, farm, public markets, grain houses, meat markets, etc., or in any place where small children, pets, poultry or other animals might eat it. (02681)

**DeGroodt & Associates, Inc.,** trading under the name "Mrs. Sothern Home Made Sweets," 426 Greenwich St., New York, has entered into a stipulation in which it agrees to cease making certain representations in the sale of candy.

The respondent corporation stipulates that it will cease using the words "Home Made" as part of its trade name or in any way as descriptive of its factory-made products, the effect of which tends to convey the impression that its products are made at home and thus differ from factory-made products.

Among other representations which the respondent corporation agrees to discontinue is use of the statement "The only candy which is delivered fresh from the kitchen to your place of business," so as to imply that the respondent's products are actually made in its own kitchen or that it owns, operates or controls the plant or factory in which such products are made or is the only concern which delivers products from kitchen to consumer (3003)

**Dundes & Frank, Inc.,** 64 West 48th St., New York, according to its stipulation, disseminated advertisements of "Silver Pine Hair Tonic" on behalf of the distributor, Henry Charambura, trading as Silver Pine Manufacturing Company, 45 Astor Place, New York. The respondent advertising agency agrees that, in disseminating advertising for Silver Pine Hair Tonic, it will cease representing in the advertisements, directly or by implication, that this preparation retards or stops falling hair or stops the loss of hair; that it develops healthy scalps or keeps scalps healthy, and that Silver Pine Hair Tonic eliminates or destroys dandruff. (02682)

**Gellman Manufacturing Company,** Rock Island, Ill., in the sale of "Beauty Builder and Beauty Fount" vapor-electric bath cabinets, agrees to cease representing, directly or by implication, that these products have a direct value in the permanent reduction of excess weight; that the devices, by means of vapor heat, infrared or ultra-violet rays, help eliminate excess fat; that the use of the cabinets will rid the body of harmful toxins or "cure," "banish," or "erase" fatigue, or that they will benefit nervous or underweight persons. (02680)

**Louis Pierce Hartley,** 302 North Main St., Janesville, Wis., engaged in business under the trade name "Natural Color Photo Service" and selling photo supplies and colored or tinted snapshots made from films sent in by customers, stipulates that, in connection with the advertisement or sale of snapshots, he will cease using the words "Natural Color" as part of his trade name and will discontinue using the words "Natural Color" or "Natural Color Prints", or words of similar import, the effect of which tends to convey the impression that the snapshots are the result of natural color photography. The stipulation points out that the respondent's snapshots are hand-tinted or hand-colored and are not the result of natural color photography. (3002)

**Linco Products Corporation,** 2155 West Eightieth St., Chicago, stipulates that it will cease advertising, directly or by implication, that its product 'Linco" will remove all stains or discolorations, or any stains or discolorations other than those which are capable of oxidation; that the respondent's preparation kills all germs, positively disinfects, and is a positive sterilizer; and that all bacteria and infectious germs are removed by the product.

**F. Lucas,** 174 West 65th St., New York, in the sale of "Flu-Mous-Ded," agrees to cease representing, directly or by implication, that the product is sure death to mice; that mice destroyed by it will leave no decomposition odors; that it is the most effective rodenticide, and that it is used everywhere by pest control operators, warehousemen, and feed men, and in food packing plants or places used for similar purposes. (02678)

**Neff & Fry Company,** Camden, Ohio, builder of concrete burial vaults or so-called "Surface-Sepulchers" for the entombment of the dead, agree to cease using any representation the effect of which tends to convey the impression that its vaults either will last unimpaired throughout eternity or will afford permanent or absolute protection to, or lasting preservation of, bodies encased therein; to discontinue representing that, at the time of its interment, each vault is waterproof or will continue to be or to remain impervious to water, dampness or moisture, and to cease representing that the initial appearance of the cast stone lid or top or a vault will endure or forever remain unmarred, as by checking, chipping or cracking. (3000)

**Neo-Products Company of America**—Charles J. Ahsbahs, trading as Neo-Products Company of America, 72 Leonard St., New York, engaged in selling a medicinal preparation designated "Activanad", has entered into a stipulation in which he agrees to cease and desist from certain representations concerning the product.

The respondent stipulates that he will cease representing, directly or by implication, that the preparation is praised or recommended by eminent physicians or psychiatrists that it strengthens the body or is beneficial for persons afflicted with fear, anxiety, irritability, worry or fatigue; that it benefits failing physical processes, and prevents chronic disorders, or, otherwise, that the preparation has any therapeutic value in the prevention of any ailment or disease.

Under his stipulation, the respondent further agrees to cease representing, directly or by implication, that use of his preparation prevents fatigue; builds up the body; promotes formation of new blood or is of any therapeutic value in the treatment thereof; strengthens the muscles; promotes sleep; increases capacity for mental concentration; provides new reserves of power, new funds of energy, better poise or self-confidence; provides energy for the body and strengthens the nerves; is an effective aphrodisiac; produces a striking or prompt effect; or is beneficial following childbirth or physical collapse. (02676)

**D. Schwartz Hat Works**—David Schwartz, trading as D. Schwartz Hat Works, 534½ South Spring St., Los Angeles, manufacturer of so-called specialty and novelty hat items, agrees to desist from representing in any manner that products made in whole or in part from second-hand, old, worn or used materials, are new or composed of new materials. The respondent also stipulates that he will cease representing that products made in whole or in part of second-hand, old, worn or used materials, are new or are composed of new materials, by failure to properly disclose, as by stamping on the sweatbands or bodies of the hats, in conspicuous terms which cannot be removed without mutilating the stamped part, a statement that such products are composed of or contain second-hand, old, worn or used materials. (3001)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders;

**Bell & Company, Inc.,** Orangeburg, N. Y., has been ordered to cease and desist from misrepresentations in the sale of its medicinal preparation advertised as "Bell-Ans".

Commission findings are that in extensive advertisement of its product in newspapers and streetcar and subway advertisements, the respondent represented that Bell-Ans is a cure or remedy for indigestion; that it will correct other digestive disturbances due to acid conditions and afford permanent relief from various symptoms of digestive disorders, when in fact it has no therapeutic value in treating these ailments in excess of furnishing temporary relief when the disorder is due to gastric hyperacidity.

The Commission order directs that the respondent cease representing, directly or indirectly, that its preparation is a cure or remedy for indigestion or that it has any therapeutic value in treating this ailment in excess of furnishing temporary relief when the condition is due to gastric hyperacidity; that the preparation is a cure or remedy for symptoms of digestive disorders, such as flatulence, vertigo, dizziness and other symptoms, or that it is a competent treatment for such conditions in excess of furnishing temporary relief when they are symptomatic of gastric hyperacidity; and that the preparation will correct sour stomach or digestive disturbances due to acid condition or has any value in treating these disorders in excess of furnishing temporary relief when they are due to gastric hyperacidity. (2859)

**Cup & Container Institute, Inc.**—An order has been issued requiring the Cup and Container Institute, Inc., 420 Lexington Ave., New York, 8 of its officers and directors and 12 corporations controlling more than 60 per cent of the national output and sale of products of the paper drinking cup and paper food container industry, to cease and desist from a combination and conspiracy to restrain trade through the fixing and maintaining of uniform or minimum prices.

The respondents include Granville P. Rogers, president and executive director of the institute; Dale H. Eckerman, vice president and director; K. L. Stoler, secretary and director, and Henry Nias, director, all of New York; Robert J. Kieckhefer, Milwaukee; William S. Bacon, Kensington, Conn.; E. W. Skinner, Fulton, N. Y., and R. L. Allsion, Springfield, Mass., directors; Dixie-Vortex Company, Chicago and Easton, Pa.; Lily-Tulip Cup Corporation, New York and its subsidiary, Crystal Paper Service Corporation, Los Angeles; Herz Cup Company, a division of Herz Manufacturing Corporation, New York; American Lace Paper Company and Milwaukee Lace Paper Company, both of Milwaukee; Eagle Cup Corporation, Brooklyn; The American Paper Goods Company, Kensington, Conn.; Logan Drinking Cup Company, a division of the United States Envelope Company, Springfield and Worcester, Mass.; Sutherland Paper Company, Kalamazoo, Mich., and Sealright Company, Inc., a division of the Oswego Falls Corporation, Fulton, N. Y., all members of the respondent institute, and Cupples-Hesse Envelope and Lithographing Company, St. Louis. The last-named company, while not a member, was found to have cooperated with the institute and to have participated in some of the activities related in the findings.

Commission findings are that beginning in 1933, the corporate respondents, and certain other manufacturers cooperating with them and the institute, through the respondent institute, have carried out agreements and understandings for prevention of price competition by fixing and maintaining in many instances uniform prices for some of the industry's products. (4034)

**Electrolysis Associates, Inc.**, and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York, have been ordered to cease and desist from misrepresentations in the sale of "Beautiderm Midget", a device recommended for use in the electrolytic removal of hair.

Commission findings are that in newspapers, circulars, and other advertising matter the respondents represented their device as being an effective, efficient, safe and scientific apparatus for electrolytic removal of excess hair by individual self-application in the home. They were also found to have advertised that removal of such hair is permanent, and that use of the device is painless and harmless, and will have no ill effects.

The respondents' device, according to findings, will not accomplish the results claimed, and is not safe, painless, and harmless when used by the unskilled lay public.

Findings are further that the respondents have disseminated false advertisements in that such advertisements failed to reveal that use of their device by the unskilled under conditions prescribed in the advertisements or under customary and usual conditions may result in serious or irreparable injury to health, such as local infections, erysipelas, skin burns, scarring and permanent disfigurement.

The Commission order directs that the respondents cease disseminating advertisements which represent, directly or through inference, that their device or apparatus is an effective, efficient and scientific apparatus for the electrolytic removal of superfluous hair by individual self-application in the home; that its use is painless, safe and harmless and will have no ill effects upon the body when used by the unskilled lay public; that the removal of such hair is permanent; or which advertisements fail to reveal that use of the device or apparatus by untrained persons may result in permanent disfigurement, or cause infections or other irreparable injury to health.

Upon petition of the Commission, the U. S. District Court for the Southern District of New York had issued an order restraining the respondents from further dissemination of certain advertisements of their product pending issuance and final disposition of the Commission's complaint.

The Commission, in September, issued findings as to the facts and a cease and desist order against the respondents concerning misrepresentation of their device, but later vacated the findings, and the order and a stipulation as to the facts entered into by the respondents, because of having reason to believe that the respondents did not fully understand the character of the stipulation executed by them. The case was then remanded to the Commission's trial calendar. (4144)

**Miller Drug Company**—Julius Miller and Jessie Miller, trading as Miller Drug Company, 1160 North Clinton Ave., Rochester, N. Y., engaged in the sale and distribution of a medicinal preparation designated as "Belite", "Reducers" and "Miller's Reducing Prescription", have been ordered to cease and desist from false advertisements with reference to their products.

The Commission finds that, in advertisements circulated by the United States mails and other methods in commerce, the respondents represented that their medicinal preparation is a cure or remedy for obesity, constituting a safe, competent and effective treatment for obesity and the reduction of bodily weight. The Commission finds these representations to be false and misleading and that the preparation contains desiccated thyroid extract in quantities sufficient to cause serious and irreparable injury to the health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

Commission findings are further that the respondents' advertisements constituted false advertisements in that they failed to reveal that use of their preparation under these conditions may result in serious and irreparable injury through accelerating the rate of metabolism, thereby burning the body tissues in excess of that which is normal, and causing permanent injury to vital organs.

The respondents are ordered to cease and desist from disseminating or causing to be disseminated any advertisement in commerce which represents, directly or through inference, that the preparation is a cure or remedy for obesity or constitutes a safe, competent or effective treatment for obesity or the reduction of body weight; or which advertisement fails to reveal that use of the preparation may result in permanent injury to the heart, thyroid gland and other vital organs.

On petition of the Federal Trade Commission, the United States District Court for the Western District of New York recently issued an order restraining Julius Miller, trading as Miller Drug Company, from further dissemination of certain advertisements of the preparation, pending final disposition of the Commission's complaint against the respondents under its regular procedure. (4363)

**Morehouse Manufacturing Company**, trading as The Shaving Powder Company, Savannah, Ga., engaged in the manufacture and sale of a preparation for use in removing hair designated "Magic Shaving Powder", has been ordered to cease and desist from misrepresentation of the product.

The Commission finds that in advertisements in newspapers having a general circulation, the respondent has represented among other things, that "At last science has found a way to remove a beard without shaving", and readers were advised to "shave without a razor" and "merely apply Magic Shaving Powder as directed, then wipe off leaving a clear, smooth skin." These representations, the Commission finds, are deceptive and exaggerated in that the powder is a depilatory which accomplishes results by dissolving hair rather than by cutting as in shaving. Commission findings are further that the preparation does not comprise a new method and is not harmless in all cases. Two of the active ingredients of the powder, the findings continue, are barium sulphide and calcium hydroxide which, when the respondent's product is used under customary and usual conditions, may be harmful to the skin and its underlying structures in people who have tender skin, and its use may also result in injury to the eyes of careless users.

According to findings, the respondent has discontinued all newspaper, periodical and direct letter advertising.

The Commission order directs the respondent to cease and desist from disseminating advertisements in commerce which represent, directly or through inference, that Magic Shaving Powder is a new method for removing hair or that the method prescribed for the use of Magic Shaving Powder constitutes shaving, or which advertisements fail to contain cautionary statements to the effect that Magic Shaving Powder should not be used by those having a tender skin and should not be allowed to get into the eyes of users thereof. (3721)

**Charles H. Phillips Chemical Company**, New York, has been served with an order directing it to cease and desist from misrepresentations in the sale of "Phillips' Milk of Magnesia Cleansing Cream" and "Phillips' Milk of Magnesia Texture Cream."

In advertising these preparations in newspapers, periodicals, advertising matter, and by radio broadcasts and other means in commerce, the respondent corporation, according to Commission findings, represented, directly or by implication, that there is a disease or abnormal pathological condition known as "acid skin" and that this condition and skin ailments which it causes can be cured or overcome by use of the respondent's preparations; that use of the preparations neutralizes external excess fatty acid accumulations in the same way that milk of magnesia neutralizes excess acid in the stomach; that use of the texture cream improves skin texture and frees the skin from oiliness, and that the cleansing cream penetrates the pores and thoroughly cleans the skin.

Commission findings are that there is no disease or abnormal pathological condition properly described as "acid skin"; that the respondent's products, in excess of affording certain temporary relief and aiding in the removal of dirt, foreign matter, or skin excretions, will not generally accomplish the results claimed; that the healthy and normal skin and its exudations are slightly acid, and that, although such acid may be neutralized by external applications of either or both of the respondent's preparations, such neutralization is not accomplished in the same way as milk of magnesia neutralizes excess acid in the stomach, and such neutralization is not necessary to the maintenance of a healthy skin condition.

The Commission order directs that the respondent cease disseminating advertisements which represent, directly or through inference, that there is a disease or condition properly described as "acid skin," which may be cured by use of the respondent's preparations or which causes skin blemishes, blackheads, enlarged pores, oily shine or dry, scaly roughness; that use of the respondent's preparations will cure or overcome skin blemishes; that use of either or both preparations have value in treating roughness of the skin in excess of temporarily relieving roughness when due solely to dryness; that either or both will remove blackheads or have value in such removal in excess of aid through removing accumulated dirt, foreign matter or skin excretions lodged in the exterior openings of the pores or present on the skin surface; will reduce enlarged pore openings or are of value in the treatment thereof in excess of aiding in their reduction when caused solely by accumulated dirt, foreign matter or skin excretions lodged in exterior openings of the pores; and will overcome or are of value in treating oily shine or oiliness of the face, in excess of temporarily removing accumulated oil from the skin surface.

The order also directs the respondent to cease representing that use of either or both preparations neutralizes excess fatty acid or other acid accumulations on the skin in the same way that milk of magnesia neutralizes acid in the stomach, or that the neutralization of a normal fatty acid or other acid accumulation on the skin is necessary to the maintenance of a healthy skin condition; that the preparations or either of them change or affect the texture of the skin, and that the use of the respondent's cleansing cream or of any other product of substantially similar ingredients penetrates the pores of the skin or thoroughly cleans the skin, except as it acts upon dirt or other matter which may be present on the skin surface or in the exterior openings of the pores. (3959)

**Sorbol Company**—Charles Keller, doing business as Sorbel Company and as Keller Company, Mechanicsburg, Ohio, engaged in the sale and distribution of two medicinal preparations known as "Sorbol-Quadruple" and as "Buckets," has been ordered to cease and desist from certain misrepresentations of the products and false advertising concerning them.

The Commission finds that by advertisements in newspapers, periodicals and other media the respondent has represented that the preparation "Buckets" eliminates excess acid and waste from the body and thereby constitutes a cure or remedy for frequent and scanty flow of urine, rheumatic pains, backache and leg pains, which it claims are due to excess acid and waste, and that "Sorbol-Quadruple" constitutes a cure or remedy for simple goiter, and possesses substantial therapeutic value in the treatment of such condition, and that the preparation is entirely safe and harmless.

The Commission finds that the respondent's representations are false and misleading; that the conditions enumerated by the respondent generally are not due to excess acid or waste, and that the preparation "Buckets" is of no substantial value in eliminating excess acid or waste, and possesses no therapeutic value in excess of that of a mild diuretic. The Commission finds further that "Sorbol-Quadruple" is not a cure or remedy for goiter and is not in all cases safe or harmless, as it contains the drug potassium iodide in a quantity sufficient to cause, in some instances, injury to health if taken under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is ordered, in connection with the sale or distribution of the preparations, to cease and desist from disseminating any advertisements in commerce which represent, directly or through inference, that the conditions known as frequent and scanty flow of urine, rheumatic pains, backache or leg pains are usually or generally due to the presence in the body of excess acid or waste; that the preparation "Buckets" is of any substantial value in eliminating excess acid or waste from the body, or constitutes a cure or remedy for frequent or scanty flow of urine, rheumatic pains, backache or leg pains, or possesses any substantial therapeutic value in the treatment of such conditions, or any therapeutic value in excess of that of a mild diuretic; that the preparation "Sorbol-Quadruple" constitutes a cure or remedy for goiter of any kind, or that it possesses any substantial therapeutic value in the treatment of such condition; or which advertisement with respect to the preparation "Sorbol-Quadruple" fails to reveal that the preparation should not be used by those having tuberculosis or any form of goiter other than simple goiter (provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof, when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or any form of goiter other than simple goiter). (4368)

**Union Starch & Refining Co.** and its sales subsidiary. Union Sales Corporation, Columbus, Ind., with a corn refining plant at Granite City, Ill., have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act in the sale of glucose or corn syrup unmixed. This syrup, one of the principal products derived in the refining of corn, is used as a major raw material in the manufacture of candy.

Between June 19, 1936, and July 23, 1937, according to Commission findings, the respondents sold such syrup at higher delivered prices per 100 pounds to purchasers located in certain cities other than Chicago, Danville, North Chicago, Dixon, and Zion, Ill., and Milwaukee, Wis., than they had sold it in containers of like size and type to purchasers located in these cities; and between July 23, 1937 and the present time, the respondents have sold syrup to purchasers located outside of Chicago at higher prices per 100 pounds than they have sold such syrup in containers of like size and type to Chicago purchasers. These higher prices were not uniformly higher, according to findings, but varied with the geographical location of the purchasers paying the prices; for example, they varied from $2.09 in Chicago to $2.89 in Fort Worth, Tex., as of August 1, 1939, while at the same time Chattanooga purchasers paid $2.51 and St. Louis customers $2.27.

According to findings, the respondents, by selling their syrup at the different prices as found (the differences between which prices have not been justified by the respondents), have discriminated in prices between such purchasers who have paid the different prices.

Commission findings are that the respondents' policy has been to sell and deliver their syrup in several sizes and types of containers at prices per hundredweight which increase over the tank car price per hundredweight according to the size and type of container.

As a result of the respondents' discriminations, the findings continue, unfavored purchasers paying the higher prices for the syrup are under a competitive disadvantage. Not only is the quantity of such syrup used significant, but the price paid therefor by such purchasers is a substantial part of the cost of the raw materials used in particular candies having a relatively high syrup content, as well as of the total cost of manufacturing an extensive line of candies having a wide range of syrup contents. The costs of the unfavored of such purchasers, according to findings, increase over the costs of the favored purchasers directly as the amount of the discrimination between them increases, and as the syrup content of the candy increases.

The Commission order directs that the respondents cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed, of like grade and quality, either directly or indirectly in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such product to some purchasers at different prices than to other purchasers where the effect may be to violate the Robinson-Patman Act. (3804)

## FTC CASES CLOSED

The Federal Trade Commission has closed its case against Leon Hood, trading as St. Joseph School of Flying, St. Joseph, Mo., without prejudice to its right to resume proceedings, should future facts so warrant. The respondent had been charged with misrepresentation in the sale of a correspondence course in aviation.

The Commission was informed that the respondent had discontinued and abandoned the sale of home study courses in aviation, and had left the country, his present whereabouts being unknown.

The Commission has issued an order dismissing a complaint which had charged the General Baking Company, 420 Lexington Ave., New York, with violation of the Robinson-Patman Act in the sale of bread. The Commission entered its order because it appeared that the allegations of the complaint had not been sustained by the evidence.

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 52, December 27, 1940

## THE WEEK IN WASHINGTON

A three-judge Federal District Court in Takoma, Washington, last Tuesday, refused ASCAP's plea for an injunction against operation of the 1937 Washington State copyright law. Lacking clean hands, the court said, the society has no standing in equity. (p. 4913.)

On Christmas Eve, 605 of the country's 825 broadcasting stations were BMI members. (p. 4914.)

The NAB this week established a branch office in New York to deal with the public relations phase of the music situation. (p. 4916.)

Full reports of the District 2, 7, 8, and 9 meetings are included in this issue. (p. 4916.)

The NAB and AAAA Conference Committee will meet again January 6 to consider contract forms and standard invoice forms. (p. 4918.)

The Institute of Radio Engineers will hold its annual conference January 9, in New York. (p. 4923.)

The FCC nabbed the operator of an unlicensed radio set at the Charles Town (West Virginia) racetrack, who was helping to give the bookies a beating by sending out tips during the running of horse races. (p. 4924.)

## ASCAP Loses Washington Case; Supreme Court to Hear Two Others

ASCAP was denied the right to sue in equity by a specially constituted three-judge Federal District Court at Tacoma, Washington, last Tuesday. The decision refused ASCAP's plea for an injunction against operation of the 1937 Washington State copyright law on the grounds that ASCAP's price-fixing powers constitute "a contract or combination in illegal restraint of trade." Lacking clean hands, the court said, the society had no standing in equity.

The 1937 statute requires owners of music copyrights to list their works and place a "per piece" price on public performance for profit. The decision declared: "The plaintiff (ASCAP) contends the Washington State statute is unconstitutional. . . . Before passing on that question it is necessary to determine whether or not plaintiff may invoke the aid of a court of equity. If a party has been engaged in an illegal business and has been cheated, equity cannot help him. . . . In other words, before the plaintiff may invoke the aid of a court of equity he must come into court with clean hands. If the society exists in violation of the Sherman Anti-trust Act, it and the members composing it are not entitled to a decree for its benefit. . . .

"There can be little question that the society has the power to fix prices for the right to publicly perform compositions for profit. Likewise, it has restricted substantially all competition in the sale of such rights, because it has all such rights. Since the interstate commerce feature is conceded to be present, the society clearly violates that act in question, unless the right to publicly perform for profit is not embraced within the act."

E. C. Mills, ASCAP legislative chairman, stated that the society would appeal the decision to the Supreme Court. That court last Monday noted probable jurisdiction in the Florida ASCAP case and assigned it for argument immediately following the Nebraska ASCAP case.

Neville Miller, commenting on the Washington decision, said it was "illegal practices of this sort on the part of the ASCAP management to which radio stations have repeatedly called public attention."

### BMI FEATURE TUNES
### December 30-January 6

1. ACCIDENT'LY ON PURPOSE
2. HIGH ON A WINDY HILL
3. I GIVE YOU MY WORD
4. I HEAR A RHAPSODY
5. I CAN'T REMEMBER TO FORGET
6. IT ALL COMES BACK TO ME NOW
7. MAY I NEVER LOVE AGAIN
8. SO YOU'RE THE ONE
9. THERE I GO
10. YOU WALK BY

As we go to press this week before *Variety* and *Billboard* come out, we have not the usual news to give you about the position of BMI music on the regular best seller

*(Continued on page 4914)*

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

## BMI

*(Continued from page 4913)*

sheets. One of the New York Sunday papers, listing the best sellers in New York City stores, shows Will Bradley's record of *There I Go* and Artie Shaw's record of *Frenesi* among the top six.

Julius P. Witmark, Jr., BMI's Sales Manager, reports that *There I go* has sold about 95,000 copies of sheet music and over 8,000 orchestrations. Last week, BMI total sales of sheet music ran over 32,000, a remarkably high figure for this season of the year. The orchestrations sold were over 3,600.

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The rate at which the radio stations have been rushing to BMI is a phenomenon without precedent in the history of the broadcasting industry. Every broadcaster is fully aware of the significance of this movement. It means, among other things, the assurance of victory—the attainment of the ends for which the whole industry is fighting. The number of commercial stations, pledged or subscribed, on the morning of December 24, stands at 605. We welcome to BMI the following:

KARM—Fresno, California
KVOE—Santa Ana, California
WSOY—Decatur, Illinois
KOTN—Pine Bluff, Arkansas
WMOB—Mobile, Alabama
WTJS—Jackson, Tennessee
WGKV—Charleston, West Va.
KMO—Tacoma, Washington
WDAK—West Point, Georgia
KXRO—Aberdeen, Washington
WSLB—Ogdensburg, New York
WOLF—Syracuse, New York
WCLS—Joliet, Illinois
WBIR—Knoxville, Tennessee
WCOA—Pensacola, Florida
WEBR—Buffalo, New York
KGFF—Shawnee, Oklahoma
WLBC—Muncie, Indiana
WDEF—Chattanooga, Tenn.
WJBY—Gadsden, Alabama.
WCBI—Columbus, Mississippi
KTHS—Hot Springs, Arkansas
KELD—El Dorado, Arkansas
WHBB—Selma, Alabama

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Word has come to BMI that some stations have not received the memmorandum which was sent, dated December 14th, dealing with methods of avoiding copyright infringement. This memorandum contains information of great importance to all BMI subscribers. Any who have not yet received it are requested to notify the New York office so that copies may be sent to them.

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As a New Year's greeting to BMI subscribers, M. E. Tompkins, BMI's Vice President and General Manager, makes the following statement:

> BMI now controls all the music it needs. The combined production schedules of BMI and the other publishing houses which license their music through BMI bring to our stations about four new numbers every day. In addition, there is a great rich storehouse of more than 200,000 titles which include much of the world's best music of every type and every classification. Our job is now to make a more exhaustive study of this material, choosing the best and most useful, making it available in modern arrangements where that is desirable. Full use of music which BMI brings you in these catalogues will enable you to build more interesting programs than radio has ever offered before. BMI subscribers start 1941 with the assurance that they are serving the music-loving public in the most useful and rewarding way at the same time that they are giving to an overwhelming majority of American writers opportunity that they have never had before.

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The new BMI Hymnal breaks tradition in two respects. It gathers the most familiar sacred songs of the Catholic, Jewish and Protestant faiths into a single volume; and it is offered for public use without restriction.

Under the copyright notice on the back of the title page appears the following:

> We invite the public performance by Broadcasters, in Churches and Synagogues, privately and in public, of the material contained in this HYMNAL without restriction or compensation, in the hope that this may encourage the widest use of these religious works.
>
> BROADCAST MUSIC, INC.

The American Society of Composers, Authors and Publishers (ASCAP) has been issuing publicity directing attention to certain sacred music which it controls and which it will withdraw from radio when the radio license expires on December 31, 1940. The notice quoted makes it certain that no future disagreement will prevent the use of the songs in the BMI Hymnal.

M. E. Tompkins, BMI Vice President and General Manager, said, "It seems to us that music which serves the purpose of worship ought to be dealt with in such a way that no commercial controversy can hamper or restrict its use. We are acting on that principle with respect to our own publications."

The book begins with the famous new hymn by Thomas Patton Mock, "Hail, Prince of Peace," which was adopted for League of Nations services, and includes 491 other numbers. In addition to hymns and Gospel songs for general use, there are divisions devoted to seasonal and patriotic hymns, spirituals, Roman Catholic hymns and Jewish hymns.

## TO THE PUBLIC

Samuel R. Rosenbaum, WFIL, chairman of IRNA, wrote the following article on the ASCAP dispute for the *Philadelphia Record:*

> Suppose there were still an old-fashioned shoemaker in your neighborhood. Suppose you went to him to buy a pair of shoes. Suppose he said, "You can't buy shoes from me any more, madam. I have signed up for 10 years with the Emporium Department Store down town and you can only buy my shoes from them."
>
> You would think to yourself, "By golly, this shoemaker is not so old-fashioned after all! He is right up to date on modern high-pressure business methods."

Suppose on your way back from the seashore in your Ford you pass a peach orchard and stop off to buy a basket of peaches. Suppose the farmer says to you, "You can't buy these peaches from me. I'm signed up for 10 years with the Emporium Department Store. You will have to go down there."

### Lot of Territory

You would think to yourself, "This Emporium Department Store certainly covers a lot of territory. I must go down there and look around."

So the next day, you go in to the Emporium Department Store and you find they sell everything you need for your family, and you think to yourself, "This is not such a bad idea. I can come down here and do all my shopping in one place and save a lot of traveling and running around." So at first you are quite pleased about it, and you look around and you see some stockings you like. You go up to the counter and you say, "How much are these stockings? I would like to buy some."

Much to your astonishment the clerk says, "We have no price on these stockings. You can't buy these stockings unless you agree that you will buy everything else here that you use for your family, and that means food, clothing, furniture and everything else we sell."

### What's Your Income?

So you then ask, "Yes, but what will they cost?" And to that question the clerk looks at you hard and says, "How much do you make a year?"

You stand up straight and look him in the eye and say, "How much do I make a year? What has that got to do with you? All I want to know is the price of this pair of stockings." So the clerk explains, "This is how we do business around here. First you have to tell us how much you make a year. Then we will decide what percentage of your earnings you must pay us to be one of our customers.

"With lots of people we make it 5 per cent, but for some it is more, and for others it is less. We fix the price and that makes it easier for our customers. You can't buy any one article from us. We won't sell you any one article. You have to buy all your requirements from us and that's why we have to know your annual income."

### That's What Happens

In every-day language that is a parable of what happens when a broadcaster wishes to play copyrighted popular music.

The composers and their publishers have organized a collective bargaining agency or union which is called ASCAP for short. ASCAP means the American Society of Composers, Authors and Publishers.

That union was started a number of years ago by Victor Herbert. It was a good idea to protect composers who were not being properly paid for their works when they were played in restaurants and theaters.

It is still a good idea for that reason because composers should be properly paid when their works are played in public by radio stations or anybody else.

Collective bargaining is a distinct advantage for any group of individuals, but we have seen instances where it can be used for improper purposes.

### Exorbitant Demands

For instance, some unions have got under the control of ruthless individuals who make illegal and exorbitant demands on certain employers who feel it is safer to pay large sums for protection than to try to stand up against them. We have been reading how the Department of Justice in Washington has been going after cases like that.

Now the only question is whether ASCAP has been using its perfect right to act as a collective bargaining agency for composers in a manner which is fair and proper.

The strength of ASCAP today lies in the fact that it has been so successful for the last 10 or 15 years that nearly all the established composers of popular hit-tunes have joined the union. That they have a perfect right to do. The result is that ASCAP is practically a monopoly of popular tunes, and it is almost impossible to buy any elsewhere unless you get new ones written by composers who have not yet joined the union.

Nobody would have any right to complain if all the composers told you that you can only deal with them through their union. That is their right.

### Must Buy 'Em All

However, the first rule ASCAP presents to the prospective customer whether it is a radio station, a theater, a dance hall, a restaurant or anybody else is this: You can't buy the right to perform any one tune; you can't buy the right to perform the music of any one composer; you can't buy the right to perform the tunes from any one production; you can't buy the right to perform tunes of any one class or group. You must buy the rights for all the tunes composed by all the composers in the union or you can't buy any.

Furthermore, no price is set on any tune or any composer or any group of tunes, compositions or composers. There is no price on anything that ASCAP has to sell.

On the contrary, each customer must disclose to ASCAP the total amount of business done by that customer from all sources, and then ASCAP will tell the customer how much of an annual lump-sum payment the customer must pay ASCAP for what it calls a license or privilege to use any or all of the ASCAP copyrights.

### Sale to Advertisers

In the case of a radio station, for instance, the station's revenue comes entirely from the sale of its time on the air to advertisers. Many advertisers do not wish to use any music at all. They prefer, because they think the public prefers, only programs of news, dramatic performances, speeches, talks, descriptions of sporting events, quiz programs or other programs in which no music is used whatever. Nevertheless, ASCAP says: "Even if you use our music only once a day your whole program from start to finish depends on our music to make it attractive. Therefore, you must pay us 5 per cent of your revenue from all sources, and if you do, you can play any music you like." It is this tax or tribute which the radio stations declare is unfair, excessive and improper.

The radio stations gladly recognize that no copyright music should be performed unless the composer is paid for it. All the radio stations ask is the right to pay for what they use.

### Should Fix Prices

All radio asks is that the composer, either himself, or if he wishes, through ASCAP or his union or any other agent he selects, shall fix a price on his music. Then the radio station or the advertiser can decide what music it wishes to play and pay for it accordingly. It can decide whether it wishes to pay a high price for some music or a lower price for others, or to dispense with music entirely on any program if it wishes, or it can pick and choose freely between the music of various composers, whether they are members of ASCAP or not, entirely according to the taste and wishes of the listening public and the advertiser, and free of any restraint, compulsion or monopoly.

In that manner, each composer will receive his fair share, and each radio station or other user of music will pay for what it uses, all in accordance with the well-known law of supply and demand, and the natural operation of economic forces and free competition.

### All or None

Unfortunately, ASCAP operates now on the basis that we must pay for all or none, and we must pay whatever they set as a proportion of income from all sources. That is a form of compulsion and interference which no American business man relishes. It is for that reason that broadcasters are standing together to oppose it.

The business of broadcasting has attained its maturity and has decided that the only remedy for the powerful monopoly of ASCAP is to encourage the creation of new compositions by composers who have not yet assigned their works to ASCAP.

That has proved to be less difficult than it looked, because it now develops that ASCAP began to suffer from the same abuse of power within itself that every monopoly breeds. ASCAP got into the control of a self-perpetuating inside group who are making it increasingly difficult for new talent to break in. It has a rule that no composer can become a member of its union until he has had five "hit tunes" published. As the publishers themselves are members of ASCAP, that means in effect that a composer can only get in if they are willing to have him.

### The Lion's Share

In addition, the money collected by ASCAP is not distributed among the composers according to the number of times their music is played. On the contrary, newcomer composers are always given a mere pittance and the old, established insiders get the lion's share. That unfairness of distribution, and the excessive amounts spent by ASCAP for organization costs and operating overhead are, strictly speaking, something for the composers and not for the customers to deal with.

But that may account for the success the broadcasters have already had in attracting new composers to replace the tight monopoly previously exercised by ASCAP.

As part of the lump-sum business-tax, all-or-none, take-it-or-leave-it, arbitrary license-fee policy of ASCAP, all licenses granted by ASCAP to radio stations will expire December 31, 1940.

### Subject to Penalty

If any radio station plays any tune for which ASCAP controls the copyright after that date, the station will be subject to a law suit for infringement, and a possible penalty of $250 for each performance of the tune. To avoid that, the association of broadcasters began over a year ago to discuss with ASCAP a satisfactory method of continuing to pay for the use of ASCAP copyrights after January 1, 1941. The only reply made by ASCAP, after considerable delay, was that it would continue to levy tribute from the total revenue of broadcasting from all sources, fixing various percentages on broadcasters without the broadcasters having any voice on how those percentages are arrived at. The net result would be that ASCAP would collect approximately double the $4,500,000 which it has been collecting from the broadcasting industry this year.

It was that shocking and arbitrary abuse of its monopoly power by ASCAP that forced the broadcasters to try to create another source of supply.

### Whose Fault?

If ASCAP, which controls the copyrights, allows the existing licenses to terminate on December 31, 1940, it will be ASCAP and not the broadcasters who are depriving the public of much of the music it wants to hear. It is not the wish of the broadcasters to stop playing the established favorites in the popular field. On the contrary, it is only common sense that the broadcasters and the advertisers would prefer to continue to use established favorites for attracting listeners and customers, rather than to try to gamble on building up new tunes, new composers and new lyrics when nobody can tell what the public reaction will be. Nevertheless, the broadcasters have no alternative. They cannot permit their own business, their independence and their future to be completely dominated and controlled by a union of composers which is operating on principles so contrary to fair and healthy American competition.

In recent months ASCAP has been making a determined effort to win public sympathy by taking into membership a scattering of so-called "serious composers." That does not mask the truth that fundamentally ASCAP is the union of the composers of popular ballads and hit tunes whose background is commercially referred to as Tin Pan Alley.

### Opportunity Helped

American culture will not in any sense be retarded if a fresh crop of such composers is given an opportunity to demonstrate that such music springs from the hillsides, the farms, the villages and the small towns of America just as spontaneously as it has been cultivated on the pavements of New York.

So let's not be confused over what is purely a business dispute between the business agents of the composers' union and the radio stations, who feel they are the agents for the listening public. ASCAP is not the composers. ASCAP is a business organization. When ASCAP says "music" it means "money." When ASCAP says "opportunity" it means "monopoly." When ASCAP says "copyright" it means "license," and that means tax, tribute and domination.

### Seek Fair Deal

The radio industry wants to play the music America loves and is willing to pay for it. It wants no licenses or permits to stay in business from ASCAP. It is willing to pay for what it uses.

The radio industry does not ask the public to take sides. All it asks is a fair opportunity to work out a fair business deal for a product it wishes to buy.

## NAB NEW YORK OFFICE

The demands of the music situation, coupled with other problems affecting the industry, has resulted in the establishment of a branch office of NAB in New York City. For the time being the office will deal principally with the public relations phases of the music situation and will be under the direct supervision of President Neville Miller. A very close liaison between that office and the main headquarters at Washington, D. C., will be mantained.

# District Meetings

## DISTRICTS 7-8

With the meeting of the Second District broadcasters at Syracuse on Friday, the 20th, a whirlwind series of regional meetings was concluded. In previous NAB Reports, meetings up to that held in the Ninth District on Wednesday, December 18, were reported.

On Thursday, the 19th, a banner meeting, from the standpoint of attendance, was held in Detroit, at the Fort Shelby Hotel. This was a combined meeting of the Seventh and Eighth Districts and brought together the broadcasters of Indiana, Michigan, Ohio and Kentucky. District Director John Fetzer, WKZO, of the Eighth, presided at the morning session to give way in the afternoon session to J. Harold Ryan, WSPD, District Director of the Seventh District.

Carl Haverlin and the representatives of the transcription companies present, occupied the greater part of the day in a discussion of the music situation. C. E. Arney, Jr., outlined the activities of NAB. It was an enthusiastic and inspiring meeting which went on record as unanimously commending BMI and pledging unswerving support to the effort to relieve broadcasters from the grip of the ASCAP monopoly.

The following were present:

M. C. Watters, WCPO; S. Bernard Berk, WAKR; H. L. Hageman and Bob Wilson, WADC; H. A. Giesel, Jack D. Parker, and L. H. DeRemer, WBCM; Charles G. Reeder and R. Daly, WING; Ronald B. Woodyard, WING-WIZE; Bill O'Neil, WJW; Angus D. Pfaff, WHLS; W. J. Scripps, WWJ; Leo Fitzpatrick, WJR; V. S. Pribble, WTAM; Walberg L. Brown and Carl George, WGAR; Bill Griffiths, WJW; John F. Patt, WGAR; R. W. Richmond, WHK-WCLE; Art Croghan, WJBK; James F. Hopkins, WJBK; Clarence Leich, WGBF-WEOA; W. W. Behrman, WBOW; Clifford Shaw, WAVE; Edward Barret, Joe Eaton and Robert L. Kennett, WHAS; Dan Jayne and Alden H. Haight, WELL; C. A. McGlaughlin, WIBC; Arch. Shawd, WTOL; W. L. Coulson, WHAS; Russell Gohring, WSPD; Howard Loeb, WFDF; Grant F. Ashbacker, WKBZ; Harry Sutton, Jr., WXYZ; P. M. Thomas, WJR; Hy Steed and Leonard A. Versluis, WLAV; R. A. Borel, WBNS; Robert P. Ritter, WJIM; Bob Innes, WJIM; Jack Price, WBNS; Lowell Riley, WBNS; Ralph E. Waldo, WADC; Madelane Johnston, WCOL.

Carl M. Everson, WHKC; J. M. LeGate, WHIO; D. A. Brown, WHIO; Ralph Elvin, WLOK; Felix Hinkle, WHBC; B. M. Matteson, WLW; Raymond J. Meurer, WXYZ-WOOD-WASH; John W. O'Harrow, WKZO; J. H. Ryan, WSPD; Ed Bronson, WCOL; Kenneth B. Johnston, WCOL; Neal A. Smith, WCOL; Stanton P. Kettler, WHIZ; O. E. Fields, WMAN; Morris T. Hicks, WINN; David Silverman, WJR; L. M. Kennett, WHBU; R. B. Rowley, WICA; James Sirmons, WFMJ; Franklin D. Schurz, WSBT-WFAM; Robert J. Drain, WSBT-WFAM; H. M. Bitner, Jr., WFBM; Lester W. Lindow, WFBM; I. D. Wallington, WMAN; S. E. Sheill, WSAM; Howard D. Longsworth, WOWO-WGL; J. B. Conley, WOWO; S. A. Cisler, WGRC; F. P. Wallace, WWJ; H. Earl Moore, WXYZ; Owen F. Uridge, WJR; John E. Fetzer, WKZO; Carl Haverlin, BMI; C. O. Langlois, Lang-Worth; C. P. MacGregor; Bill Gartland, NBC; Alex Sherwood, Standard Radio; George Patterson, WAVE; Robert K. Rutland, WSPD.

## DISTRICT 2

At Syracuse on Friday, another enthusiastic meeting was held in which 23 New York State stations were represented by 53 broadcasters. District Director Clarence Wheeler, WHEC, presided, and again Carl Haverlin aided by the transcription company representatives present covered the music situation and answered the many questions put to them. This meeting also went on record as enthusiastically satisfied with the results which BMI has accomplished and commended it for its work. NAB activities were outlined by Mr. Arney.

The following were present:

C. F. Phillips, WFBL; Wm. J. Moore, WBNX; E. S. Reynolds, CBS; Harold J. Frank, WSLB; Rudy Hont, WSLB; Kolin Hager, WGY; F. L. Keesee, WMBO; Wm. O. Dapping, WMBO; Dorothy Bolin, WMBO; George Pfleeger, WMBO; Will Hudson, WSYR; Victor Miller, WSYR; Lansing Lindquist, WSYR; Ruth Hardki, WSYR; Ruth Chilton, WSYR; Fred Jeske, WSYR; Nick Carter, WTRY; Tony Thayer, WTRY; T. L. Brown, WHDL; Harry Springer, WENY; LeMoine Wheeler, WHEC; Harold M. Wagner, WENY; Elliott Stewart, WIBX; Walter Griswold, WIBX; Harold E. Smith, WOKO; Cecil D. Mastin, WNBF; Elizabeth Mastin, WNBF; Robert Soule, WFBL; Gunnan O. Wiig, WHEC; Frank Seibold, WHAM; Charles Siverson, WHAM; Bill Fay, WHAM; E. K. Johnson, WIBX; W. H. Carpenter, WNBZ; Harry L. Goldman, WOKO; Johnny Lee, WABY; S. Woodworth, WFBL; Joseph N. Brandy, WSLB; Clarence Wheeler, WHEC; Ken Sparnon, WHEC; E. H. Twamley, WBEN; Fred R. Ripley, WSYR; Wm. A. Riple, WTRY; S. D. Gregory, WEAF; Sherman Marshall, WOLF; Thelma Mae Neil Curren, WFBL; Geo. M. Perkins, WFBL; I. R. Lounsberry, WKBW-WGR; H. C. Rice, WKBW; R. Strigl, WKBW; C. E. Arney, Jr., NAB; Carl Haverlin, BMI; Alex Sherwood, Standard Radio; C. P. MacGregor; H. Woodman, WJZ; Victor F. Campbell, WGY; Wm. Gartland, NBC Thesarus.

## DISTRICT 9

While the report of the meeting of the Ninth District meeting at Chicago was contained in last week's REPORTS, the names of those in attendance were omitted. Following is the list:

Robert Carlton, Mary Louise Brown, and Martin R. O'Brien, WMRO; K. W. Rier, WDWS; Bradley R. Eidman, Kennedye Nelson, and W. E. Hutchinson, WAAF; Joe Rudolph, WCBD; John A. Dyer, WGES-WSBC-WCBD; Myrtle E. Stahl, Edwin F. Brady, WGN; Al Hollender and J. L. Allabough, Jr., WJJD; Ben Kanter, WJJD-WIND; Harold A. Safford and Philip B. Kalar, WLS; Joseph A. McDonald and William Ray, WMAQ-WENR; Russell T. Hitt, WMBI; Marie E. Clifford, David Volkow, Carl H. Swanson, and John Ravenel, WHFC; Francis A. Higgins, WDAN; Merrill Lindsay, WSOY; William West, WTMV; R. M. Holt, Jack Sharp, WCLS; Edgar L. Bill and Gene Trace, WMBD; W. Emery Lancaster and Jack Sexton, WTAD; John J. Dixon and Walter Koessler, WROK; Forest W. Cooke, Les Johnson, and Ivan Streed, WHBF; L. G. Pefferl and Jack Heintz, WCBS; Ray A. Johnson, WTAX; Clair B. Hull, H. L. Johnston, and Frank Jennings, WDZ; Joe Wright, WILL.

Hayden R. Evans, WTAQ-WHBY; Sam DeSigne, WTAQ; Mrs. James F. Kyler, E. H. Borkenhagen, WCLO; Ed Cunniff, WKBH; K. F. Schmitt, WIBA; C. J. Lanphier, WEMP; Elmer J. Krebs, WISN; H. J. Newcomb, H. Mann, Jr., and Harvey R. Le Poidevin, WRJN; H. Born, WHBL; George T. Frechette, WFHR; Brooks Connally, WIND; Rayn Altan, WJJD; John F. Carey, WIND; Bob Ateher, WIND; E. S. Mittendorf, WIND; H. P. Sherman, WJJD; C. O. Langlois, Lang-Worth; Jules Herbuveaux, NBC; Frank E. Chizzini, NBC; M. M. Blink, Standard Radio; Carl Haverlin, BMI; C. P. MacGregor; Alex Sherwood, Standard Radio.

This series of District meetings brought together the broadcasters, whether members or non-members, in 24 states, the District of Columbia and Puerto Rico. In every instance the responses of the broadcasters to the disclosures as to what has been accomplished in meeting the music situation were extremely gratifying. Never before has the radio industry presented so united a front as that now prevailing. After the first of the year, consideration will be given to the holding of meetings in those Districts not already covered. Announcements will be carried in future issues of the REPORTS.

# Sales

## NAB-AAAA MEETINGS

Meeting in New York last Friday, the committees of the NAB and AAAA considered revision of the order form for spot broadcasting and adoption of a standard invoice form. The NAB committee will meet again at 2 p. m., January 6, and the following day will hold another meeting with the AAAA committee. The suggested new indemnity clause has been cleared with counsel for the AAAA, and it is expected that shortly after the next meeting the NAB will be in a position to advise members of the complete new contract form as recommended by the Executive Committee.

Present at the meeting were: H. C. Wilder, WSYR, Chairman; R. L. Harlow, Yankee Network; R. H. Mason, WPTF; Edward Petry, Edward Petry & Co., Inc.; Dale Taylor, WENY; Lee B. Wailes, Westinghouse Stations; and Paul F. Peter and Russell P. Place of the NAB staff. For the AAAA—C. E. Midgley, Jr., Batton, Barton, Durstine & Osborn, Inc., Chairman; C. T. Ayres, Ruthrauff & Ryan, Inc.; John Hymes, Lord & Thomas; Carlos Franco, Young and Rubicam, Inc.; William Maillefort, Compton Advertising, Inc.; Miss Linnea Nelson, J. Walter Thompson Company, W. A. Fricke, AAAA; and F. R. Gamble, AAAA.

## 1940 TRADE STUDIES REVIEWED

A year-end analysis of the ten trade studies released by the Bureau of Radio Advertising in the "Results from Radio" series shows a wide variety of local shows producing outstanding sales results for their respective sponsors.

Eight distinct program types are included in the ten studies. They are:

Amateur Show
Drama
Gardening Advice
Musical Clock
News and Commentary
    Straight
    Community & Civic Events
    Radio, etc.
Quiz Show
Shopper Personality
Sports
    Baseball
    Basketball

Further emphasizing the versatility and flexibility of local radio advertising is the fact that 13 different types of advertiser are represented in the studies. Included are:

Automobile Dealer
Cameras
Clothing (Men & Women)
Department Stores
Drug Stores (Chain & Independent)
Flour
Furniture
Ice Cream
Jeweler & Optician
Laundry
Light & Power
Paint & Glass
Plant Nursery & Seeds

Every type and size of station is also represented, from the local 250 watt outlet in the town of 5,000 population to clear channel stations in the great metropolitan areas. A total of 15 stations contributed to the 1940 series; they were located in ten different states in every section of the country.

The Bureau wishes to thank the member stations and their cooperating advertisers who have made the "Results from Radio" series possible, and also all those who have contributed to the work of the Bureau in other ways too numerous to mention. It is a foregone conclusion that this generous spirit of cooperation will assure the Bureau's success in 1941, and serve to widen the scope and intensify the effectiveness of its efforts on behalf of all members.

## RESULTS FROM RADIO

How business can get results from radio was forcibly explained by Samuel J. Henry, Jr., director of the NAB Bureau of Radio Advertising, in a talk December 9 before the Rochester (N. Y.) Ad Club.

Because broadcasters throughout the country can make good use of the material in Mr. Henry's talk, the complete text is given here.

In accepting your kind invitation to come here, I was prompted by a very real desire to tell you what the Bureau of Radio Advertising has dicovered about local radio as it is being applied in other cities throughout the country. I think there's a real story there—a story which has never been fully told—a story of how hundreds—yes, thousands of local and regional concerns similar to those which many of you represent, are using radio with telling effect.

The thought occurred to me as I was coming up on the train last night. Where, except in America, could such a meeting as this be held—where business men get together and discuss how and when to use radio in their sales and advertising work? Today, in almost every other country, there is no question of how or when. Radio elsewhere is closely controlled and jealously guarded by government itself. How different from the American system of radio! Here, this great mass medium is yours to command—to do with as you will, with the single proviso that what you do shall be in the public interest.

And just what is it that you command?

Radio today means many things to many people. Radio today may truly be called the universal medium—reaching rich and poor, young and old. Everyone listens to radio, to an extent which may surprise you. Forty-five million radio sets, serving 110,000,000 people in 28,000,000 American homes, tuned in an average of over five hours each day. Think of it! A daily total of *125,000,000* hours of radio set operation. Over *400,000,000* individual hours of radio listening. As *Fortune* magazine and other accurate polls of public opinion have *often* proved, listening to the radio is now America's No. 1 activity, next to sleeping and working. Radio represents the most important *diversion* and the most *popular* activity of the American public. For instance, in answer to the question, "Which would you rather give up—going to the movies or listening to the radio?" 79% of people, according to the *Fortune* survey, would give up the movies.

What, in turn, do these facts mean to our American system of free, competitive enterprise? What is the significance to business men of such astronomical figures as *four hundred million daily listening* hours? Translated into terms of advertising, they mean almost two hundred million dollars last year alone. In twenty years, radio has replaced the long-established magazines as No. 2 medium in dollar volume of advertising, and in many fields it is giving newspapers a real run for the No. 1 position.

You may wonder at the reasons for this phenomenal rise of radio. The answer lies in three words—*Radio Reaches People.* It reaches more people, more quickly, more intimately than any other means. It reaches them through the most fundamental appeal known to man—through the human voice. Listening to somebody or something, and acting upon what we hear, is almost instinctive to all of us. From the very beginning of life, the sound of the human voice stimulates our growth and development. From the very beginning, our minds take in most readily (and remember most vividly) that which is taught and transmitted by the human voice.

"Listen to this," we say to our friends . "Repeat after me," says the school teacher. "Clean your teeth, brush your hair," say millions of mother to millions of children. "Take a letter," you say to your secretary. Yes, the human voice transmits more ideas, launches more plans, gets more action than any other force or power known to mankind.

There, in a sentence, is the story of radio.

To me, the psychology of radio is an ever-engrossing subject. But right now, I believe, you want to hear some tangibles. Here are two.

Since 1930 American industry has invested the sum of $1,000,000,000 in radio advertising. In the past six years, the investment of American busines men in radio has grown 126%. *That* is the best proof of radio's ability to sell goods.

Radio rings the cash register because it reaches people—and *influences* them to buy. That influence, also, stems from the persuasive power of the human voice. American advertisers now use that fundamental force to sell thousands of products to millions of people. Radio has sold shaving cream and fur coats. It has sold cigarettes and soap, ice cream and automobiles. Radio has sold office furniture, and abrasives for industry. Yes—radio has even sold tombstones. It has produced direct and immediate results for dozens of different products and services, for every type and size of advertiser, and it has created goodwill and public acceptance that can never be measured in terms of direct sales.

We are concerned here, today, with *local* radio advertising. Contrary to popular impression—an impression held even by many experienced advertising men, local broadcasting is no longer radio's stepchild. Local radio volume in 1939 amounted to $40,000,000 in time alone. In the past five years, local concerns have invested over $150,000,000 in radio; they have used 650 stations in 350 markets, and they have employed every imaginable type of program, for every conceivable kind of product and service.

*Most important,* these local concerns are getting results that compare favorably with those from *any other* advertising medium.

As a matter of fact, in many respects, I venture the statement that local radio (particularly when used in the daytime) offers today's *best* advertising buy. The local daytime radio advertiser reaches a concentrated, attentive audience of housewives—home purchasing agents who buy 75 to 85 per cent of all advertised goods.

The experience stories I am about to quote offer further proof of the value of local radio advertising. Let's review briefly some outstanding examples. First, there is the automobile dealer, an important figure in every community. The automotive industry has long set us an example in the skillful use of modern advertising and selling tools. I happen to have worked very closely, a few years ago, with what was then (and I believe still holds the distinction of being) the most extensive radio campaign ever placed. It ran on 400 stations, involving an annual expenditure of $2,000,000, and was largely instrumental in placing this particular car's sales far ahead of the nearest competitor. But what are the dealers themselves doing in radio? I think those early automobile broadcasts were helpful in demonstrating to dealers how radio could work for them, too, and they have used it regularly ever since. A good example is the Arthur Fields Company, a Chevrolet dealer in Portland, Oregon. Employing an interesting variation of the familiar quiz program, Fields recently credited radio with increasing their sales 183% in two years. That compares with an increase of some 50-60% in automobile sales nationally, and it also compares favorably, I think, with the job which radio is doing for *any* national manufacturer.

There is quite a spread from a thousand-dollar automobile, to a 10¢ loaf of bread, but the nature of the baking business lends itself admirably to local radio. Many local brands compete successfully with the largest companies, because bread, to be delivered fresh and at best quality every day, must be baked in the market where it is to be sold. A typical example of that is the Rainbow Bread Company in Roanoke, Virginia. Devoting 80% of their advertising appropriation to radio, Rainbow Bread became the best seller in Roanoke inside of two years. Success like that can be traced directly to a proper attitude toward radio—not merely playing with it as a child would with a new toy, but setting up a sufficient budget, having a definite plan, and getting results that more than justify the time and effort expended.

An important class of local advertiser who is just beginning to realize the potentialities of radio is real estate. Together with the allied trades of building and building supplies, real estate has experienced a recent boom of considerable proportions. Washington, D. C., for obvious reasons, is probably the best real estate town in the United States today. Since World War I, the Nation's Capital has enjoyed an uninterrupted boom in building and housing. Both office and residential space are at a premium—definitely a seller's market. But the sellers have not let themselves be lulled into a false sense of security or inertia. They advertise, consistently and extensively, in newspapers and on the air. Just recently a Washington station in a tie-in with *Life Magazine,* reported the sale of $400,000 worth of low-cost homes, constructed under the FHA Insured Mortgage program. Only last month Congress authorized the Federal Housing Administration to expand by another billion dollars its operations in this field. That means new opportunities for local advertisers of everything from paint to pillowcases. Long before the advent of FHA, at least one real estate group saw the potentialities of radio. Ten years ago a station in Houston, Texas, argued that the average home-building or home-owning prospect was a radio listener who would react spontaneously on Sunday to real estate advertising on the air. On Sunday, both man and wife, constituting the family unit who would have to see, approve and buy this particular commodity, were at home, and had laid aside their weekly business and social interests.

Several real estate developers, approached with the idea, began sponsorship of a series of broadcasts each Sunday morning. Within a month, a total of six and one-half continuous hours of real estate topics were being broadcast. Practically every sub-division, including city lots and suburban tracts, placed on the market in Houston in the last ten years, has used the Sunday Real Estate Hour. With radio as the principal advertising medium, thousands of lots and homes have been sold.

The selling appeal was simplicity itself. Music of a broad enough interest to appeal to all the family, in lower as well as middle and upper-income groups—then the description of the home or property, with the address and an invitation to "drive out and see it this afternoon."

Another type of product which lends itself to localized promotion is ice cream. Last summer, the Bureau of Radio Advertising released the No. 5 study in its series of success stories, under the title "Results From Radio." It told how a small ice cream retailer in the sixth largest city in North Dakota (with a population of 6,000 souls), outsold all competitors in the State, *using radio as his only advertising medium.* Basketball broadcasts did the trick—increasing the sponsor's sales 100 per cent in two years.

But what was the *real* answer behind this phenomenal record? It is found in the fact that radio's effectiveness goes *beyond* the normal sales potential, and actually creates *new* customers and increased consumption of a good product. It is well to remember that, when you are looking for ways to expand markets and increase profits, *without* increasing the cost of doing business. (And who *isn't* looking for that—these days?)

Department stores, also faced with the problem of rising costs, are turning to radio advertising for the solution. The greater coverage which radio affords—leading to new charge accounts, mail and phone orders—these are some of the reasons why. There is the case of the Rike-Kumler store in Dayton, Ohio, employing a daily shopping program in which a female personality, representing the store's personal shopper, takes the listener on an imaginary trip through the various departments, dramatizing the merchandise and the store itself. Rike-Kumler found that radio not only brings in new customers (many of whom are unreachable through any other medium) but gets immediate and direct results—*and keeps on selling.* Radio sold candy and books, kitchenware and lingerie, fur coats and sterling silver. The unique *personal* approach of radio advertising was instrumental in achieving good will and promoting store services. Rike-Kumler also learned that it pays to put your radio program in charge of a responsible store official, to work closely with buyers and with the station experts in planning and executing the entire campaign.

That spirit of cooperation is very important, I think. It emphasizes the remarks of Mr. Willard Campbell, of the G. Fox Store in Hartford, Connecticut (another extremely successful radio advertiser). At the 1940 convention of the National Retail Dry Goods Association, Mr. Campbell advised the assembled retailers:

"Consult with your friends at the radio station. It is *their job* to make radio produce for you, but if they are going to advise you properly, they must know something of your problem. Let your hair down and tell the station man something about your business, so that he in turn can help you sell it."

A question I have often been asked is, "What sort of programs are really producing results for department stores throughout the country?" There are many, of course, and they vary greatly, but the experts of station WOR in New York, in a survey of fifteen cities, found that the most successful programs, might be roughly classified in four groups.

1. Shopping programs (as mentioned before),
2. So-called musical clock programs, broadcast in the early morning, and presenting bright music, a happy-voiced master of ceremonies, and a general wake-up-and-smile atmosphere,
3. Amateur programs, where beaming mothers may hear their offspring perform, and
4. Straight news broadcasts.

Another point the WOR survey brought out was that most successful programs were on the air *daily.* The Burt store in Cleveland, in fact, sponsors ten hours a week daily *and* Sunday, 52 weeks a year. Doing business on the sixth floor of an office building, Burt reports, "Our traffic is twice as great as it was when we were down on a street-level location."

Can radio sell furniture? Can it compete with pictorial salesmanship and the printed word? Can people be sold "eye appeal" goods through appeal to the ear—many department stores have asked that question. In Schenectady, there is at least one resounding answer in the affirmative. You may have heard about it. Ten years ago, Breslaw Brothers operated three stores, one in Glen Falls, one in Saratoga Springs, and one in Schenectady. They began "experimenting," as they called it, with radio advertising. They used many types of programs, merchandising them all in accordance with a well-organized, all-inclusive plan. By constant reiteration (they were never off the air in ten years), a radio personality was developed, known as The "Breslaw Furniture Man", whose selling messages were friendly and informal. As Mr. Jay Breslaw expressed it, "Commercials on our programs have always been breezy, fast-moving, and written with a note of friendliness, expressing a guarantee of complete satisfaction."

"Today with nine large stores in nine different cities, our business is *still* growing. Year after year, broadcast advertising becomes more and more important in the sales work it does for our organization."

The success of Breslaw Brothers is only one of many demonstrating how radio can paint "ear pictures" as vivid as any for the eye.

Perhaps you are surprised to know about this visual appeal of radio. Radio's ability to sell many products usually believed limited to printed media, has been a source of constant amazement even to radio men themselves. I recall one incident from the early days of radio which dramatizes the point. This was in the days when the "jug band" was in its zenith. A quartette of syncopated jug blowers came on the air along about what the Southerners would call "supper time." Everybody listened and rattled the forks in tempo. Everybody talked about it next day at work and around the house. In this audience was a local manufacturer. He made tombstones. It was the spring of the year when everyone was changing their oil and planning Memorial Day drives. That fit him perfectly. He rushed to the station, sought out the manager and said: "I want to buy this jug band of yours. Everybody listens. And I want to tell them about putting up a tombstone at the cemetery before they go out Memorial Day. Why, I'll have *everybody's* ear."

The station commercial manager thought a second and said, "Well, I don't doubt that everybody will be listening to the jug band, but I don't think anybody will pay any attention to your swell message on tombstones. The two just don't go together. You can't get people all jazzed up, rattling the knives and forks, full of life, and expect them to listen to your message as you drag up a tombstone at the supper table."

The tombstone man retired, unhappy, of course, that his great idea did not pan out but thankful, nonetheless, that his enthusiasm had been saved a sorry investment.

The station man thought: It *was* spring. Memorial Day *was* approaching. It *was* the season, if ever there was one, in which to sell a memorial granite. Could radio sell tombstones? He studied the make-up of his listening audience, as all good radio men do: their moods, their listening habits and their tastes. Then he called back our friend the tombstone manufacturer. He gave him an "audition."

"Listen to this," he said. The program "came on." It was the beginning of a series of "Our American Presidents—Their Dramatic Lives." Every school child, in one way or another, had a reason to listen. In fact, the station man *suggested* a tie-up with school children and with the mothers interested in inculcating proper principles of Americanism. The tombstone man listened and this is what he heard: a dramatization of the life of Thomas Jefferson. Finally, the dramatic script ended with the *death* of Jefferson, and with the words, "On his tomb at Monticello are writ these words . . ." The radio man had led the mind of the listener to behold the summing up of a great man's life as carved on the tomb-inscription. Without sacrifice to mood or moment, he drew the picture and prepared the listeners' minds for the acceptance of the advertising message. Result? Radio sold tombstones.

There's another interesting program experiment going on out in the Pacific Northwest. This one has to do with retail druggists and their use of radio. Drug advertising, as you know, constitutes a good percentage of network programs. A Seattle advertising man argued that listeners must be interested in the private lives, the goings and comings of the radio stars and performers heard on these programs. And he was right, at least right enough to sell the idea to several drug chains in the state of Washington! Radio Parade, as the name implies, is a program about radio, its background and behind the scenes activities, with special emphasis on the programs and personalities sponsored by the manufacturers whose products are sold through the local sponsor's stores. It's a new idea for radio, but obviously an easy and effective tie-up. Selling messages are not limited to national brands. Many private brands have been built up by radio, and the very considerable profits to be realized from such private brand promotion has been a major argument in encouraging retail druggists to go on the air. A cartoon I once saw in *Advertising Age* illustrates the point. A somewhat skeptical housewife is standing at the counter of a drugstore. The clerk holds a bottle in his hand, and with acute appreciation of the selling problem he is faced with, says, "Is it good? Why, this product started on a small local program and now it's on the big network—with an 87-piece symphony orchestra, two sopranos and a baritone."

Now, I don't say that if *you* have a brand to push, you should rush out and buy a coast-to-coast hookup and a symphony orchestra, but many of you are no doubt familiar with the history of *two* such products. Ten years ago, the names of Alka Seltzer and Lady Esther were almost unheard of. Using radio as their major medium, Alka Seltzer and Lady Esther have come from nowhere to a dominant position in their field, and they *still* use radio at every opportunity.

In your neighboring city of Buffalo, the Buffalo General Laundries use radio for two purposes—to break the trail for its routemen, and to drive home its message of economy and service to Buffalo housewives. As a result, the company declared its first dividend in five years, while doubling the sale of "specials." As the advertising manager of Buffalo General explained it:

"Our employees take pride in hearing the name of the company they work for mentioned over the air. It is *proof positive* that we are doing our part to make it easier for them to sell laundry service, and thus increase their earnings. The salesmen, knowing they were being backed up, put on extra pressure of their own, but we honestly think radio broke the trail for them."

A local advertiser must of necessity think of radio in terms of direct and immediate returns. He can't pay for his program with prestige and he can't do it with fan mail. That is why I have stressed, in the foregoing accounts, the actual results which have been obtained—in the advertisers' own words.

Nevertheless, there *is* an important story in radio's ability to build goodwill and public confidence. Take banks and other financial institutions. Public prestige is their lifeblood, and in recent years, many of them have suffered from a lack of it. How are such concerns using radio? A recent survey by the Federal Home Loan Bank reveals that some 250 of their members seem to prefer news programs. They employ many variations, of course—commentators, quiz programs, and public forums. An interesting example of the latter is sponsored out in Los Angeles by an investment counselor who has been on the air for four years. Each week, he invites prominent citizens to discuss questions of national and local interest. The program delivers the goods in two ways: it attracts a selected audience of prospects for the company's services; it engenders civic pride and community spirit, which in turn lend a certain prestige to the sponsor. This particular program has one of the highest audience ratings in the Los Angeles area. (The public forum broadcast, incidentally, is a true demonstration of democracy at work, similar to the town meeting of old. I wonder how many of you gentlemen have thought of radio in those terms.

It's been perhaps a long and somewhat awkward step from auto dealers to bakers, then on through department stores and druggists to banks and laundries, but local radio has successfully bridged the gap. Are these the *only* successful local radio users? Are they isolated exceptions by which I hope to prove a general theory? The best answer is the $40,000,000 annually spent in local radio advertising. That sum is broad enough to embrace more than a few banks and bakers, department stores and druggists. That $40,000,000 represents a lot of other products, successfully promoted by many other types of programs.

Did these programs cost a lot of money? Did they require large production staffs, expensive talent, "name" bands, the most popular evening hours? No, none of these was a factor. Not a single company among those I have mentioned attemped to compete as to time or talent with network advertisers. If you recall the basic psychology of radio, you realize it wasn't necessary to compete. The only gauge was the job to be done—and the size and character of the audience to be reached.

Well then, just what *do* most successful local radio programs have in common? What general qualities did they all share? How can we be sure of results from *our* radio advertising? Is there anyway to express a safe, sane guide to its use? I think there is, and it might be summed up in the following seven points:

1. A constructive attitude toward radio before beginning the campaign. (Find out just why and how it works for others.)
2. A sufficient budget to do the job required.
3. Close cooperation with the station experts in choosing your program, and planning and executing your campaign.
4. Utmost attention paid to the commercials. (Remember you are writing *for the ear*—and I'll confess it isn't always an easy thing to do.)
5. Complete merchandising for your program, with every effort made to coordinate radio with other advertising.
6. Consistent, regular use (on a daily basis if possible).
7. Staying on the air *long enough* to get the *cumulative* value, which radio, of all media, offers.

Looking back at the experience of others as we have today, I cannot emphasize too strongly the importance of consistency, of sticking everlastingly at it. After all, it makes common sense in any form of advertising, but it's *especially* true in radio, and *the rewards are in accordance.* Recently, I saw some figures on radio's effect on factory production. Radio's influence began to show very definitely on product output, within six to twelve weeks after the start of radio advertising. That is the reason why the networks, and many stations, too, insist on no less than thirteen week contracts.

Radio sells goods—of that, there can be no doubt. But just how do you measure radio's effectiveness? Although the complete answer would take more time than we have left, you may be sure there is a very definite answer. Radio's ability to sell goods has been measured more accurately and more thoroughly than any other medium of advertising. Radio, in fact, has set the pace for modern advertising research. It has originated and developed many of the scientific methods now in use, and your local station will be more than glad, not only to tell you about them, but to work closely with you in setting up, and following through, on whatever sort of test you choose to make.

Productive, profitable radio advertising, after all is of as much concern to the *broadcaster* as it is to you. It's the radio man's *business* to build better programs, larger audiences and increased sales for his advertisers. For that reason, he is interested in every phase of your radio campaign. On behalf of the National Association of Broadcasters, and every one of its 500 member stations, I invite you to take advantage of the broadcaster's experience, specialized knowledge, and sincere desire to serve you.

## Promotion

### DENVER

In Denver, Gene O'Fallon gave "50,000,000 Radio Sets by Christmas" campaign a big lift over KFEL. Even before his letter to the trade in Denver was in the mail he was broadcasting a spot campaign. His letter to all radio dealers and distributors read:

> "As a member station of the National Association of Broadcasters, KFEL is participating in the drive for 50 million active radio sets in operation by Christmas, 1940.
>
> "We are joining with many other NAB member stations by actively promoting with frequent announcements on KFEL, the idea of giving a radio set for Christmas.
>
> "With this promotion by radio stations, it is quite possible that this goal of 50 million sets may be exceeded, if radio dealers, department stores and automobile dealers handling radios and distributors will redouble their sales efforts from now until Christmas—increased advertising efforts will pay dividends too."

### GREENSBORO, N. C.

Heroic figures depicting "The Three Wise Men" were erected in WBIG's radio part on the outskirts of Greensboro, N. C., this Christmas. They were floodlighted at night and caused a traffic congestion as thousands of motorists drove out to view them.

The Wise Men, camels, the shepherd and his flock, were all there.

Twelve huge painted boards were used to tie Santa Claus up with the station during the holidays. A head of old Saint Nick appeared in gigantic proportions as if he was speaking over a microphone labelled XMAS. The board carried a single line of copy at the bottom, "WBIG and CBS for Christmas Cheer."

### MEMPHIS

The Memphis *Commercial Appeal,* rotogravure section, December 15, contained a full page of photographs illustrating the campaign for radio sets for the unfortunate conducted by WMC, the Mid-South Amateur Radio Association and McGregor's, Inc., RCA distributors.

### SAN ANTONIO, TEX.

In order to keep abreast with the program desires of listeners, KTSA, San Antonio, maintains a Listeners Radio Committee, and, according to Charlie Balthrope, assistant manager, it really works. The station maintains a constant level of four hundred active names on the committee. One hundred committee members reside in the city and county in which KTSA is located; three hundred are scattered over the remainder of the station's primary area, some in other cities and some in small towns and rural communities.

Only one question is asked at a time. A committee member is dropped who does not answer within four days.

Occupations represented by the committee membership are all the way from pipeline laborer to retired General, U. S. Army. The average age of the committee members from San Antonio is 43.5 years and 41.6 from the other parts of the primary area. Women make up 85 per cent of the committee, men 15 per cent. Two queries are sent out each month.

From the continuous research KTSA has discovered that the audience likes news and commentary programs first, variety programs second and serials third.

The audience "doesn't like the classical music in large doses and very little 'swing.' Preference is for standard music and novelty, old or familiar favorites."

The committee does not like announcers who oversell.

One interesting discovery has a bearing on 10:30 p. m. and later programming. Not having been able to sell this time consistently because advertisers were not willing to believe that there was a worthwhile audience after 10:30, the committee was queried. It was asked whether it would listen to a program of "good" music at that hour. Sixty point eight per cent reported they would listen frequently; 30.7 per cent that they would listen occasionally, and 8.5 per cent that they would never listen.

With this information in hand, the program department has scheduled the "Evening Concert," and "now we have something concrete to offer to potential clients."

### SAN BERNARDINO, CALIF.

Leading citizens of San Bernardino were active in November helping KFXM celebrate Radio's 20th Birthday. Clippings and photographs of one of the display windows have been received from George A. Burns, sales promotion manager of the station. Advertisement in the San Bernardino *Daily Sun* of November 28 was headed:

"IT'S RADIO'S
20th BIRTHDAY

and

KFXM's 11th"

It was signed by Presidents of the following organizations: Chamber of Commerce; Argonaut Club; Woman's Club; Rotary Club; Kiwanis Club; Lions Club; Exchange Club; 20-30 Club; Speakers Club, and by the Commander of the American Legion.

During the celebration the station ran a long schedule of station breaks and arranged for numerous talks by prominent individuals.

## MAN POWER

Once each week, sometimes more frequently, man power requirements for national defense—Civil Service jobs are consolidated in Washington. Such information is the basis of the man power announcements sent regularly to stations.

Emphasis continues to be placed on hard-to-get personnel. The special needs last week were for Engineers, Procurement Inspectors of aircraft materials and Physicists. Weekly changes will continue to specify the "hot" jobs which need to be filled quickly to insure maximum production of defense materials and equipment.

# IRE Convention

Technical developments of radio during the past year will be the subjects of the lectures to be delivered at the Sixteenth Annual Convention of the Institute of Radio Engineers, opening Thursday, January 9, for 3 days, at the Hotel Pennsylvania in New York City.

Coincidental with the announcements of the dates for the Annual Convention, the Institute announced its new convention policy. This will be to hold the Annual Convention each year during January in New York City and to hold a summer convention elsewhere in June. There also will be a Pacific Coast Convention held each year. Under the new policy, the Institute will sponsor only one exhibition of radio equipment components, testing and measuring devices and manufacturing aids each year. This will be held at the Annual Convention in New York City.

The Institute medal of honor for 1941 will be presented at the convention to Alford Norton Goldsmith for his contribution to radio research, engineering, commercial developments and his leadership in standardization.

The award of the medal will also recognize the work he has done in connection with the establishment and upbuilding of the Institute of Radio Engineers.

Seven Institute members will be transferred to the grade of Fellow, and receive diplomas attested thereto. These are Marcus A. Acheson, Edmond N. Deloraine, Austin V. Eastman, Oscar B. Hanson, Ira J. Kaar, Arthur S. McDonald and Ralph K. Porter.

Dr. Gano Dunn, President of the J. G. White Corporation and a member of the National Defense Commission, will speak at the banquet Friday evening on the subject of the relations of engineers and their employers and on the National Defense Program.

Inspection trips have been planned to the following: Columbia Broadcasting System studios, International Telephone and Telegraph Corporation operating room, New York City Police Radio operating room, WOR Frequency-Modulated Transmitter and Western Union Facsimile Varioplex operations.

A demonstration of direct color television pick-up will be given by Dr. Peter Goldmark, engineer in charge of television for the Columbia Broadcasting System.

An interesting program of inspection trips and entertainment has been scheduled for the women accompanying the members of the Convention.

Following is a complete schedule of the technical sessions:

Thursday, January 9

9:00 A. M.

Registration

10:30 A. M.-12:30 P. M.

Address by L. C. F. Horle, retiring president, and introduction of F. E. Terman, president for 1941. Technical session, President Terman presiding.

1. "Recent Developments in the RCA Electron Microscope," by J. Hiller and A. W. Vance, RCA Manufacturing Company, Inc., Camden, N. J.
2. "The Handling of Telegrams in Facsimile," by R. J. Wise and I. S. Coggeshall, Western Union Telegraph Company, New York, N. Y.
3. "Measurements of the Delay and Direction of Arrival of Echoes from Nearby Short-Wave Transmitters," by K. G. Jansky and C. F. Edwards, Bell Telephone Laboratories, Inc., New York, N. Y.
4. "An Evaluation of Radio-Noise-Meter Performance in Terms of Listening Experience," by C. M. Burrill, RCA Manufacturing Company, Inc., Camden, N. J.

2:30 P. M.-4:30 P. M.

Technical Session, H. A. Wheeler presiding.

5. "Spurious Responses in Superheterodyne Receivers," by E. Kohler and C. Hammond, Ken-Rad Tube and Lamp Corporation, Owensboro, Ky.
6. "Intermediate-Frequency Values for Frequency-Modulated-Wave Receivers," by D. E. Foster and G. Mountjoy, Radio Corporation of America, License Division Laboratory, New York, N. Y.
7. "Signal-Noise Relations in High-Transconductance Tubes," by J. R. Nelson, Raytheon Production Corporation, Newton, Mass.

7½. "Improvements in B-Battery Portability," by H. F. French, National Carbon Company, Inc., Cleveland, Ohio.

8. "Magnetic Recording and Some of Its Applications in the Broadcast Field," by S. J. Begun, The Brush Development Company, Cleveland, Ohio.

Friday, January 10

10:00 A. M.

Registration

10:30 A. M.-12:30 P. M.

Technical Session, O. B. Hanson presiding.

9. "New 1-Kilowatt Television Picture Transmitter," by J. Ferguson, Farnsworth Television and Radio Corporation, Fort Wayne, Ind.
10. "Versatile Multi-Channel Television Control Equipment," by D. E. Norgaard and J. L. Jones, General Electric Company, Schenectady, N. Y.
11. "New Designs of Television Control-Room Equipment," by J. Schantz and W. Ludwick, Farnsworth Television and Radio Corporation, Fort Wayne, Ind.
12. "A Coaxial Filter for Vestigial-Sideband Transmission in Television," by H. Salinger, Farnsworth Television and Radio Corporation, Fort Wayne, Ind.
13. "Three New Ultra-High-Frequency Triodes," by K. C. DeWalt, General Electric Company, Schenectady, N. Y.
14. "A recently Developed Circuit for the Generation of Power at U-H Frequencies," by A. L. Nelson, Farnsworth Television and Radio Corporation, Fort Wayne, Ind.

2:30 p. m.-4:30 p. m.

Technicial Session, F. R. Lack presiding.

15. "Radio-Frequency-Operated High-Voltage Supplies for Cathode-Ray Tubes," by O. H. Schade, RCA Manufacturing Company, Inc., Harrison, N. J.
16. "After-Acceleration and Deflection," by J. R. Pierce, Bell Telephone Laboratories, Inc., New York, N. Y.
17. Analysis of Voltage-Controlled Electron Multipliers," by B. J. Thompson, RCA Manufacturing Company, Inc., Harsion, N. J.
18. "Behavior of Electron Multipliers as a Function of Frequency," by L. Malter, RCA Manufacturing Company, Inc., Harrison, N. J.
19. "The Orbital-Beam Secondary-Electron Multiplier for Ultra-High-Frequency Amplification," by H. M. Wagner and W. R. Ferris, RCA Manufacturing Company, Inc., Harrison, N. J.

Saturday, January 11

10:00 a. m.

Registration

10:30 a. m.-1:00 p. m.

Technical Session, President Terman presiding.

20. "Some Factors Affecting Television Transmission," by M. E. Strieby and C. L. Weis, Bell Telephone Laboratories, Inc., New York, N. Y.
21. "Brightness Distortion in Television," by D. G. Fink, McGraw-Hill Publishing Company, New York, N. Y.
22. "A Phase-Curve Tracer for Television," by B. D. Loughlin, Hazeltine Service Corporation, Little Neck, N. Y.
23. "Special Oscilloscope Tests for Television Waveforms," by A. V. Loughren and W. F. Bailey, Hazeltine Service Corporation, Little Neck, N. Y.

2:30 p. m.-4:30 p. m.

Technical Session, C. M. Jansky, Jr., presiding.

24. "Program-Operated Level-Governing Amplifier," by W. L. Black and N. C. Norman, Bell Telephone Laboratories, Inc., New York, N. Y.
25. "Drift Analysis of the Crosby Frequency-Modulated Transmitter Circuit," by E. S. Winlund, RCA Manufacturing Company, Inc., Camden, N. J.
26. "Frequency-Modulated Emergency Equipment," by G. M. Brown, General Electric Company, Schenectady, N. Y.
27. "Commercial 50-Kilowatt F-M Broadcast Transmitting Station," by H. P. Thomas and R. H. Williamson, General Electric Company, Schenectady, N. Y.

Further details concerning the Convention may be obtained by addressing Harold P. Westman, Secretary, Institute of Radio Engineers, 330 W. 42nd Street, New York City.

## NEW YORK TAX PROPOSAL

New York City stations were advised on December 10 that the Tax Department of the City of New York has under consideration assessing as real estate, for the fiscal year 1941-42, the operating equipment of radio, television and facsimile companies located within the City of New York. The proposed assessment would be made under alleged authority of the New York state real estate law. Because of industry-wide implications, Neville Miller has appointed a NAB committee to meet the problem.

The committee, made up of John V. L. Hogan, WQXR; Emanuel Dannett, WOR; Henry Ladner, NBC; Joseph Ream, CBS; and Harry C. Wilder, WSYR, will meet in New York on Friday, December 27, at 10:30 a. m. NAB counsel, Russell P. Place, will attend.

# FEDERAL COMMUNICATIONS COMMISSION

## RACETRACK RADIO

A month's search by the FCC for unlicensed radio equipment which broadcast "sure tips" to favored bettors while horse races were still being run was climaxed December 20 by the arrest of two men and the seizure of illegal apparatus at the Charles Town, W. Va., racetrack.

In early December Commission field men discovered that two portable transmitters were surreptitiously being put to such use. One transmitter concealed under the coat was employed by one of the men in the grandstand to communicate progress of the race to an accomplice in a rented tourist cabin near the track. The latter utilized the second set to flash the expected result to conspirators listening in at outside receiving stations. Under this system, some persons were able to make advantageous bets just before the results of the race were generally known.

The method of operation, as determined by Commission inspectors listening in, was this:

At the start of the race a person could be heard whistling on a certain radio frequency, followed by the words "Oh Johnny" repeated several times, and then a few bars from such songs as "Beer Barrel Polka" or "Maryland, My Maryland" would be sung. As the race neared the finish the voice would suddenly cut in with a number, repeated until the race was completed. Immediately after this number was spoken, a stronger signal on another frequency was observed to repeat the same number perhaps 10 or 15 times, followed by such commonplace expressions as "testing" or "testing for modulation", and finally the words, "that is all". On checking the race results it was obvious that the number in question referred to the number of the winning horse.

By the use of highly specialized equipment and technique, the party in the grandstand operating the transmitter concealed on his person was finally located. This transmitter was adjusted to an ultra-high frequency and the microphone extended down into the sleeve of the overcoat worn by the operator. To speak into the microphone, he merely raised his hand to the back of his neck and appeared to be conversing with his look-out companion, or shouting for his favorite horse to win. To allay suspicion, he carried a program and consulted it between races.

The grandstand tip-off man had a clear view of the tourist camp in which the high-powered transmitter was located, and received acknowledgments of the reception of his transmission by light signals flashed by the operator at the tourist cabin. On one occasion, the operator in the grandstand remarked on the air that a clothesline obstructed his view of the light. This announcement enabled the inspectors to verify the exact cabin in the group where the presence of the high-powered radio transmitter had been previously located by a radio direction finder, even though the antenna was concealed. This transmitter was built into a trunk and when the lid was closed gave no semblance of a radio apparatus.

Arrests were made in cooperation with the West Virginia State Police and United States District Commissioner at Martinsburg, after evidence had been presented by members of the Commission's field operations section personnel—Charles Ellert, Supervisor of the Central Atlantic Monitoring Area; Assistant Monitoring Officer Earl M. Johnson, and Radio Operator Kenneth B. Menear.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are to be held before the Commission during the week beginning Monday, December 30, due to the holidays.

### FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

**January 30**

Joint Hearing

NEW—Paducah Broadcasting Co., Inc., Clarksville, Tenn.—C. P., **1370 kc.**, 250 watts, unlimited time.

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., **1370 kc.**, 250 watts, unlimited time.

**February 5**

WCSC—The Liberty Life Insurance Co. (Transferor), and John M. Rivers (Transferee), Charleston, S. C.—Transfer of control of South Carolina Broadcasting Co., Inc., **1360 kc.**, 500 watts night, 1 KW day, unlimited time.

**February 6**

WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Voluntary assignment of license; **1270 kc.**, 500 watts, unlimited time, S-WASH.

**February 12**

NEW—Herbert L. Wilson, Middletown, N. Y.—C. P., **1310 kc.**, 250 watts, unlimited time.

NEW—Community Broadcasting Corp., Middletown, N. Y.—C. P., **1310 kc.**, 250 watts, unlimited time.

**February 14**

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—C. P., **900 kc.**, 1 KW, unlimited time, DA-night. Present assignment: **1210 kc.**, 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no regular meeting of the Commission this week because of the holiday.

### MISCELLANEOUS

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted authority to make changes in automatic frequency control apparatus.

WHP—WHP, Inc., Harrisburg, Pa.—Granted authority to install automatic frequency control apparatus.

WQXR—Interstate Broadcasting Co., Inc., New York City—Granted construction permit to move old Composite transmitter to site of new main transmitter, to be used as auxiliary transmitter, with power of 1 KW, for emergency purposes only.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243) authorizing increase in power and installation of directional antenna for night use, for extension of completion date to January 5, 1941.

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted license to cover construction permit (B2-P-3018) which authorized installation of a new transmitter.

WGAC—The Twin State Broadcasting Co., Augusta, Ga.—Granted license to cover construction permit (B3-P-2891), authorizing a new station to operate on **1210 kc.**, 250 watts, unlimited time (B3-L-1292). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-607).

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted license to cover construction permit (B4-P-2232), which authorized installation of new transmitter, changes in directional antenna system, and increase in power from 1 KW night, 5 KW day, to 5 KW day and night on **1330 kc.** (B4-L-1242). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-499).

WING—WSMK, Inc., Dayton, Ohio.—Granted modification of license to change name of licensee from WSMK, Inc., to Great Trails Broadcasting Corp. (B2-ML-1040).

WATN—Watertown Broadcasting Corp., Watertown, N. Y.—Granted modification of construction permit (B1-P-809), which authorized a new station to operate on **1210 kc.**, 250 watts, unlimited time, for authority to install new type transmitter and extend commencement date to 60 days after grant and completion date to 180 days thereafter (B1-MP-1120).

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted license to cover construction permit (B1-P-2712), which authorized installation of a new transmitter, directional antenna for night use, and increase in power to 5 KW, unlimited time, on **680 kc.** (B1-L-1295-A). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-610).

The following stations were granted authority to determine operating power by direct measurement of antenna input:

WGNY, Newburg, N. Y.; WDEV, Waterbury, Vt.; WJCB, Hammond, Ind.; KRBC, Abilene, Texas; WAGA, Atlanta, Ga.; KGHL, San Angelo, Texas; WGY, Schenectady, N. Y.; WFOY, St. Augustine, Fla.; KIDO, Boise, Idaho; KBST, Big Springs, Texas.

WCSC—The Liberty Life Ins. Co., Transferor, and John M. Rivers, Transferee, Charleston, S. C.—Granted joint petition of transferor and transferee for continuance of hearing now scheduled for January 6, for a period of 30 days, in re application to transfer control of WCSC to John M. Rivers.

Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Granted petition for leave to amend application for new station so as to request frequency **1250** instead of **1370 kc.**, and 250 watts, daytime, instead of 100 watts, unlimited.

WGNY—WGNY Broadcasting Co., Inc., Newburg, N. Y.—Granted petition for permission to file applicant's appearance late in re application for construction permit to operate on **1370 kc.**, 250 watts, unlimited time.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.; WCAM—City of Camden, N. J.—Denied petitions to intervene in the hearing on applications for renewal of licenses of stations WCAM, WCAP and WTNJ, and the Commission on its own motion, consolidated these hearings.

Paducah Broadcasting Co., Inc., Clarksville, Tenn.—Granted motion for continuance of hearing now scheduled for January 13 to January 30, in re application of Paducah Broadcasting Co., Inc., and Wm. D. Hudson & Violet Hutton Hudson for construction permits to operate on **1370 kc.,** 250 watts, unlimited time.

KFI (Etc.), KOA—Clear Channel Group and National Broadcasting Co., Inc., Denver, Colo.—Referred to the Commission the petition to intervene in re application of WHDH, Matheson Radio Co., Inc., for construction permit to operate unlimited time on **830 kc.** with 5 KW, DA-night time for filing exceptions and request for oral argument extended to January 15. (Exception as to ruling on extension noted by counsel for WHDH insofar as applies to extension.)

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.

WBBM—Columbia Broadcasting System, Inc., Chicago.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.

WJAG—The Norfolk Daily News, Norfolk, Neb.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.

WMBI—The Moody Bible Inst. of Chicago, Chicago, Ill.—Granted motion of applicants for extension of time to February 1 to file proposed findings in re applications to change frequencies, power, etc., heard on December 11.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted special temporary authority to rebroadcast U. S. Coast Guard Cutter Spencer transmissions from 8 to 8:45 p. m., EST, on December 22.

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted special temporary authority to operate from local sunset (January 5:45 p. m. EST) to conclusion of Rose Bowl football game on January 1, in order to broadcast said game only.

WSUI—State Univ. of Iowa, Iowa City, Iowa.—Granted special temporary authority to operate with power of 5000 watts from 7:30 p. m. or commencement of basketball games to 9 p. m. or conclusion of games on January 3, 6, 11, 13, 20 and February 1, in order to broadcast Univ. of Iowa basketball games to greater listening area.

WTAW—Agri. and Mech. College of Texas, College Station, Tex.—Granted special temporary authority to remain silent for the period December 22 to no later than December 29, because of difficulty in maintaining normal operating schedule due to holiday exigencies prolonged by influenza scare.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Denied request for special temporary authority to operate simultaneously with WSAJ from 5 to 5:30 p. m. EST, December 22 and 29, in order to broadcast Mutual Broadcasting System program entitled "Wheeling Steel Makers".

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted modification of construction permit which authorized increase in power, move of transmitter and installation of new transmitter, for approval of antenna and approval of transmitter site at Ocean Drive, Corpus Christi (present licensed site and present antenna system), and installation of new transmitter (B3-MP-1121).

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 4:30 p. m. MST, on December 25, in order to broadcast Xmas programs as described in telegram received December 19.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (January 4:15 p. m. EST) to 4:45 p. m. EST, January 5, 19 and 26, in order to broadcast programs sponsored by the Massachusetts Federation of Music Clubs and from 4:15 to 6 p. m. EST, January 12, in order to broadcast proceedings of a testimonial banquet to be given Henry Tosczyloweski, Captain of Boston College football team only.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 11:15 p. m., December 24 to 2 a. m. CST, December 25, in order to broadcast Christmas Eve services of St. Patricks Church of Eau Claire only.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate with 100 watts from local sunset (December 4:45 p. m. EST) to 8 p. m., EST, December 22, 23, and from local sunset to midnight EST, December 24, in order to broadcast special Christmas programs only.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate from local sunset (December 4:15 p. m. EST) to 12:30 midnight EST, on December 24 and 31, in order to broadcast holiday programs only, upon condition that said programs be sustaining only.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with WIBW and WCHS, with power of 1000 watts, from 7:25 p. m. to 9:25 p. m., January 2, 6, 11, 13, and from 7:55 to 9:55 p. m. CST, January 18, in order to broadcast basketball games described in letter of December 16 only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 4:45 to 5:45 p. m. CST, on January 5, 12, 19 and 26, in order to broadcast Old Fashion Revival Hour program only.

KRLM—Royal Miller, Sacramento, Calif.—Granted special temporary authority to operate relay broadcast station KRLM on frequencies **1622, 2058, 2150, 2790 kc.,** 50 watts, crystal and frequency monitor to be installed, in order to relay broadcast dance music from the Sugar Bowl in the Sierra Nevada Mountains to radio station KROY from 7 to 7:30 p. m., PST, on December 20, 27, 1940, and January 3, 10, and 17, 1941.

WAOG—New York State Conservation, Albany, N. Y.—Granted special temporary authority to operate portable radiophone forestry station WRAI on frequencies **31620, 35260, 37340** and **39620 kc.,** for the period December 28, 1940, to not later than January 27, 1941, as a relay broadcast station to relay programs from the Olympic Bobsled Run to standard broadcast station WNBZ.

WNYC—City of New York, New York, N. Y.—Granted special temporary authority to operate from 6 p. m. to 6:45 p. m. EST (Sundays excepted) during the month of January, 1941, in order to broadcast official information to draft boards and registrants and programs sustaining audience therefor.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Authority to determine operating power by direct method.

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—License to cover construction permit (B1-P-2912) for new transmitter, changes in directional antenna for night use, change of frequency, increase in power and change hours of operation and use directional antenna day and night.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to transfer 50% of interest in corporation from Strawbridge and Clothier to Lit Bros., 7,100 shares common stock.

### 590 Kilocycles

WKZO, Inc., Kalamazoo, Mich.—Construction permit to install a new directional antenna for night use.

### 610 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio—Construction permit to use directional antenna day and night, change frequency from **640** to **610 kc.,** power and time from 500 watts limited to 1 KW unlimited, request Class III-B station, move transmitter to 13.5 miles to Columbus, Ohio. Request facilities WCLE. Amended: request that this application be contingent on grant of WCLE's application B2-P-2834 and that directional antenna be used at night only.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Construction permit to install directional antenna for day and night use;

install new transmitter; change frequency and power from **610 kc.,** 500 watts, to **640 kc.,** 1 KW, time from daytime to limited time to local sunset, California; move transmitter; Class II station. Requests facilities WHKC. Amended to request **600 kc.,** unlimited time, equipment changes, changes in directional antenna for day and night use, omit request for WHKC's facilities, and request to move and for a new transmitter.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to increase power from 30 KW to 50 KW and make changes in transmitting equipment for emergency purposes only.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-3058) for increase in power, and changes in auxiliary transmitter.

### 710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of license to move studio from 131 Market St., Newark, N. J., to 1440 Broadway, New York, N. Y.

### 890 Kilocycles

NEW—Central Carolina Broadcasting Corp., Burlington, N. C.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 100 watts, unlimited time. Amended to request **890 kc.,** 250 watts, daytime, and changes in equipment.

### 920 Kilocycles

WWJ—The Evening News Assn., Detroit, Mich.—Modification of construction permit (B2-P-2880) for changes in equipment, increase in power, installation of directional antenna for night use, requesting approval of directional antenna.

### 1010 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Construction permit to install directional antenna for night use; increase power from 1 KW night, 5 KW day, to 10 KW; **990 kc.** under N. A. Agreement. Amended to install 10-KW equipment.

### 1200 Kilocycles

KFXJ—R. G. Howell and Charles Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Authority to determine operating power by direct method.

### 1210 Kilocycles

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Construction permit to change frequency from **1210 kc.** to **580 kc.** (Class II-B); increase power from 250 watts to 1 KW; install a new transmitter; install directional antenna for night use; and move transmitter.

### 1310 Kilocycles

WINX—Lawrence J. Heller, Washington, D. C.—License to cover construction permit (B1-P-2546) as modified for a new station (Main transmitter).

WINX—Lawrence J. Heller, Washington, D. C.—Authority to determine operating power by direct method (Main transmitter).

WCMI—Ashland Broadcasting Co., Ashland, Ky.—License to cover construction permit (B2-P-2742) as modified, for new antenna and move of transmitter.

KVIC—Radio Enterprises, Inc., Victoria, Texas—Authority to transfer control of corporation from Fred W. Bowen, Charles C. Shea, to Morris Roberts, 250 shares stock. Amended: to omit name of Charles C. Shea as one of transferors.

WINX—Lawrence J. Heller, Washington, D. C.—Authority to determine operating power by direct method (Amplifier).

### 1320 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa—Modification of construction permit (B4-P-2726) for move of transmitter installation of directional antenna for night use, install new transmitter and increase in power, requesting changes in equipment.

### 1330 Kilocycles

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa—Modification of construction permit (B4-P-2290) as modified for installation of directional antenna for night use and increase in power, requesting extension of completion date from 1-28-41 to 3-28-41.

### 1340 Kilocycles

NEW—Ruben E. Aronheim, Fitchburg, Mass.—Construction permit for a new broadcast station to be operated on **1310 kc.,** 250 watts, unlimited time, Class IV station.

### 1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install a new transmitter, increasing power from 500 watts, 1 KW Sunday to 5 KW, change hours from Share WSBT to unlimited time, install directional antenna for day and night use and move transmitter.

### 1370 Kilocycles

KIUP—San Juan Broadcasting Co., Durango, Colo.—Authority to determine operating power by direct method.

### 1410 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1410** to **860* kc.,** increase power from 1 KW night, 2½ KW day, to 50 KW, move transmitter from Amarillo, Tex., to near Willton, Tex.

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*(Under NARBA.)

### 1440 Kilocycles

KDFN—Donald Lewis Hathway, Casper, Wyoming—License to cover construction permit (B5-P-2849) for increase in power and changes in equipment.

### 1500 Kilocycles

NEW—Lake City Broadcasters, Inc., Lake City, Fla.—Construction permit for a new broadcast station to be operated on **1500 kc.** (Class IV station), 250 watts, unlimited time.

KGKY—L. L. Hilliard, Ruth K. Hilliard and R. M. Stewart, d/b as Hilliard Co., Scottsbluff, Nebr.—Authority to determine operating power by direct method.

## FM APPLICATIONS

NEW—John Lord Booth, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **44100 kc.;** coverage: 4,400 square miles; population: 2,514,753. Amended to request **44100 kc.;** coverage: 6732 square miles; population: 2,901,908 and change type of transmitter and antenna changes.

NEW—Head of The Lakes Broadcasting Co., Superior, Wis.—Construction permit for a new high frequency broadcast station to be operated on **44500 kc.;** coverage: 2,754 square miles; population: 168,193.

## TELEVISION APPLICATION

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-30) as modified for a new television broadcast station, requesting extension of completion date from 12-13-40 to 2-13-41.

## MISCELLANEOUS

NEW—Capital City Broadcasting Co., Inc., Topeka, Kans.—Construction permit for a new broadcast station to be operated on **1170 kc.** (Class II station), 5 KW, daytime.

WEIX—Memphis Publishing Co., Portable-Mobile.—Construction permit to increase power from 5 watts to 22 watts and install new transmitter (already constructed under B3-PRE-352).

WEIX—Memphis Publishing Co., Portable-Mobile.—License to cover above construction permit.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Bengor Products Company**—Louis Gordon and Ben Gordon, trading as Bengor Products Company, 878 Broadway, New York, wholesale dealers engaged in the sale and distribution of miscellaneous merchandise, including cosmetics, perfumes, soap and other articles are charged in a complaint with misrepresentation.

In the course of their business, the complaint alleges, the respondents distribute catalogs and circulars by United States mails and other means in commerce, in which it is represented that various of their products have a retail price greatly in excess of the actual selling price at which such merchandise ordinarily and customarily is sold to consumers. The respondents' dental creams, represented as "60¢ size," actually are sold to the retail trade at 65 cents per dozen, and their "Powder and Perfume Combination," represented as retailing at 25 cents, is sold to retailers at 65 cents per dozen packages, according to the complaint.

Also typical of the acts and practices of the respondents, the complaint continues, are representations that certain items of merchandise are given free on various quantity purchases. The complaint declares that the respondents do not give any specified items of merchandise free, as the price of the so-called "free" items is included in the price of other articles of merchandise.

The complaint also charges that the respondents use such designations as "Dr. Sachs" and "Dr. Dade's" in the trade or brand name of their various products, by which they represent that the formula of the products has been prepared from a formula of a member of the medical or dental professions or that the products are made under the supervision and direction of a medical or dental practitioner. These products, the complaint alleges, are not so made.

The respondents also are charged with using the statement "Parfums. Jockey Club de Paris" to represent products wholly manufactured within the United States as being manufactured in France and imported into the United States.

Sale by the respondents of punch boards or lottery devices to dealers for their use in connection with the sale of merchandise, also is charged in the complaint. (4420)

**Charmete Cosmetic Laboratory**—Milton Boyle, Jr., and H. Sibner, operating under the firm names of Charmete Cosmetic Laboratory, Charmete Laboratory, and Charmete Laboratories, 730 Fifth Ave., New York, engaged in selling a drug product designated "Rx28," have agreed to cease representing that "Rx28" is a remedy for acne, pimples, blackheads and other skin blemishes, or that relief of any kind is assured or sure. Milton Boyle, Jr., and H. Sibner further agree to cease and desist from the use of the word "Laboratory" or "Laboratories" in their trade names, or from otherwise representing that they own, operate or control a laboratory. (02685)

**Entromul Company**—Thomas J. McBride, trading as The Entromul Company, 1655 Riverside Drive, Los Angeles, engaged in selling a medicinal preparation designated "Entromul," alleged to be of value in the treatment of various stomach and intestinal disturbances, in a supplemental stipulation has agreed to discontinue representing that an overdosage of his preparation can have no harmful effects; that use of the preparation will have a beneficial influence on an excess acid condition of the bowels or colon; will help maintain the alkaline-acid balance of the body; that it will eliminate putrefactive germs found in the intestines, or that the preparation has any significant value in the treatment of simple mucous colitis; is capable of providing a protective dressing to the mucous membrane lining of the stomach, or that it is a corrective or is a lasting relieving agent. The stipulation is supplemental to one accepted by the Commission in February, 1937, the terms of which are still in effect. (01665)

**Field Herbs**—G. W. Bodine, trading as Field Herbs, 10353 South Peoria St., Chicago, has agreed to cease representing that his product "Herbs" is of any value whatsoever in the treatment of coughs, colds, asthma, nervousness, diabetes or heart trouble, or that it is a competent treatment or effective remedy for affections of the kidneys, bladder or intestines. (02686)

**Hy-Phen Corporation**—A complaint has been issued charging Hy-Phen Corporation, Matoaka, W. Va., successor to Bradley's Laboratory, Inc., with misrepresentation in the sale of "Hy-Phen," a medicinal product.

In newspaper, radio and other types of advertising matter circulated in commerce, the respondent, according to the complaint, represented that its preparation will prevent, and is a cure or remedy for colds; that it is a competent and effective treatment for toothache, earache, neuralgia, twitching nerves, after extraction pains, aching muscles, rheumatic pains, and women's periodic pains, and will revieve the pain attendant on such conditions more quickly and longer than any other preparation. The respondent further represented, according to the complaint, that its product is safe for use.

The complaint charges that the use of the preparation will not accomplish the results claimed; that its therapeutic properties are limited to that of an analgesic only affording temporary relief from painful symptoms, and having no curative action on underlying factors that cause pain; that its ingredients are similar to those found in many like preparations; that its effectiveness in treating the conditions enumerated is limited to furnishing temporary relief to the symptoms of pain in some instances, and that it would have no therapeutic value in treating such conditions as migraine headaches, infectious diseases, headaches due to infection, pains due to abscessed teeth, or pains resulting from pressure on nerves.

Because of the existence of acetophenetidin, caffeine and hyoscyamus in the respondent's preparation, its administration is not entirely free from danger, the complaint alleges. (4418)

**Merchandise Sales Syndicate**—Use of lottery methods in the sale of smoking pipes, jewelry, fountain pens and other merchandise, is alleged in a complaint issued against Ewen Cameron, trading as Merchandise Sales Syndicate, 2738 North Sheffield Ave., Chicago.

The respondent, according to the complaint, sells to dealers certain assortments of merchandise so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme, when the merchandise is sold to the consuming public. Pull-card devices are used, the complaint alleges.

Charging that the respondent's practices have been of a sort which are contrary to Federal Government public policy and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4417)

**Ozon Chemical Company, Inc.,** also trading as Duncan Chemical Co., 607 Del Monte Way, St. Louis, engaged in selling and distributing a medicinal preparation designated as "Duncan's Ozon," is charged, in a complaint with misrepresentation.

The complaint charges that in advertisements in newspapers and by other means in commerce, the respondent has represented that the preparation constitutes a cure or remedy and a competent and effective treatment for colds, coughs, sore throat, athlete's feet and poison ivy; is an effective preventive of colds, coughs, and sore throat, and that the preparation is recommended by physicians generally and is in general use in hospitals.

The complaint charges that the respondent further represents that it manufactures or compounds the preparation.

The complaint alleges that the preparation is composed principally of pine oil and is of no substantial therapeutic value in either the treatment or the prevention of any of the ailments or conditions mentioned; that it is not recommended by physicians generally, nor is it in general use in hospitals, and that the respondent does not manufacture or compound the preparation, but obtains it from other sources. (4421)

**Peggie Moran Company, Inc.,** and Irene Johnston, Inc., engaged in the sale and distribution of a soap product allegedly possessing reducing properties, are charged in a complaint with misrepresentation of the product.

Peggie Moran Company, Inc., 1729¾ North Wilcox Ave., Hollywood Calif., is engaged in the sale and distribution of a soap product sold under the trade name "Peggie Moran Savon," formerly sold under the name "Peggie Moran Deluxus". Irene Johnston, Inc., operates a permanent wave and beauty salon at 811 West 7th St., Los Angeles, and sells the Peggie Moran product.

In advertisements in newspapers, the complaint continues, representations have been made such as:

> WANT TO REDUCE?
>
> No diet! No exercise! Use Peggy Moran soapy lather on fatty spots a few minutes daily at home. Easy! Quick! Sane! The results will amaze you. Ask us about Peggy Moran Deluxus at $2 per bar. Mail orders invited.
>
> IRENE JOHNSTON
> 5th Floor
> 811 W. 7th St.

In advertising literature and other representations, the complaint continues, the respondents have represented that the preparation is in fact a reducing soap and that its application to the fatty portions of the body will cut down the measurements thereof and will cause one to reduce at those portions of the body where applied; will cause one to become slender; that it will "wash away" pounds and cause superfluous flesh to disappear without resort to a diet or exercise, and that it will give one a new figure. These representations, the complaint charges, are misleading and deceptive, as the product will not accomplish the aforesaid results and does not contain or possess any reducing properties or ingredients. (4415)

**Joseph Warner Furniture Corporation,** 42 East 33rd St., New York, engaged in the distribution of household furniture, and operating so-called dealer or trade showrooms at that location under the name "Salem House", is charged in a complaint with misrepresentation of its products.

The complaint charges that in various forms of advertising in commerce and by personal statements of its representatives, the respondent has represented itself to be a wholesaler of furniture and that it is in fact selling furniture at wholesale prices. As part of its plan, the complaint alleges, the respondent has circulated circular letters and so-called "Admittance Permit" cards containing the following statements and claims:

"We are furniture distributors representing over 100 different factories. We stock every possible furniture need in a very wide price range to suit the requirements of thousands of dealers and interior decorators, and their referred clientele. A substantial money saving, quality for quality, is assured you."

> "ADMITTANCE PERMIT
> To the Trade Showrooms of the
> JOSEPH WARNER FURNITURE CORP."

To persons and business concerns which, for a commission, the complaint alleges, would refer customers to the respondent, the respondent furnished circulars to be shown to prospective customers, which read in part as follows: "Salem House—Authorized Member."

The complaint charges that the respondent contacted various persons and smaller business concerns and made agreements to pay them commissions on sales to customers contacted by or sent to the respondent by such persons and concerns. Its salesmen and representatives at its place of business, the complaint continues, hesitated or refused to show furniture to prospective purchasers unless they gave their dealer's name or presented a so-called admittance card from some person or concern with whom the respondent had made an agreement for the payment of commissions on sales to such customers. The respondent's salesmen and representatives are alleged to have stated to retail customers who came to its place of business that the prices quoted to them were in fact wholesale prices, when in fact they were discounts and reductions from exaggerated prices marked on its furniture, and were substantially higher than the wholesale prices.

These acts, practices and methods, the complaint charges, are part of and constitute a plan or scheme to mislead and deceive purchasers into the belief that they are buying at wholesale prices. (4416)

**Core Lee Wiley,** Adol, Ga., engaged in the sale and distribution of a medicinal preparation designated at "SNL (Suffer No Longer)," is charged in a complaint with misrepresentation of the product.

The complaint charges that through the United States mails and by various other means in commerce, the respondent has represented that her medicinal preparation is a cure or remedy for various diseases and disorders of the female organs, and constitutes a competent and effective treatment for such conditions.

The complaint alleges that these representations are false and misleading; that the preparation is not a cure or remedy for such disorders and diseases and has no therapeutic value in their treatment. The complaint charges that the preparation is made up of an indiscriminate combination of drugs, which, in the proportions used and the methods of use, has no basis in medical science. (4419)

## STIPULATIONS

No stipulations were issued by the Commission during the week.

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Arlington Sales Company**—Samuel H. Koolish, trading as Arlington Sales Company, 210 West Eighth St., Kansas City, Mo., has been ordered to cease and desist from using lottery methods in the sale of radios, flashlights, clocks and other merchandise.

The Commission order directs the respondent to cease supplying to or placing in the hands of others, punch boards, push or pull cards, or other devices, which may be used in selling or distributing merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or transporting to agents, distributors, or the public, such devices so prepared or printed that they may be used in the sale of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; or selling or otherwise disposing of any merchandise by the use of such devices. (4180)

**Chilton Greetings Company**—Herman Chilton, trading as Chilton Greetings Company, 147 Essex St., Boston, has represented in advertisements in newspapers and magazines: "21 lovely Christmas Folders of irresistible beauty, appeal and charm. Fastest seller out at $1 retail—you make 100% profit! Also 9 other Box Assortment leaders to boost earnings. Free Sample Offer!"

Upon request for the free samples mentioned in the advertisements, the Commission finds, the respondent sends a folder containing such samples, and in addition thereto, sends a box of greeting cards accompanied by an invoice upon which is imprinted the following statement:

> "This sample Blue Ribbon Christmas Folder Assortment is sent to you 'on approval' so you may get started taking orders at once.
>
> Special Free Sample Offer.
>
> This memorandum bill will be cancelled if you return it to us with your first order for 12 or more Blue Ribbon Christmas Assortments within 15 days from the time this bill is received. This sample box will then be yours free. * * *" (4313)

**Crazy Water Company,** Mineral Wells, Texas, and four of its executives, have been ordered to cease and desist from misrepresentations concerning their products, recommended as a treatment for certain ailments and sold under the trade designations "Crazy Mineral Water," "Crazy Water Crystals" and "Crazy Fiz."

The four executives named respondents are: Carr P. Collins, H. H. Collins, M. W. Woodall and J. A. Pondrom, individually and as chairman of the board, president, secretary and treasurer, respectively, of the Crazy Water Company.

The Commission finds that in advertisements in newspapers, circulars, radio broadcasts, and other media in commerce, the respondents have represented that the mineral waters and derivatives thereof, which they sell, will cure or are beneficial in the treatment of many diseases of the alimentary tract, the urinary tract, kidneys and gall duct, and kindred diseases and ailments; that constipation and "faulty elimination" are the causes of, and associated with, numerous ailments, afflictions, and conditions enumerated by them, and that the respondents' products possess beneficial, therapeutic properties with respect to curing and effectively treating constipation and "faulty elimination" and therefore the ailments enumerated.

The Commission finds that the products possess no therapeutic value in excess of those of a cathartic or laxative, plus a tendency to temporarily neutralize excess gastric acidity, and serve no other purpose than to assist in the temporary evacuation of the intestinal tract and to tend to temporarily neutralize excess gastric acidity.

The respondents are ordered to cease and desist from representing that their products are a cure or remedy for certain diseases, or symptoms of diseases, of the alimentary tract, and certain conditions involving the urinary tract, kidneys and gall duct, or constitute an effective treatment therefor in excess of the extent to which the product, by temporarily relieving constipation and gastric acidity, may be beneficial in treating such disorders when constipation and gastric acidity are contributing factors; and that such diseases or symptoms are necessarily caused by, or associated with, or that the respondents' products are a competent treatment for, constipation, faulty elimination, or excess gastric acidity.

The Commission order also directs the respondents to cease representing that such products possess any therapeutic properties beyond those of a cathartic or laxative and as an antacid with a tendency to temporarily neutralize excess gastric acidity; or are a cure, remedy, for, or possess any beneficial therapeutic properties in the treatment of, urticaria, cirrhosis of the liver, chronic metritis, parametritic exudations; diabetes mellitus, gravel and calculous concretion in the bladder and gall duct; fevers, toxic conditions, typhoid, influenza, anaphylaxis, nephritis, pyelitis, catarrhal jaundice, cholecystitis, Bright's disease, kidney trouble, obesity, irregularities of the liver, gall duct and bladder, rheumatism, arthritis, neuritis, high blood pressure, acidosis, lumbago, gout, poisonous system, affected vision, colds, scarlet fever, aching joints, and numbness of limbs, and that these ailments and conditions are caused by, or generally associated with, excess gastric acidity or constipation. (4314)

**R. H. Laird Company**—Rose Helen Kingstone, trading as The R. H. Laird Company and as Rose Laird, 785 Fifth Ave., New York, engaged in selling cosmetic preparations designated "Rose Laird's Greaseless Lubricant, Protective Face Lotion, Overnight Cream, and Liquid Facial Soap", agrees to cease representing that the products, alone or in combination, will correct blemishes or other skin ills, conditions or problems, or will enable one to acquire or keep a clear skin, or will enable persons to free themselves from a problem skin; that by use of the products, alone or in combination, one will not have bumpy skin, excess oil, eruptions, coarse pores or blackheads, or that such conditions will be cleared by the separate or combined use of the products. (02683)

**Nix Cosmetics Company**—P. Edwards, operating under the trade name of The Nix Cosmetics Company, 1668 Monroe Ave., Memphis, Tenn., engaged in selling a cosmetic preparation designated "Nix Deodorant Cream", has agreed to cease representing that the application of the product stops the flow of perspiration or stops perspiration odor for days; that Nix affects perspiration or perspiration odors in a new way, or in a way different from that of other preparations, or that Nix neutralizes or has any other substantial effect upon perspiration acids. P. Edwards further agrees to cease and desist from representing, by the use of a misleading headline, or otherwise, that any girls are "wanted", or from otherwise representing, importing or implying that he has any employment to offer. (02688)

**Phillips Card Company**—Walter P. Phillips, trading as Phillips Card Company, 50 Hunt St., Newton, Mass., according to Commission findings, has represented, in advertisements in newspapers, magazines, and circular literature:

"Take advantage of our liberal, below cost sample offer to secure your samples at special money-saving prices."

Upon request for the "free samples" mentioned in other advertisements, the findings continue, the respondent sends a folder, containing 10 Christmas cards of various designs so marked with matter printed thereon as to be used for display samples. In addition, however, he sends a "Supercraft" assortment of 21 Christmas cards, unmarked and suitable for use, together with an invoice upon which is imprinted, among other things:

"WE WILL CANCEL THIS INVOICE

if you order 12 or more Boxes of our Supercraft—21 Card Assortment within 15 days after you receive the Sample Assortment. After 15 days, since the Sample Box is sent on approval, your remittance must be sent to us or the box returned." (4311)

**A. Sartorius and Company, Inc.,** trading as Plat-Num Perl Laboratories, 80 Fifth Ave., New York, engaged in the sale and distribution of manicure products, has been ordered to cease and desist from certain misrepresentations of its products.

The Commission finds that the respondent has made false and misleading representations in commerce with respect to its nail polish remover. Typical of these representations is the descriptive statement "Plat-Num Olive Oil Compound Nail Polish Remover for drv brittle nails".

The Commission finds that the quantity of olive oil contained in the product is negligible; that the product cannot truthfully be represented as an olive oil product, and that the olive oil content is so small as to be incapable of relieving or improving to any appreciable extent the condition of dry, brittle nails.

The respondent also has represented, the findings continue, that "Plat-Num Nail Protector * * * encourages growth * * * strengthens nails", while in truth the use of the product does not stimulate or encourage the growth of the nails or serve to strengthen them.

The respondent is ordered to cease and desist from disseminating any advertisement in commerce which represents that the preparation "Plat-Num Olive Oil Compound Nail Polish Remover" will relieve or improve the condition of dry, brittle nails or that the preparation "Plat-Num Nail Protector" stimulates the growth of the nails or strengthens the nails. The respondent is further ordered to discontinue using the words "Olive Oil" or any other words of similar meaning to designate, describe or refer to the respondent's cosmetic preparation now designated "Plat-Num Olive Oil Compound Nail Polish Remover" or otherwise representing that the preparation contains any substantial amount of olive oil. (3966)

**Thomas Management Corporation,** the Paul A. Thomas Trust, and 6 individuals, all of Chicago, distributors of cosmetics and medicinal preparations for the treatment of the hair and scalp, through their retail stores located in various cities from coast to coast, are charged, in a complaint with misrepresentation.

Other respondents named in the complaint are Paul A. Thomas, Sr., Catherine M. Thomas, and Norbert J. Thomas, officers of the corporation and trustees of the trust; Paul A. Thomas, Jr., officer of the corporation; and Ruth and Madeline Thomas, individuals.

All of the stock of the corporation, the complaint charges, is owned by Paul A. Thomas Trust. The respondent corporation or different individual respondents, either individually or as copartnerships, operate stores under the name "The Thomas" in New York, Chicago, San Francisco, and some 25 other cities in various parts of the country.

The complaint charges that the respondents sell their preparations for external use through: (1) extensive advertising to the effect that they can diagnose and cure scalp trouble, stop falling hair, and regrow hair, inducing persons to come to their places of business where the various preparations are administered and sold; and (2) sale of their "Home Treatment Kits" assortments containing the same cosmetic preparations which are administered by the purchasers themselves.

In advertisements in newspapers and periodicals, by radio continuities, and advertising literature distributed in commerce, the complaint charges, representations are made such as:

> "World's Leading Hair and Scalp Specialists—
> Forty-Five Offices"
>
> "WHY BE BALD?
>
> "SEE THOMAS TODAY
>
> "Modern science has made it unnecessary for any man to fear baldness. It is known that baldness results from one or more of 14 local scalp disorders. Thomas experts recognize each of these 14 conditions and adapt the reliable, proved Thomas treatment to overcome the ones which are specifically causing your loss of hair. * * *
>
> "Within a remarkably short time after you start Thomas treatment your dandruff disappears, hairfall stops, and new hair starts to grow on the thin and bald spots."

The complaint alleges that the respondents thus represent, directly and by implication, that the preparations constitute a cure or remedy for dandruff, and an effective treatment for all forms of dandruff and itching scalp; that they have therapeutic properties effective in destroying the germ causing dandruff; that their use will stop abnormal loss of hair, cause new hair to grow, promote normal growth of hair on thin or bald spots, revive hair growth, and prevent, cure and effectively treat baldness.

The complaint charges that the respondents' products do not constitute a cure or remedy for dandruff or an effective treatment for dandruff or itching scalp in excess of furnishing temporary relief from symptoms of itching and the temporary removing of dandruff scales; that the preparations, while having some therapeutic and germicidal qualities, will not destroy the germ which allegedly causes dandruff; that the preparations have no therapeutic properties effective in causing new hair to grow; that their use will not stop the abnormal loss of hair or promote normal hair growth, and that the preparations have no therapeutic value in treating baldness.

The respondents are alleged further to represent that the internal use of their preparations "Trichovita" and "Trichotone" are effective in stimulating hair growth, when such are not the facts. (4422)

## FTC CASE CLOSED

The Federal Trade Commission has closed its case against Roy Thompson trading as T. A. Reynolds & Co. and as Thomas Rey Company, and against Roy Thomson and Glenn Brown, trading as Jean Lowe Cosmetic Company, Olney, Ill., without prejudice to its right to resume proceedings, should future facts so warrant.

The respondents had been charged with unfair representations in the sale of toilet preparations, cosmetics and flavoring extracts.

According to information received by the Commission, the respondent Thomson is serving a sentence of four years on a charge of using the mails to defraud, and the respondent Brown is deceased.